

**TOWN OF WHITBY**

# Official Plan

Office Consolidation, December 2024





# Office Consolidation Copy of the Whitby Official Plan

As approved by the Region of Durham with Modifications, Deferrals, and Referrals, and Amendments 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126<sup>1,2</sup>, 127, 129, 130<sup>3</sup>, 131, 132, 133, 134, 135 and 136.

Amendment No. 3 to the Official Plan of the Town of Whitby was denied by the Ontario Municipal Board, and therefore, is not incorporated into this document.

Amendment No. 76 to the Official Plan of the Town of Whitby was denied by Whitby Council, and therefore, is not incorporated into this document.

Adopted by By-law No. 3569-94 by Whitby Council on September 28, 1994; and,

Approved by the Region of Durham on December 6, 1995.

Those parts of the Plan that have been deferred for further consideration are listed on the following page, for information purposes.

The Official Plan has undergone many amendments since its approval, including a major update through Official Plan Amendment 105, approved on June 15, 2018.

These introductory remarks do not form part of the Official Plan. This consolidation of the Town of Whitby Official Plan is for convenience purposes only. Please refer to the original documents and amendments filed in the Clerk's department for accurate information.

Any reference to the Durham Regional Official Plan is the Plan that was in effect prior to the Province's approval of the new Envision Durham Regional Official Plan on September 3, 2024.

Text: December 2024

Maps: December 2024

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<sup>1</sup> The Appeal of OPA 126- Downtown Whitby Secondary Plan by 11250396 Canada Inc. (Cacoeli Whitby LP) is scoped in geographic area to 132 and 146 Brock Street North (Site A), Town of Whitby; and

<sup>2</sup> Appeal of OPA 126 – Downtown Whitby Secondary Plan, By Whitby Brock Estates Inc. is scoped in geographic area to 423-435 Brock Street North (Site B), Town of Whitby.

<sup>3</sup> OPA 130 – Mature Neighbourhoods Study is under appeal.

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## Parts of the Plan Deferred by the Region of Durham for Further Consideration and Action

Deferral Number	Part of Plan Affected	Reason
D3  (Region of Durham)	Maps “1” and “2”, Schedules “A”, “B”, “D”, “E”, “J”, Appendix “1”  Policies 9.3.2 and 11.4.2.2	The “Lands subject to Durham Regional Official Plan Policy 14.13.7” are deferred for one years’ time, to allow Whitby to bring the subject lands back to the Ontario Municipal Board for a decision.  (Deferral 1 to OPA 105 – Maps “1” and “2”, Schedules “A”, “B”, “E”, Appendix “1”)  (Deferral 2 to OPA 108 – Schedules “A”, “D”, and “J”)  Deferrals 3a and 3b to OPA 108 – Policies 9.3.2 and 11.4.2.2 respectively
D12  (Region of Durham)	“Former Waste Disposal Sites” in the legend of Schedule “C”	Town of Whitby still consulting with M.O.E. regarding two possible sites in the Port Whitby area (Deferral 12 to 1995 Official Plan)

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# Part 1 – Official Plan

## Section 1 – Introduction

The contents of Section 1 do not form part of this Official Plan.

### 1.1 Purpose

The Official Plan is the principal policy document the Town of Whitby (Municipality) uses to express its goals and objectives for the community and its *development* and *redevelopment*. This Official Plan provides general policy direction and a planning framework to guide the physical development of the Municipality and the assessment and management of the social, economic, and environmental effects of growth in the Municipality.

The policies and designations of the Whitby Official Plan direct *development* that is expected to occur in the Municipality to 2031. The Official Plan will be reviewed periodically in accordance with the **Planning Act**, and updated as required.

The general purpose of this Plan is:

- a) to provide policies that support the creation of *healthy and complete, sustainable communities* and ensure a high quality of life and to secure the health, safety, convenience, and welfare for the present and future residents of the Municipality;
- b) to set out the future form of the Municipality, establishing the general land use and transportation pattern and to provide a policy framework by which this form can be achieved and under which it can best function in a regional environment;
- c) to respond to existing and future Regional and Provincial policies, statements, plans, and guidelines which affect the Municipality and appropriately incorporate them in the Official Plan;
- d) to provide sufficient residential land to satisfy housing needs in terms of housing type, tenure, density, and affordability, taking into account household size and incomes;
- e) to provide suitable locations for industrial and commercial uses in order to provide employment opportunities, services to residents, and balanced growth in the Municipality; and

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- f) to provide policies and directives for the overall management of growth, maintenance of the existing community, and sustaining the natural and cultural heritage environments.

## **1.2 Content**

Section 1 and the appendices are not part of the statutory Official Plan. The appendices contain technical information from external sources and may be updated without amendment.

The text in Sections 2 to 11 inclusive, and schedules constitute the Official Plan of the Town of Whitby.

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## Section 2 - Vision, Goals and Strategic Objectives

### 2.1 Vision

Whitby's vision is to be a healthy, *sustainable* and complete community providing for balanced residential and employment growth, while maintaining a high quality of life and enhancing its cultural and natural heritage attributes.

#### 2.1.1 Guiding Principles

To implement the vision of the Municipality, the following guiding principles will be considered in making planning decisions:

- a) to promote, sustain, and enhance Whitby within the Region of Durham and the Greater Toronto Area as a desirable place to live, learn, work, and play;
- b) to manage growth in a balanced way to sustain and positively impact the health of the community and the quality of life, while recognizing the Municipality's unique *character*, civic identity, and natural and cultural heritage assets;
- c) to direct a significant amount of *intensification* in the form of residential and employment growth to appropriate lands in identified Central Areas and along corridors;
- d) to encourage an orderly and compact, mixed-use pattern of urban growth and provide opportunities for community renewal, along with supporting *infrastructure* and community facilities;
- e) to encourage the provision of housing that is available to all ages, abilities, incomes, and household sizes;
- f) to require that new *development* and *redevelopment* is compatible with the scale and density of the existing built form and that the *character* of existing and well established residential neighborhoods is maintained and enhanced over time;
- g) to encourage the continued revitalization of Downtown Whitby and Downtown Brooklin, which reflects their cultural heritage significance and promotes a mix of uses and attractions that reinforce the function of the two Downtown areas as cultural, administrative, entertainment, retail and social focal points of the community;
- h) to require a high order of *urban design*, incorporating accessibility considerations, in all *development* and *redevelopment* proposals to enhance Whitby as an attractive, liveable, and walkable community;

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- i) to protect existing industrial uses in appropriate locations, and support the growth of new industrial and business sectors;
  - j) to establish and maintain linked and integrated transportation systems that safely and efficiently accommodate various modes of transportation including trains, automobiles, trucks, public transit, cycling and walking, and address accessibility for residents of all ages and abilities;
  - k) to require that the construction of new *infrastructure*, or expansions to existing *infrastructure*, occurs in a manner that is compatible with adjacent land uses and minimizes health, social, and environmental impacts, with consideration given to the long-term lifecycle maintenance and operational costs as well as replacement costs;
  - l) to maintain a diverse and interconnected system of public spaces that feature convenient and comfortable access, support safe and healthy environments, minimize hazards and attract and appropriately serve all components of the population, with particular emphasis on enhancing the Lake Ontario Waterfront as a focal point;
  - m) to support the establishment, maintenance, and enhancement of a *natural heritage system* throughout the Municipality, including the natural resources associated with the Oak Ridges Moraine, Greenbelt, Former Lake Iroquois Beach, Lake Ontario Waterfront, and watercourses; and
  - n) to require that local decision-making processes are transparent through the provision of information and an open, participatory process.

## 2.2 Basis

2.2.1 This Plan is based on the following assumptions:

- a) Present pressure for growth within the Region will continue;
- b) Future urban growth shall be accommodated within the Urban Area shown on Schedule “A”. Durham Region's population capacity forecast of 192,860 in the Municipality is expected to occur over the planning period to 2031, including a rural population forecast of 2,100. These forecasts generally reflect the growth patterns of the Region of Durham and the Greater Golden Horseshoe. It is expected that the amount of rural population will remain essentially unchanged over the life of the Plan;
- c) There will be a focus on directing 45 per cent of new residential *development* and *redevelopment* within the Municipality, primarily

to the identified Central Areas and corridors within the established *Built Boundary*;

- d) There will be a continued demand to provide a variety of housing in terms of type, tenure, density, and cost;
- e) There will be an increase in employment opportunities within the community, in keeping with the employment forecast established for the Municipality in the Durham Regional Official Plan;
- f) Agriculture will continue as a viable activity within the Municipality;
- g) Certain parts of the Municipality will require positive schemes for community improvement and the rehabilitation of *infrastructure*;
- h) Environmental management considerations are of utmost importance in the Municipality;
- i) Responsible growth management and fiscal planning are important to the Municipality; and
- j) Public consultation and involvement in the planning process is a regular practice of the Municipality.

2.2.2

Table A below provides population and employment growth forecasts prepared by the Region of Durham for the Municipality to 2031:

**Table A: Population, Household and Employment Growth – 2011 to 2031**

Type of Growth	2011	2016	2021	2026	2031
<b>Urban Population</b>	122,935	138,555	154,835	177,060	190,760
<b>Rural Population</b>	2,055	2,070	2,080	2,090	2,100
<b>Total Population</b>	124,990	140,625	156,915	179,150	192,860
<b>Households</b>	41,705	47,750	55,240	64,570	71,650
<b>Employment</b>	40,650	47,795	56,745	64,975	71,310



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**Note:** The forecasts for 2026 and 2031 represent an upper limit and must be considered in conjunction with Policy 14.13.7 of the Durham Regional Official Plan.

- 2.2.3 The following growth management objectives govern the growth of the Municipality in accordance with Provincial and Regional policy directions:
- a) In accordance with Table A, the Urban Boundary of the Municipality as shown on Schedule “A” – Land Use, has been sized to accommodate forecasted population and employment growth to the year 2031;
  - b) This Plan also identifies the Province's *'Built Boundary'*, on Schedule “B”, which generally includes the built-up area of the Municipality as of 2006. This Plan intends that a minimum of 11,963 dwelling units be developed within the *Built Boundary* between 2015 and 2031; and
  - c) Lands outside of the *Built Boundary* but within the Urban Boundary are considered *greenfields* and shall be planned to provide for urban *development* and *redevelopment* in a manner that conforms with the growth management objectives of Provincial policy, the Durham Regional Official Plan, and this Plan, and shall have a minimum density target of 50 jobs and persons combined per hectare.

## 2.3 Goals and Strategic Objectives

Goals and strategic objectives have been developed based on the Municipality’s vision and guiding principles, as set out in Section 2.1. Policies are provided throughout this Plan, to assist in the implementation of these goals and strategic objectives.

### 2.3.1 Form and Structure of Urban Development

#### 2.3.1.1 Goal

To encourage a form and structure of *development* and *redevelopment* that will contribute to the overall vision, goals, and objectives of the Municipality.

#### 2.3.1.2 Strategic Objectives

- 2.3.1.2.1 To utilize the Municipal Structure Plan shown on Map 1 as the basis for making land use decisions that will influence the continuing liveability and evolution of the Municipality into a *healthy and complete, sustainable community*.

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2.3.1.2.2 To support the cultural, business, entertainment, commercial, and residential functions of the downtown areas as major focal points of the community.

2.3.1.2.3 To focus *development* and *intensification* in centres and along corridors where *infrastructure*, transit, and community facilities exist.

## **2.3.2 Sustainable Development**

### **2.3.2.1 Goal**

To encourage the distribution of land uses and the design and scale of all types of *development* and *redevelopment* that will contribute to making the Municipality a *healthy and complete, sustainable community* with a strong and competitive economy.

### **2.3.2.2 Strategic Objectives**

2.3.2.2.1 To promote a compact urban form and mix of land uses within the Urban Area that are energy-efficient, transit-supportive, and promote *active transportation*.

2.3.2.2.2 To promote practices and support land use patterns that preserve and enhance the *natural heritage system*, water quality, and air quality within the community.

2.3.2.2.3 To support adaptation and mitigation of the effects of *climate change*.

2.3.2.2.4 To promote and encourage land use patterns, services, and facilities within the community that facilitate positive social interaction, public safety, and accessibility for people of all ages and abilities.

2.3.2.2.5 To support arts and culture and provide public spaces and recreational opportunities that will continue to foster a vibrant, liveable community.

2.3.2.2.6 To preserve and protect land for use in the growing and production of food and support urban agriculture.

## **2.3.3 Growth Management**

### **2.3.3.1 Goal**

To ensure that growth is appropriately balanced and phased and that required *infrastructure* and community facilities are provided to meet the needs of present and future residents and businesses.

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### **2.3.3.2 Strategic Objectives**

- 2.3.3.2.1 To provide for the logical and orderly sequencing of *development* through the planning and *development* approval processes.
- 2.3.3.2.2 To provide for balanced growth through the support for employment opportunities in addition to residential community development.
- 2.3.3.2.3 To consider the impacts of *development* and *redevelopment* on municipal *infrastructure* and community facilities to ensure that the development pattern is efficient and does not lead to inefficiencies or a decline in the level of municipal service.
- 2.3.3.2.4 To coordinate with the Region of Durham the extension of water distribution and wastewater systems in conjunction with growth requirements.
- 2.3.3.2.5 To encourage the establishment of an integrated, accessible transportation system that safely and efficiently accommodates various modes of transportation including cycling, walking, driving, and public transit for people of all ages and abilities, where feasible.
- 2.3.3.2.6 To require that the construction of all *infrastructure*, or expansions to existing *infrastructure*, occurs in a manner that is compatible with adjacent land uses and with a minimum of social and environmental impact.
- 2.3.3.2.7 To encourage the provision of *infrastructure* that is energy efficient, promotes water conservation and water efficiencies, and supports improvements to air quality.

### **2.3.4 Community Character**

#### **2.3.4.1 Goal**

To protect and enhance the *character* of existing and future urban areas.

#### **2.3.4.2 Strategic Objectives**

- 2.3.4.2.1 To maintain and enhance the *character* and stability of existing and well-established residential communities by requiring that *development* and *redevelopment* is compatible with the scale and density of existing development.
- 2.3.4.2.2 To encourage the development of communities which are compact, pedestrian- and age-friendly, and provide an appropriate mix of housing types, community facilities, commercial and service uses, and open spaces.

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- 2.3.4.2.3 To provide community facilities that are safe, visible, and accessible to residents in each neighbourhood.
- 2.3.4.2.4 To protect and maintain the Municipality's *cultural heritage resources* and rich heritage for future generations.
- 2.3.4.2.5 To foster a sense of civic identity through a high standard of community design in all future *development* and *redevelopment* that considers:
- a) the appropriate integration of the design of public and private spaces;
  - b) a high degree of visual diversity and aesthetic quality;
  - c) a well-defined public realm, including an interconnected open space network;
  - d) *sustainable* and energy efficient building and site design;
  - e) a pedestrian- and transit-oriented development pattern;
  - f) accessibility for all residents; and
  - g) the sensitive integration of new *development* and *redevelopment* with existing development, including *cultural heritage resources*.
- 2.3.4.2.6 To establish a series of design guidelines and standards that will provide direction for the development of attractive sites and buildings and appealing neighbourhoods and destinations.
- 2.3.4.2.7 To encourage and support public art and cultural facilities and opportunities for place-making, events, and experiences throughout the Municipality as a means to foster community and neighbourhood identity and contribute to a vibrant and creative Municipality.

## **2.3.5 Natural Environment**

### **2.3.5.1 Goal**

To protect and enhance significant natural heritage and hydrologic features, areas, and functions in the Municipality.

### **2.3.5.2 Strategic Objectives**

- 2.3.5.2.1 To protect significant natural heritage and hydrologic features and their associated habitats and *ecological functions* through the policies of this Plan and the *development* approval process.
- 2.3.5.2.2 To support actions to improve the quality of waters entering watercourses and Lake Ontario from Regional sanitary services, stormwater management facilities, and surface runoff.

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- 2.3.5.2.3 To support actions along the Lake Ontario Waterfront that strengthen biodiversity and natural connections to the Great Lakes Basin ecosystem and between *watersheds*.
  - 2.3.5.2.4 To recognize and protect the many significant environmental and topographical features that contribute to the *character* of the Municipality, including the Lynde Creek and other valley systems, the Former Lake Iroquois Beach, *woodland* areas, and *wetland* areas that support diverse wildlife communities.
  - 2.3.5.2.5 To make planning decisions that contribute to the protection, conservation, and enhancement of hydrological and related resources on a *watershed* and subwatershed basis.
  - 2.3.5.2.6 To support an interconnected system of open spaces and natural heritage features that contributes to the health and *character* of the Municipality.

## 2.4 Municipal Structure

- 2.4.1 The Whitby Official Plan is based on a planning horizon to 2031 and has been prepared within the context of the urban and rural patterns of the Region of Durham and the Greater Golden Horseshoe. The Plan guides and regulates the growth in a manner consistent with the Municipality's history, geography, and economy while adhering to good planning principles. In addition, this Plan has been prepared within the context of the Provincial Policy Statement, Provincial guidelines, Provincial plans, and the Durham Regional Official Plan.
- 2.4.2 The Municipal Structure Plan, shown on Map 1, conceptually illustrates the municipal structure anticipated by the Whitby Official Plan and the Durham Regional Official Plan to 2031 and includes the following main elements:
  - a) an Urban Area with an approximate serviced population capacity of 190,760 to the year 2031;
  - b) a rural area which has a population forecast of 2100 persons to the year 2031;
  - c) an open space system consisting of natural features, the Oak Ridges Moraine, and the Greenbelt;
  - d) the agricultural area;
  - e) a community focal point on the Lake Ontario Waterfront;
  - f) the *intensification* of land uses in identified central areas and along corridors;
  - g) commercial centres distributed throughout the urban area;

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- h) general industrial, prestige industrial, and *business parks* in strategic locations; and
  - i) gateway features, at strategic entry points to the Municipality.

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## Map 1: Municipal Structure

Please visit [Whitby.ca/OfficialPlan](https://Whitby.ca/OfficialPlan) to view Map 1



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## Section 3 - Economic Prosperity and Sustainable Community Planning

### 3.1 Economic Prosperity

#### 3.1.1 Goal

To plan for, and provide opportunities for, economic development and job creation, and to enhance the opportunities for new business development in the Municipality.

#### 3.1.2 Objectives

3.1.2.1 To foster a competitive and positive business climate in the Municipality.

3.1.2.2 To strive for an overall employment to population ratio of 50 per cent over the life of this Plan.

3.1.2.3 To encourage a broad range of job opportunities and commercial and service facilities to meet the needs of residents and visitors to the Municipality.

3.1.2.4 To protect a supply of land for long-term employment uses and prevent conversion of industrial lands to other uses.

3.1.2.5 To encourage the retention and growth of existing businesses in the Municipality, wherever possible.

3.1.2.6 To recognize and protect the Municipality's natural heritage and *cultural heritage resources* to attract economic development, including tourism opportunities.

#### 3.1.3 Policies

3.1.3.1 The Municipality shall promote, diversify, and expand the employment opportunities in the Municipality while preserving the existing employment base, and shall monitor employment activity.

3.1.3.2 The Municipality shall coordinate with the Region of Durham, to maintain a sufficient supply of serviced industrial land that is available for *development* at all times and in appropriate and strategic locations.

3.1.3.3 The Municipality shall provide opportunities for higher order and high density office uses in Industrial areas, Major Central Areas, and the Major Transit Station area.

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- 3.1.3.4 The Municipality shall maintain a range of site sizes in various Industrial areas in order to provide choice for a range of economic activities, wherever possible.
- 3.1.3.5 The Municipality will encourage the expansion of recreation and tourism based on assets such as the Lake Ontario Waterfront, arts and cultural facilities, *cultural heritage resources*, natural heritage features, active and passive recreational areas, and tourist destinations.
- 3.1.3.6 The Municipality shall encourage the healthy and balanced *development* of all commercial areas and promote the Downtown Whitby and Downtown Brooklin Major Central Areas for commercial, higher order office development, and community uses and government services.
- 3.1.3.7 The Municipality shall encourage the development of appropriately scaled and located home-based businesses and *home industries* in accordance with the relevant policies of this Plan.
- 3.1.3.8 The Municipality may consider innovative *infrastructure* financing tools, including public/private partnerships and developer front-end financing to provide community facilities and *infrastructure* through the *development* approval process.

## 3.2 Sustainable Community Planning

### 3.2.1 Goal

- 3.2.1.1 To encourage the planning and design of *development* that will embrace principles of *sustainability* to contribute to the achievement of a complete and healthy community.

### 3.2.2 Objectives

- 3.2.2.1 To encourage *development* and *redevelopment* of lands, and upgrading and retrofitting of *infrastructure* and buildings that:
- a) reduces energy consumption and greenhouse gas emissions through efficient site and building design and innovative construction techniques;
  - b) conserves, protects, and enhances water quality and quantity, including groundwater resources;
  - c) minimizes the adverse effects on, and where possible enhances, air quality;
  - d) promotes the use of *green infrastructure* to minimize the effects of stormwater runoff;

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- e) promotes transit use and *active transportation* such as cycling and walking;
  - f) preserves, protects, and enhances the *natural heritage system*;
  - g) considers *climate change mitigation* and *climate change adaptation* approaches to address the potential impacts of *climate change*;
  - h) enhances the health, safety, and social well-being of the Municipality's residents;
  - i) promotes economic growth; and
  - j) promotes efficient use of land and resources to ensure long-term *sustainability*.

### **3.2.3 General**

3.2.3.1 The Municipality shall consider the implementation of a range of appropriate mechanisms and tools to ensure that new *development* and *redevelopment* promotes and integrates the principles of *sustainability* and measures to plan for *resiliency* and *climate change adaptation* and *climate change mitigation*.

### **3.2.4 Sustainability Strategy**

3.2.4.1 As part of its strategy towards sustainability, the Municipality shall adopt a corporate *sustainability* plan that provides the strategies and actions the Municipality is to undertake to ensure it is operating, providing services, and building the community in a *sustainable* and responsible manner.

3.2.4.2 Plans, policies, and decisions of the Municipality shall be guided by principles adopted by Council to help the Municipality achieve its vision for sustainability:

- a) to reduce its environmental footprint;
- b) to improve quality of life; and
- c) to improve the economy through the efficient and effective utilization of resources.

3.2.4.3 The Municipality shall engage the public in a community-level *sustainability* plan. The purpose of such plan is to examine social, cultural, environmental, and economic aspects to foster a safe, healthy, and accessible community with a prosperous economy, healthy natural environment, and rich cultural heritage.

3.2.4.4 The Municipality may prepare comprehensive *sustainable development* standards, guidelines, and by-laws, in consultation with the community and other stakeholders. These standards, guidelines, and by-laws are intended to support *sustainable* site design for *development* and

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*redevelopment* on public and private property, which will further enhance the natural heritage, economic vitality, cultural heritage, and social aspects of the Municipality.

- 3.2.4.5 *Sustainable development* standards, guidelines, and by-laws may address, but not be limited to, such issues as:
- a) energy efficient building and site design;
  - b) water conservation, on-site water management techniques, and other *low impact development* techniques for stormwater management;
  - c) *green infrastructure*;
  - d) building materials;
  - e) waste reduction;
  - f) on-site renewable energy generation and recovery;
  - g) natural heritage preservation and enhancement;
  - h) *active transportation* and *sustainable* transportation management;
  - i) community programs and facilities;
  - j) cultural heritage and the provision of cultural amenities;
  - k) land use compatibility to ensure public health, safety, and economic viability; and
  - l) measures for *climate change adaptation*.

3.2.4.6 The Municipality will prepare *sustainability* performance checklists as part of *sustainable development* standards. Such checklists shall be used in the *development* review process to assess the level at which new *development* and *redevelopment* achieve the *sustainable development* standards and other *sustainability* objectives.

3.2.4.7 The Municipality may collaborate with the Region of Durham to identify the effects of land use on human health and to determine suitable mechanisms for assessing these effects through the *development* review process.

### **3.2.5 Climate Change**

3.2.5.1 The Municipality recognizes that reduction in greenhouse gas emissions will help mitigate the effects of *climate change*. The Municipality will work to mitigate and adapt to *climate change* to increase community *resiliency*, ensure public health and safety, *infrastructure* security and essential services, and will ensure that *climate change* is taken into consideration when planning decisions are made.

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3.2.5.2 The Municipality shall encourage proactive measures towards *climate change mitigation* and *climate change adaptation* in new *development* and *redevelopment* such as:

- a) net zero homes and buildings;
- b) energy efficient and green buildings;
- c) innovative site design and landscaping that:
  - i) mitigates fluctuations in water levels and maintains or restores water balance;
  - ii) incorporates on-site water retention, *low impact development*, and recycling techniques or systems; and
  - iii) helps mitigate other possible effects of *climate change*;
- d) energy generation from renewable resources;
- e) transit usage and *active transportation*; and
- f) reducing the risk of *infrastructure* damage during severe weather by retrofitting existing *infrastructure* and promoting *green infrastructure*.

3.2.5.3 The Municipality shall develop a *climate change* strategy/local action plan to address *climate change mitigation* and *adaptation*. This strategy shall set targets for reducing greenhouse gas emissions, policies and programs to reduce the negative impacts of *climate change*, and minimize adverse effects in the community.

3.2.5.4 The Municipality shall cooperate with the Region of Durham in the preparation and implementation of Regional climate mitigation and adaptation plans.

3.2.5.5 The Municipality shall work with proponents of *development* applications, the Region of Durham, Conservation Authority, and other stakeholders to ensure that *climate change* effects are considered in natural hazard management and in the management of the *Natural Heritage System*.

### **3.2.6 Energy Conservation**

3.2.6.1 Energy conservation shall be encouraged through community and site planning, building design (including net zero buildings), and the use of energy-efficient materials and landscaping. During the *development* review process, consideration shall be given to energy conservation measures such as the orientation of streets and buildings, increased densities, walkability and decreased automobile dependency, and the use of energy-saving landscaping, lighting, and building materials.

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- 3.2.6.2 The Municipality shall encourage energy conservation by:
- a) promoting compact urban form, *intensification, development* and *redevelopment* that is transit-supportive;
  - b) encouraging innovative design in new *development* and *redevelopment* that incorporates energy conservation principles;
  - c) encouraging efficient waste and resource management principles;
  - d) promoting the use of vegetation that will reduce energy consumption of buildings; and
  - e) promoting *active transportation* and public transit usage.

3.2.6.3 The Municipality shall participate with the Region in the preparation of a Regional community energy plan and shall develop and implement corporate and community energy conservation and demand management plans which will detail the Municipality's energy use requirements, set targets, establish a plan to reduce energy demand, consider the use of alternative and renewable generation options and district energy systems, all of which are intended to reduce the Municipality's greenhouse gas emissions and increase its *resiliency*.

3.2.6.4 The Municipality shall encourage new *development* to explore options to incorporate or connect to on-site energy generation systems, such as district energy facilities, where feasible.

### **3.2.7 Air Quality**

3.2.7.1 The Municipality shall work to improve air quality through land use and transportation policies that reduce reliance on private automobiles through the *development* of compact, mixed-use, and pedestrian-friendly communities, and by continuing to improve and enhance the Municipality's urban tree canopy.

### **3.2.8 Tree Canopy**

3.2.8.1 The Municipality recognizes the importance of urban forests and tree canopy, including street trees, trees on private property, and in parks and natural heritage areas, for their environmental, social, and economic benefits, including their role in *climate change mitigation* and *adaptation*.

3.2.8.2 The Municipality may prepare plans, guidelines, standards, and by-laws to protect, enhance, and expand the tree canopy, including through the *development* review process in accordance with the policies of Section 5.4.4.

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- 3.2.8.3 Council shall consider the development of an urban forest management plan which shall address, but is not limited to, the following matters:
- a) an assessment of the structure and function of the Municipality's urban forest, including the preparation of an inventory of street trees and tree canopy cover assessment;
  - b) the development of municipal canopy targets that support and enhance Regional and *watershed plan* canopy targets;
  - c) the provision of management recommendations for enhancing the *sustainability* of both the urban forest resource and the community;
  - d) the establishment of implementation tools including guidelines, standards, and by-laws to support the plan; and
  - e) the promotion and enhancement of education, partnerships, and communication with the public and stakeholders such as the Conservation Authority, the local school boards, and any other appropriate agencies or groups.

### **3.2.9 Water Conservation**

- 3.2.9.1 The Municipality shall promote water conservation in *development and redevelopment* by:
- a) encouraging the use of low irrigation, naturalized low maintenance landscaping, or other innovative techniques for conserving water;
  - b) the use of water saving technologies in building design; and
  - c) reductions in stormwater flows to stormwater and sanitary sewer systems through innovative on-site stormwater management systems, *low impact development* techniques, and other pervious natural surfaces in site design.

### **3.2.10 Urban Agriculture**

The Municipality shall support the establishment of community gardens, rooftop gardens, and farmers' markets in appropriate locations to contribute to the accessibility of locally grown produce in urban areas, thereby lowering energy consumption, greenhouse gas emissions, and transportation costs.



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## Section 4 - Land Use

### 4.1 General

4.1.1 The land uses, shown on Schedule “A” to this Official Plan, establish the pattern of land use for the following general categories:

Central Areas

Residential

Commercial

Mixed Use

Industrial

Institutional

Major Open Space

Agricultural

Hamlets

Estate Residential

Mineral Aggregates

4.1.2 Policies governing land use designations shown on Schedule “A” are described in Section 4. Examples of permitted uses are included to illustrate the range of land use activities. The specific uses permitted and associated provisions may be further defined for an area through *Secondary Plans* and/or the implementing Zoning By-laws. In addition, the policies for the relevant land use designation must be read in conjunction with other policies and schedules of the Official Plan. In particular, Schedule “C” – Environmental Management acts as an overlay over the land use designations on Schedule “A” and the relevant policies of Section 5 apply to any affected lands.

4.1.3 Notwithstanding any other provisions of this Plan to the contrary, facilities related to the protection and safety of the Municipality, including fire, police, and ambulance services, as well as municipal works depots, may be permitted in any land use designation within the Urban Area boundary as shown on Schedule “A”, subject to any regulatory requirements, the relevant provisions of Sections 5.3.7.4, 5.3.10.4 and 5.3.10.5, and the inclusion of appropriate provisions in the Zoning By-law. Community

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gardens and other small-scale urban agriculture uses are also permitted in any urban land use designation, subject to compatibility with adjacent uses and the relevant policies of Sections 4.9 and 5.

- 4.1.4 Utilities such as water storage facilities, water supply, and sanitary sewage pumping stations operated by public agencies, as well as oil and gas pipelines and associated facilities, communications/telecommunications facilities, and electricity generation facilities and their transmission and distribution may be allowed in any land use designation, subject to the utility's regulatory requirements and in accordance with Sections 4.10.3.4, 5.3.7.4, and 11.7.8.2, where applicable.

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## 4.2 Intensification

- 4.2.1 This Plan establishes a number of Intensification Areas and Intensification Corridors within the Municipality's *Built Boundary* as shown on Schedule "B". The Intensification Areas and Intensification Corridors are the locations where the majority of expected intensification in the Municipality is planned to occur during the planning period. The policies applying to Intensification Areas associated with Central Areas are included in the related policies contained in Section 4.3. The policies for the Intensification Corridors are contained in Section 4.2.7 of this Plan. Policies for the Port Whitby Intensification Area and the Major Transit Station are provided in Sections 4.2.8 and 4.2.9 as well as the Port Whitby Community Secondary Plan. Residential *intensification* on lands that are not included in an Intensification Area or Intensification Corridor identified on Schedule "B", or designated as Medium Density or High Density Residential in a *Secondary Plan*, may be considered in accordance with the provisions of Section 4.4.3.9.2.
- 4.2.2 The long-term overall density target and *floor space index* target for each Intensification Area and Intensification Corridor is identified in the relevant policies. The review of *development* applications shall consider the ability of the site and the built form to intensify over time. Proponents of *development* and *redevelopment* may be required to demonstrate through a comprehensive site plan how the proposed *development* will support the achievement of the long-term density and *floor space index* targets through the ultimate build-out of the site.
- 4.2.3 The development of additional surface parking is discouraged within Intensification Areas and Intensification Corridors. Future parking spaces shall be encouraged to be included within structured parking garages or underground. Where surface parking is permitted, it shall generally not be located between the building and the streetline associated with an arterial road in accordance with the relevant provisions of Section 6.2.3.14. A long-term parking strategy may be required which takes into account the phasing of *development*.
- 4.2.4 The Municipality shall coordinate with other agencies having jurisdiction to ensure that adequate services are provided to support *intensification* in the *Built Boundary* including schools, parks, community services, utility infrastructure, and municipal water and sanitary sewer infrastructure.
- 4.2.5 The Municipality may investigate whether the establishment of a Community Planning Permit System in one or more Intensification Areas or Intensification Corridors is appropriate in order to improve the efficiency of the *development* review process.

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4.2.6 A high order of *urban design* shall be required in the consideration of *development* and *redevelopment* proposals in Intensification Areas and Intensification Corridors in accordance with the relevant policies of Section 6.2. Where applicable, *development* and *redevelopment* proposals in Intensification Areas and Intensification Corridors shall address the conservation of *cultural heritage resources* in accordance with the relevant policies of Sections 6.1 and 6.2.3.11.

#### **4.2.7 Intensification Corridors**

4.2.7.1 Intensification Corridors are identified on Schedule “B” along portions of the Regional Corridors, including Dundas Street, Taunton Road, Brock Street/Baldwin Street, Victoria Street, Winchester Road, and Columbus Road.

4.2.7.2 In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.5 within Intensification Corridors identified on Schedule “B”.

4.2.7.3 The minimum building height for new residential and mixed-use buildings in Intensification Corridors shall be 2 storeys and the maximum building height shall be 8 storeys. Buildings that have a height of between 4 and 8 storeys are to be located at intersections, wherever possible, to take advantage of the location of transit stops and to establish neighbourhood focal points and landmarks.

Notwithstanding the foregoing, consideration may be given to building heights of up to 12 storeys on sites that meet the requirements of Section 4.4.3.9.2 and are located adjacent to natural features and front on an arterial road.

#### **4.2.8 Port Whitby Intensification Area**

4.2.8.1 The Port Whitby Intensification Area is intended to implement the requirements of the Durham Regional Official Plan for a Waterfront Place by providing for a range of residential, entertainment, leisure and civic uses in proximity to the Waterfront in the Port Whitby area.

4.2.8.2 Lands in the Port Whitby Intensification Area shall be developed in accordance with the land use designations on Schedule “F” and the relevant policies of this Plan and the Port Whitby Community Secondary Plan.

4.2.8.3 In accordance with the Durham Regional Official Plan, the long-term overall density target in the Port Whitby Intensification Area is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.0, which is increased to 2.5 on lands that are adjacent to Brock Street or Victoria Street.

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## 4.2.9 Major Transit Station

4.2.9.1 The Major Transit Station is identified on Schedule “B”. Intensification is intended to occur in proximity to the Major Transit Station to support transit use and to lessen the dependence on the automobile.

4.2.9.2 *Development* adjacent to the Major Transit Station shall provide for:

- a) higher density residential and mixed uses at an appropriate scale to support transit and reduce vehicle dependence;
- b) buildings oriented towards the street to reduce walking distances to transit facilities;
- c) facilities which support non-auto modes including: drop off facilities, bus bays, bus loops, bus shelters, walkways, trails and other *active transportation* facilities; and
- d) limited surface parking and the potential *redevelopment* of existing surface parking as transit-supportive *development* supports a reduction in parking demand.

For the purposes of this policy, *development* adjacent to a Major Transit Station means *development* of lands within an approximate 500 metre radius of the Station, representing approximately a 10-minute walk.

4.2.9.3 Lands adjacent to the Major Transit Station shall be developed in accordance with the relevant provisions of the applicable *Secondary Plan*.

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## 4.3 Central Areas

### 4.3.1 Goals

- 4.3.1.1 To provide Central Areas of regional, municipal, community, and local scale that provide commercial, office, retail, institutional, personal services, community uses and residential *development* and *redevelopment* that is in keeping with the planned function of the Central Areas.
- 4.3.1.2 To accommodate a significant amount of new growth through *intensification* within certain Central Areas along Regional Corridors.

### 4.3.2 Objectives

- 4.3.2.1 To develop a hierarchical structure of Central Areas within the Municipality to serve the needs of residents and businesses.
- 4.3.2.2 To develop Major Central Areas that are urban, distinct, human-scaled, accessible, and the predominant centres of activity in the Municipality.
- 4.3.2.3 To *conserve* and enhance *cultural heritage resources* within the Major Central Areas.
- 4.3.2.4 To ensure that Central Areas provide for the main concentration of mixed-use activities in the Municipality including shopping, personal service, office, institutional, community, higher residential densities, transit, entertainment, and recreational uses.
- 4.3.2.5 To encourage and promote *development* and *redevelopment* that combines commercial, residential, and other land uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment.
- 4.3.2.6 To promote the efficient use of existing and planned *infrastructure* by encouraging *intensification*, where appropriate.
- 4.3.2.7 To encourage commercial *development* and *redevelopment* that will provide a full range of goods and services, at appropriate locations.
- 4.3.2.8 To require that all new *development* and *redevelopment* is compatible with adjacent development from a land use and built form perspective and reflects a high quality of *urban design*.

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### **4.3.3 Policies**

- 4.3.3.1 The Central Areas hierarchy is consistent with the Durham Regional Official Plan classification and consists of Major Central Areas, Urban Central Areas, Community Central Areas, and Local Central Areas.
- 4.3.3.2 Certain Central Areas shown on Schedule “A” also include portions identified as Intensification Areas on Schedule “B”. The Central Area policies include policies for lands within the Intensification Areas to provide for *redevelopment* at higher densities in appropriate locations having access to services and transit.

### **4.3.3.3 Major Central Areas**

- 4.3.3.3.1 Downtown Whitby, Brock/Taunton, and Downtown Brooklin are Major Central Areas as identified on Schedule “A” to this Plan.
- 4.3.3.3.2 Major Central Areas shall be planned and developed as the main concentration of urban activities in the Municipality where a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment, office, and *major office* uses are provided. The policies of relevant *Secondary Plans* and the policies applying to Intensification Areas and Intensification Corridors in this section and Section 4.2 of this Plan, as well as the relevant policies of Section 6.2, articulate how *redevelopment* and *intensification* within the Major Central Areas will occur.

### **4.3.3.3.3 Downtown Whitby Major Central Area**

- 4.3.3.3.3.1 Lands in the Downtown Whitby Major Central Area shall be developed in accordance with the land use designations on Schedules “A” and “H” and the relevant policies of this Plan and the Downtown Whitby Secondary Plan.
- 4.3.3.3.3.2 For lands within the Downtown Whitby Intensification Area as shown on Schedule “B”, the following additional policies apply:
- a) In accordance with the Durham Regional Official Plan, the long-term overall density target for the Downtown Whitby Intensification Area is at least 75 residential units per gross hectare and the overall long-term floor space index target is 2.5;
  - b) The minimum building height shall be 2 storeys and the maximum building height shall be as set out on Schedule “I” to this Plan;
  - c) Notwithstanding any other provisions of this Plan to the contrary, new drive-through service facilities and new automobile service stations are not permitted within the Downtown Whitby Intensification Area; and
  - d) The relevant policies of Section 4.2 and Section 6.2 shall apply to



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development and redevelopment proposals in the Downtown Whitby Intensification Area.

#### **4.3.3.3.4 Brock/Taunton Major Central Area**

4.3.3.3.4.1 Lands in the Brock/Taunton Major Central Area shall be developed in accordance with the land use designations on Schedules “A” and “K” and the relevant policies of this Plan and the Brock/Taunton Secondary Plan.

4.3.3.3.4.2 For lands within the Brock/Taunton Intensification Area shown on Schedule “B”, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 75 residential units per gross hectare and the overall long-term *floor space index* target is 2.5;
- b) The minimum building height for new residential and mixed-use buildings shall be 6 storeys and the maximum building height shall be 18 storeys. Buildings that have a height of greater than 8 storeys shall generally be located in proximity to Brock Street or Taunton Road. New non-residential buildings that are greater than 500 square metres in gross floor area shall have a minimum height of 2 storeys; and
- c) The relevant policies of Section 4.2 and Section 6.2 shall apply to *development* and *redevelopment* proposals in the Brock/Taunton Intensification Area.

#### **4.3.3.3.5 Downtown Brooklin Major Central Area**

4.3.3.3.5.1 Lands in the Downtown Brooklin Major Central Area shall be developed in accordance with the land use designations on Schedules “A”, “J”, and “J1” and the relevant policies of this Plan and the Brooklin Community Secondary Plan.

4.3.3.3.5.2 For lands within the Downtown Brooklin Intensification Area as shown on Schedule “B”, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 75 residential units per gross hectare and the overall long-term *floor space index* target is 2.5;
- b) The minimum building height shall be 2 storeys and the maximum building height shall be 6 storeys;
- c) Buildings higher than 4 storeys may only be permitted outside of the Brooklin Heritage Conservation District;
- d) New buildings developed in the Downtown Brooklin Intensification Area should complement each other in terms of design, *massing*, and use of building materials. New buildings should be designed in a manner that defines the Brooklin Community and complements the Brooklin Heritage Conservation District; and
- e) The relevant policies of Section 4.2 and Section 6.2 apply to

#### **4.3.3.4 Urban Central Areas**

4.3.3.4.1 Dundas East and Rossland/Garden are Urban Central Areas as identified on Schedule “A”.

4.3.3.4.2 Urban Central Areas are to be planned and developed similar to, but generally smaller in scale than, Major Central Areas in order to serve large segments of the Urban Area through the provision of uses which complement those offered within the Major Central Areas.

##### **4.3.3.4.3 Dundas East Urban Central Area**

4.3.3.4.3.1 Lands in the Dundas East Urban Central Area shall be developed in accordance with the land use designations on Schedule “A” and the relevant policies of this Plan.

4.3.3.4.3.2 For lands within the Dundas East Intensification Area identified on Schedule “B”, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare, with an overall long-term *floor space index* target of 2.5 along the Dundas Street corridor, and at least 30 residential units per gross hectare with an overall long-term *floor space index* target of 2.0 elsewhere in the Intensification Area;
- b) The minimum building height for new residential and mixed-use buildings which include a residential component shall be 3 storeys. New non-residential buildings that are greater than 500 square metres in gross floor area shall have a minimum height of 2 storeys. The maximum building height shall be 18 storeys in proximity to Dundas Street or Thickson Road and shall be 8 storeys elsewhere in the Intensification Area; and
- c) The relevant policies of Section 4.2 and Section 6.2 shall apply to *development and redevelopment* proposals in the Dundas East Intensification Area.

##### **4.3.3.4.4 Rossland/Garden Urban Central Area**

4.3.3.4.4.1 Lands in the Rossland/Garden Urban Central Area shall be developed in accordance with the land use designations on Schedule “A” and the relevant policies of this Plan.

4.3.3.4.4.2 For lands within the Rossland/Garden Intensification Area, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.5 along Brock Street;

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- b) The minimum building height for new residential and mixed-use buildings shall be 2 storeys and the maximum building height shall be 18 storeys in proximity to Brock Street or Rossland Road; and
  - c) The relevant policies of Section 4.2 shall apply to *development* and *redevelopment* proposals in the Rossland/Garden Intensification Area. New *development* and *redevelopment* in the Rossland/Garden Intensification Area shall assist in achieving an integrated mix of land uses to support the employment uses located in this area. The relevant policies of Section 6.2 shall apply, particularly the provisions of Sections 6.2.3.1 and 6.2.3.2.

#### **4.3.3.5 Community Central Areas**

4.3.3.5.1 Baldwin Street/Columbus Road, Cochrane Street/Columbus Road, Baldwin Street/Thickson Road, Gordon Street/Victoria Street, Thickson Road/Taunton Road, Rossland Road/Desmond G. Newman Drive, and Dundas Street/McQuay Boulevard are Community Central Areas as identified on Schedule “A” and may be identified in Secondary Plans.

4.3.3.5.2 Community Central Areas shall be smaller in scale than Urban Central Areas and shall be planned and developed to serve the weekly needs of small segments of the Urban Area through the provision of uses which complement those offered within the Urban Central Areas.

#### **4.3.3.6 Local Central Areas**

4.3.3.6.1 Local Central Areas are identified on Schedule “A” and in *Secondary Plans*.

4.3.3.6.2 Local Central Areas shall be smaller in scale than Community Central Areas and shall be planned and developed to serve the day-to-day needs of the residents of the surrounding neighbourhood.

#### **4.3.3.7 Development Principles**

4.3.3.7.1 *Secondary Plans* may be prepared or updated for Major Central Areas, Urban Central Areas, and Community Central Areas in order to (re)define boundaries and to provide detailed land use designations and related policies. Such Plans may be undertaken as part of a larger *Secondary Plan* study as identified and required in Section 9, or as separate freestanding plans prepared in accordance with Section 4.3. Plans for these Central Areas, or parts thereof, will address the following matters, as required:

- a) the amount and general spatial distribution of gross leasable floor space for the retailing of goods and services;
- b) the general location and type of commercial, residential, institutional, industrial, and mixed-uses, including the provision of grocery stores/food stores to serve the residential population within and in proximity to the Central Area;

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- c) the general location of respective higher residential densities;
  - d) the general location of community uses such as schools, places of worship, long-term care and retirement homes, and libraries;
  - e) the general location of open space and recreation areas as well as the location and function of parks;
  - f) the vehicular, public transit, and *active transportation* systems as well as the relationship between respective modes of transportation; and
  - g) an *urban design* plan for the Central Areas, or parts thereof, in order to detail the provisions of this Plan and to assist in the preparation of the implementing Zoning By-law.

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## 4.4 Residential

### 4.4.1 Goal

4.4.1.1 To establish and sustain healthy, safe, attractive, and complete communities through the *development* and *redevelopment* of residential neighbourhoods with a range of housing options and supporting uses.

### 4.4.2 Objectives

4.4.2.1 To provide opportunities for a range of housing types, densities, tenure, and affordability to meet the needs of the Municipality.

4.4.2.2 To encourage residential *intensification* in appropriate locations while maintaining and enhancing the *character* and identity of established residential neighbourhoods.

4.4.2.3 To require that new residential *development* and *redevelopment* is transit-supportive, pedestrian-oriented, compatible with surrounding uses, and reflects a high standard of *urban design*.

4.4.2.4 To provide for a range of complementary non-residential uses including community uses and limited commercial uses which serve the needs of the residents.

### 4.4.3 Policies

4.4.3.1 The predominant use of lands designated as Residential on Schedule “A” shall be for residential purposes together with the following uses:

- a) Uses which, by the nature of their activity, limited scale, and design, are compatible with and serve the residential area such as recreational, institutional, and community uses may be permitted. Community uses shall include uses such as places of worship, community centres, day care centres, long-term care and retirement homes, libraries, elementary and secondary schools, and parks subject to the relevant policies of Sections 4.8 and 4.9;
- b) Local Commercial Areas, Convenience Commercial Centres and convenience stores are permitted in Residential areas in accordance with the policies of this Plan;
- c) Limited professional or business office and personal service uses may be permitted within Residential areas subject to a site specific amendment to the Zoning By-law. The following evaluation criteria shall be considered in the review of applications to amend the Zoning By-law:

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- i) the use is small-scale and low in intensity so as not to negatively impact the surrounding residential *character*;
  - ii) generally no more than one office or personal service use is permitted per site;
  - iii) clinics shall not be permitted;
  - iv) the use would not adversely affect the development and function of Commercial and Central Areas;
  - v) the proposal is compatible in terms of building form, design, and scale with the surrounding residential *character*;
  - vi) appropriate on-site buffering techniques will be provided including adequate landscaping and screening;
  - vii) the site is suitable in terms of shape and size to accommodate the use proposed;
  - viii) the *cumulative impact* of a number of such uses in a given area does not create an undue concentration and avoids the creation of a commercial strip development; and
  - ix) the use is located on an arterial or collector road with consideration to traffic impacts and provisions for satisfactory access and on-site parking;
- d) Home-based businesses may be permitted within all designations where residential uses are permitted subject to the inclusion of provisions in the Zoning By-law and provided the home-based business:
- i) is *accessory* and subordinate to the residential use;
  - ii) does not alter the residential *character* of the building or property;
  - iii) does not include outdoor storage or display of goods or materials;
  - iv) does not include retail sales at the premises other than goods or handicrafts produced on the premises;
  - v) does not include paint shops, furniture stripping, or the servicing and/or repair of motorized vehicles;
  - vi) does not include commercial signage or any visible indication that a homebased business is being conducted on the premises;
  - vii) does not create an adverse effect or become a nuisance with respect to such matters as noise, odour, vibration, traffic, or parking; and
  - viii) meets any other applicable regulatory requirements.

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Home-based businesses are not intended to permit economic activities that are more appropriately accommodated in commercial or industrial areas;

- e) Bed and Breakfast Establishments may be permitted within all designations where residential uses are permitted subject to the inclusion of appropriate provisions in the Zoning By-law and provided the establishment:
  - i) is low intensity in nature;
  - ii) is compatible with surrounding uses;
  - iii) can provide sufficient on-site parking; and
  - iv) has adequate water supply and sewage treatment systems provided;
- f) *Apartments in houses*, group homes, and *garden suites* may be permitted in all designations where residential uses are permitted subject to the relevant policies of Section 4.4.3.9.5, 4.4.3.9.6, and Section 7; and
- g) Rooming, boarding, and lodging houses may be permitted in locations where Medium Density and High Density Residential *development* is permitted pursuant to Sections 4.4.3.5 and 4.4.3.6, areas designated as Mixed Use, or mixed-use *developments* in Intensification Areas and Intensification Corridors, subject to the inclusion of appropriate provisions in the Zoning By-law, licensing, and the relevant provisions of this Section.

4.4.3.2 The locations for Low Density, Medium Density, and High Density Residential *development* shall be identified in *Secondary Plans*. Where there is no *Secondary Plan*, proposals for new residential *development* or *redevelopment* shall consider the policies, including locational criteria, identified in Sections 4.4.3.4 to 4.4.3.6, and the additional criteria in Section 4.4.3.9.2 in the case of Medium Density and High Density Residential *development*.

4.4.3.3 Notwithstanding any other provisions in this Plan to the contrary, in instances where the policies and designations contained in the *Secondary Plans* vary from the policies within Section 4.4.3 in terms of permitted uses, housing types, and densities, the more specific and detailed policies of the *Secondary Plan* shall prevail, provided the overall intent of the Official Plan is maintained.

#### **4.4.3.4 Low Density Residential**

4.4.3.4.1 Low Density Residential areas shall be developed in accordance with the following policies:

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- a) Low Density Residential areas shall generally be located in the interior of residential neighbourhoods on local or collector roads;
  - b) Single detached, semi-detached, and duplex dwellings and other similar ground related built forms shall be permitted with a density of up to 35 dwelling units per net hectare; and
  - c) Notwithstanding subsection b) above, the maximum density in Low Density Residential areas may be exceeded through the inclusion of appropriate policies in *Secondary Plans for development in greenfield areas*.

4.4.3.4.2 The Municipality shall encourage the *development* of new residential units through *intensification* of Low Density Residential areas in accordance with the following criteria:

- a) the sizes of the lots, and the width and location of new driveways shall be compatible in relation to adjacent lots and other lots on the street and area;
- b) consideration is given to the potential for retaining existing trees and vegetation and compensation for any loss of trees and vegetation; and
- c) the proposal complies with any applicable provisions of Section 10.1.13.1.

4.4.3.4.3 Applications for *redevelopment* of existing lots in Low Density Residential areas that require a Zoning By-law amendment or minor variance shall be considered in accordance with the following criteria:

- a) The interior side yard setback is generally consistent with existing dwelling(s) on the same side of the street; and
- b) The front yard setback for the new dwelling unit(s) is generally consistent with the front yards that exist on the same side of the street.

#### **4.4.3.5 Medium Density Residential**

4.4.3.5.1 Medium Density Residential areas shall be developed in accordance with the following policies:

- a) Medium Density Residential areas shall generally be located in the interior or at the edges of neighbourhoods in proximity to transit, or located within Central Areas and/or Intensification Areas and Intensification Corridors with a transition of density and intensity of uses;
- b) Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4 storeys, shall be permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare; and



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- c) Applications for new *development* or residential *intensification* for Medium Density Residential uses shall be reviewed based on Section 4.4.3.9 of this Plan.

#### **4.4.3.6 High Density Residential**

4.4.3.6.1 High Density Residential areas shall be developed in accordance with the following policies:

- a) High Density Residential areas shall generally be located at the edge of neighbourhoods along arterial roads or located within Central Areas and/or Intensification Areas or Intensification Corridors;
- b) Townhouses, apartments, and other forms of multiple dwellings shall be permitted with a density range of greater than 65 and up to 135 dwelling units per net hectare;
- c) Notwithstanding subsection b) above, proposals for High Density Residential *development* and *redevelopment*, including High Density Residential uses within a mixed-use building, with a density range of greater than 135 and up to 300 dwelling units per net hectare may be considered through an amendment to the Zoning Bylaw where the lands are located within Intensification Areas or Intensification Corridors identified on Schedule “B”.
- d) Applications for new residential *development* or residential *intensification* in the form of High Density Residential uses shall be reviewed based on Section 4.4.3.9; and
- e) Appropriate regulations including height, *massing*, and setback restrictions will be determined in the Zoning By-law.

4.4.3.7 Medium Density and High Density Residential *development* and *redevelopment* are encouraged to locate in Intensification Areas and Intensification Corridors as identified on Schedule “B”. In addition, specific locations for Medium Density and High Density Residential *development* and *redevelopment* are identified in Section 4.4.5 and in *Secondary Plans*, where applicable. Where Medium Density or High Density Residential *development* and *redevelopment* is proposed in Intensification Areas or Intensification Corridors, the relevant policies of Sections 4.2 and 4.3 shall also apply. Where Medium Density or High Density Residential *development* is designated in *Secondary Plans*, the more detailed provisions of the *Secondary Plan* shall apply.

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4.4.3.8 For lands designated as Low Density, Medium Density, or High Density Residential in *Secondary Plans*, the calculation of net residential density may be averaged across residential lots and blocks within a single designation within the same plan of subdivision, or within an area bounded by collector and arterial roads, where appropriate, in order to achieve a mix of unit types, provided that the overall density for the applicable residential designation is achieved.

**4.4.3.9 Redevelopment and Intensification**

4.4.3.9.1 Council shall support the more efficient use of existing buildings through residential *intensification* and shall support *infilling* of vacant and underutilized properties in residential areas, subject to the availability of servicing *infrastructure* and in accordance with the provisions of this section and Section 4.2.

4.4.3.9.2 Proposals for Medium Density and High Density Residential *development* and *redevelopment* shall be based on consideration of the following criteria:

- a) The existing or planned capacity of municipal sanitary sewer and water is sufficient to accommodate the proposed use;
- b) Suitable access is available to existing or future roads that can accommodate the additional traffic that is generated by the proposed *development*;
- c) The site is in proximity to public transit service, where available;
- d) The site is suitable in terms of lot size, setbacks, and side yards to accommodate more intensive use;
- e) The site is within or in proximity to a Central Area or Convenience Commercial Centre, employment opportunities, parks and open spaces, and walking and/or cycling routes;
- f) The site is in proximity to educational and community services and facilities;
- g) The site can provide adequate on-site parking, lighting, and hard and soft landscaping elements;
- h) Consideration is given to the impact upon adjacent uses relating to height, design, and form in order to achieve an appropriate transition of height and density;
- i) The proposed *development* shall be oriented in a manner that minimizes overshadowing and overlook and maximizes sunlight penetration to adjacent properties and between buildings;
- j) Traffic impacts on the surrounding neighbourhoods can be minimized;

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- k) The proposed *development* provides adequate protection of adjacent components of the *Natural Heritage System*, where relevant, and incorporates integration and access where appropriate; and
  - l) The proposed *development* provides adequate on-site recreational amenities.

4.4.3.9.3 Proposals for Medium Density and High Density Residential *development* and *redevelopment* on sites outside of Intensification Areas, Intensification Corridors, lands identified in Section 4.4.5, and lands designated for such use in a *Secondary Plan*, shall address the requirements of Section 4.4.3.9.2 and demonstrate that the scale and density of the proposed *development* or *redevelopment* does not compete with or detract from the potential to establish Medium Density and High Density Residential or mixed-use *development* within Intensification Areas, Intensification Corridors, or lands otherwise designated for such uses. High Density Residential *developments*, in such cases, shall not exceed 6 storeys in height. Applicants may be required to submit a Planning Rationale report or additional information to demonstrate how this policy is met.

4.4.3.9.4 Lands approved for Medium and High Density Residential uses shall be developed on the basis of comprehensive site plans addressing site details in accordance with Section 10.1.11 and taking into account good *urban design* principles as described in Section 6.2 in order to ensure that *development* and *redevelopment* is integrated and compatible with adjacent properties.

4.4.3.9.5 *Apartments in houses* shall be permitted in single detached and other forms of *ground related dwellings*, and within *accessory* structures thereto, in all designations that permit residential uses throughout the Municipality subject to the following criteria:

- a) one apartment unit per dwelling;
- b) one additional parking space is required for the apartment unit;
- c) capacity of municipal sanitary sewer and water supply or the approval of the Durham Regional Health Unit for lots outside the fully serviced area; and
- d) compliance with the provisions of the Zoning By-law and all other relevant municipal and Provincial standards.

4.4.3.9.6 *Garden suites* as *accessory* units may be permitted as a temporary use for up to 20 years in a designation that permits a residential use subject to a temporary use by-law in accordance with Section 10.1.9 and the following considerations:

- a) one *garden suite* per lot;

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- b) sited in proximity to the main dwelling and generally not in the front yard;
  - c) adequate on-site parking;
  - d) suitability of the lot in terms of size, setbacks, side yards, lot coverage, and landscaped open space;
  - e) availability of full municipal services or the approval of the Durham Regional Health Unit for structures on lots outside the fully serviced area; and
  - f) the requirement for site plan control and an agreement between the Municipality and the owner addressing such matters as the installation, maintenance, and removal of the suite; the period of occupancy of the suite; and the monetary or other form of security required for actual or potential costs to the Municipality related to the removal of the suite.

Notwithstanding any of the policies above, *garden suites* within the Oak Ridges Moraine Secondary Plan Area and the Greenbelt Protected Countryside, shall be subject to the applicable provisions of those Plans.

4.4.3.10 Residential *development* and *redevelopment* shall not be permitted in areas subject to adverse effects from noise, air, soil, or water. In addition, all *development* proposals shall comply with the relevant policies of Section 5.

4.4.3.11 *Buffers* or, where necessary, spatial separation shall be provided where residential and community uses are in proximity to industrial uses and between residential uses and railroads, freeways, and arterial roads, to the satisfaction of the Municipality and in accordance with Provincial guidelines.

#### **4.4.3.12 Parking for Residential Uses**

4.4.3.12.1 Parking requirements shall be set out in the provisions of the implementing Zoning Bylaw.

4.4.3.12.2 The Municipality may consider reduced parking requirements after detailed study, where justified in terms of need, to the satisfaction of the Municipality for the following:

- a) assisted, senior, and special needs dwelling units;
- b) integrated mixed-use *developments*; and
- c) High Density Residential uses where such land uses are located in Intensification Areas or Intensification Corridors or in proximity to the Major Transit Station.

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4.4.3.12.3 The Municipality encourages the provision of structured or underground parking for High Density Residential or mixed-use *development* and *redevelopment* in order to reduce the amount of surface parking, particularly in Intensification Areas and Intensification Corridors in accordance with the policies of Section 4.2.3 and 6.2.

**4.4.3.13 Mature Neighbourhoods**<sup>3</sup>

4.4.3.13.1 The policies of this section apply only to the Mature Neighbourhoods identified on Schedule B: Intensification of the Official Plan.

4.4.3.13.2 Notwithstanding any other provisions in this Plan to the contrary, including Section 4.4.3.3, 9.3.1 and 10.2.1.5, in instances where the policies and designations contained in this Plan vary from the policies within Section 4.4.3.13, the more specific and detailed policies of Section 4.4.3.13 shall prevail.

4.4.3.13.3 Development and redevelopment on properties protected under the Ontario Heritage Act shall be evaluated in accordance with the policies of Section 4.4.3.13 and Section 6.1 of this Plan as well as applicable heritage designation by-laws. Where there is a conflict, the policies of Section 6.1 and/or the heritage designation by-laws shall prevail.

4.4.3.13.4 Mature Neighbourhoods are not static and will continue to gradually evolve. The Town recognizes the desirability of re-investment and gradual change over time in Mature Neighbourhoods. In view of these directives, infill and intensification shall be permitted within Mature Neighbourhoods, provided it fits in with, is context-sensitive to and is compatible with the existing physical character of the neighbourhood.

4.4.3.13.5 Context-sensitive and compatible development does not mean it must imitate or replicate existing development; however, it must demonstrate that it can co-exist with its surroundings and reinforce the stability of the existing physical character of the neighbourhood without negative impact to both immediate properties or to the character of the street.

4.4.3.13.6 The existing physical character of a Mature Neighbourhood is defined by the most frequently occurring form of development, which may include more than one lot pattern, building type or other defining element depending on each individual context.

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<sup>3</sup> OPA 130 – Mature Neighbourhoods Study is under appeal.

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- 4.4.3.13.7 The implementing Zoning By-law shall establish standards that acknowledge and protect the existing physical character of Mature Neighbourhood areas.
- 4.4.3.13.8 Greater variation from the existing character may be permitted abutting arterial roads a delineated on Schedule D and abutting Intensification Corridors and Intensification Areas as delineated on Schedule B, provided an appropriate transition in height and density is created to the abutting interior of the Mature Neighbourhood and impacts are mitigated.
- 4.4.3.13.9 The prevailing character along the edges of Mature Neighbourhoods (i.e., abutting arterial roads, Intensification Corridors and Intensification Areas) shall not be determinative of the existing character when considering new development in the interior of a Mature Neighbourhood.
- 4.4.3.13.10 Development in the interior of Mature Neighbourhoods shall be of a low density nature and is subject to the policies of Section 4.4.3.4 in addition to the policies of this Section. Low Density Residential development shall generally be limited to 2 storeys in height, however the implementing Zoning By-law may consider areas where a third storey within the roofline of a dwelling is permitted.
- 4.4.3.13.11 Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods which includes along arterial roads or abutting Intensification Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9 in addition to this section. New Medium Density Residential development shall be compatible with its surrounding context and provide a sensitive transition to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize shadow and overlook.
- 4.4.3.13.12 High Density Residential development shall be directed to the edges of Mature Neighbourhoods which includes along arterial roads or abutting Intensification Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9 in addition to this section. Notwithstanding Policy 4.4.3.9.3, High Density Residential development within Mature Neighbourhoods shall have a maximum height of 4 storeys and shall provide a compatible interface and transition in height and density to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize

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shadow and overlook.

4.4.3.13.13 Notwithstanding Policy 4.4.13.12, greater heights may be considered through an amendment to this Plan, based on the criteria set out in Policy 4.4.3.13.17.

4.4.3.13.14 New development permitted through a minor variance, zoning by-law amendment or severance shall fit in with, be context sensitive to and be compatible with the existing physical character of the surrounding Mature Neighbourhood, with emphasis on the existing physical character of the immediate street block, and shall consider the following elements in that determination:

- Lot frontages;
- Lot sizes;
- Lot coverages;
- Front, side and rear yard setbacks;
- Separation distances between dwellings;
- Siting and orientation of dwellings;
- Building height,
- Building massing and scale;
- Building depth;
- Building type;
- Width and location of driveways;
- Conservation of cultural heritage resources;
- Amount of landscaped open space on a lot; and,
- Protection of existing mature trees.

4.4.3.13.15 New development shall minimize impacts to adjacent and surrounding properties in relation to privacy, overlook, shadowing, sun reflection, access and existing mature trees.

4.4.3.13.16 In addition to the policies of this section, plans of subdivision and ground related condominium developments within Mature Neighbourhoods shall be assessed based on the following:

- Development should reflect the prevailing grid pattern of the surrounding neighbourhood, providing a seamless extension, as much as possible, through an interconnected block structure and extension of the existing road network;
- Traffic impacts on surrounding neighbourhoods should be mitigated

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through appropriate access and density;

- On small infill properties where only a few new units are being created, development should complement the established character of lot sizes and frontages of adjacent lots and consider the elements for determining compatibility in Section 4.4.3.13.14; and,
- On larger infill properties, the subdivision or condominium shall incorporate a transition in lot sizes, whether it is a freehold lot, parcel of tied land or that portion of a condominium containing a dwelling unit, with development complementing the existing pattern of lot sizes abutting existing lots with greater variation in lot sizes provided in the centre of the new subdivision or condominium.

4.4.3.13.17 Applications for High Density Residential development greater than 4 storeys in Mature Neighbourhoods shall be assessed based on the following:

- High Density Residential development outside of Central Areas and/or Intensification Areas and Corridors should not compete or detract from the potential to establish these uses in areas designated for intensification;
- Development should be located on arterial roads;
- The use of intervening Medium Density Residential built form is encouraged as a transition between existing Low Density Residential buildings and proposed High Density Residential buildings;
- Development should be located close to existing or planned transit routes;
- Development should be located in areas where community services and amenities are within walking distance;
- Development shall not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- Development should demonstrate that it will not create an adverse impact on adjacent Low Density Residential areas, parkland or the public realm from shadow, overlook or massing; and
- Development shall be within a 45 degree angular plane from any property line abutting a Low Density Residential dwelling.



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#### **4.4.4 Implementation**

4.4.4.1 Approval of *development* and *redevelopment* within residential areas will be subject to the availability of, or the ability to provide, such services as may be required including adequate park and school facilities, fire protection services, and servicing *infrastructure*.

4.4.4.2 The cost of necessary physical services and community facilities associated with the demands created by the *development* shall normally be borne by the developer.

4.4.4.3 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Residential areas.

#### **4.4.5 Special Provisions**

4.4.5.1 Notwithstanding the provisions of this Plan to the contrary, on the lands located east of Springwood Street on the south side of Dundas Street being part of Block 'B', Plan 40M-1179, an office building may be permitted subject to a maximum floor space of 3,720 square metres, a maximum height of 2 storeys, and the appropriate requirements in the Zoning By-law.

4.4.5.2 Notwithstanding any other provisions of this Plan to the contrary, the lands on the east side of Garden Street, north of Consumers Drive, identified by Assessment Roll No. 18-09-030-023-08801, may be developed at a maximum residential density of up to 250 dwelling units per net hectare, and a maximum building height of up to 12 storeys.

4.4.5.3 Notwithstanding any other provisions of this Plan to the contrary, residential *development* on the following sites shall include and integrate Medium Density Residential components in suitable locations in accordance with the provisions of Section 4.4.3.5:

- a) the lands identified by Assessment Roll No. 18-09-040-035-11200, municipally known as 1542 Rossland Road East;
- b) the lands identified by Assessment Roll No. 18-09-040-035-12301, municipally known as 2000 Dryden Boulevard.
- c) the lands identified by Assessment Roll No. 18-09-040-035-13900, municipally known as 2002 Rossland Road East. Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density shall be 75 units per net hectare.;

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- d) the lands identified by Assessment Roll No. 18-09-040-030-22900, municipally known as 221 Kendalwood Road;
  - e) the lands on the southeast corner of Garden Street and Burns Street East, identified by Assessment Roll No. 18-09-040-026-00200; and
  - f) the lands identified by Assessment Roll No. 18-09-030-024-09700, municipally known as 105 Taunton Road West, the lands identified by Assessment Roll No. 18-09-030-024-09600, municipally known as 85 Taunton Road West and the lands on the southwest corner of Taunton Road West and Valleywood Drive, identified by Assessment Roll No. 18-09-030-024-07306.

4.4.5.4 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll Nos. 18-09-030-024-00126-0000 and 18-09-030-024-00127-0000 the minimum residential density shall be 170 dwelling units per net hectare and the maximum permitted residential density shall be 300 units per net hectare.

4.4.5.5 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll No. 18-09-030-017-19820-0000 the minimum residential density shall be 65 dwelling units per net hectare and the maximum permitted residential density shall be 125 units per net hectare, and a maximum building height of up to 8 storeys.

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## 4.5 Commercial

### 4.5.1 Goal

4.5.1.1 To ensure the provision of a full range of commercial, residential, institutional, and community uses to accommodate the needs of the Municipality, the Region, and the visiting public.

### 4.5.2 Objectives

4.5.2.1 To ensure the protection, maintenance, and improvement of existing commercial areas, while providing for new competitive development opportunities that will benefit and serve the residents of the Municipality.

4.5.2.2 To ensure all new *development* and *redevelopment* in commercial areas is of high quality.

4.5.2.3 To provide a hierarchy of commercial areas to serve neighbourhood, community, and municipal-wide needs.

4.5.2.4 To provide the opportunity for the strategic and planned location of new commercial facilities, including *major retail uses*, which serve the regional market place.

### 4.5.3 Policies

#### 4.5.3.1 Major Commercial

4.5.3.1.1 The Major Commercial designation comprises large, multi-function commercial areas serving the requirements of the Municipality as a whole and surrounding region. A full range of retail, including *major retail uses*, restaurants, entertainment, cultural, recreational, community, institutional, personal service, and business, and corporate and professional office, including *major office*, uses are permitted. Department stores and supermarkets are encouraged to locate in areas designated as Major Commercial. Mixed commercial/residential uses may also be permitted subject to Section 4.5.3.7 of this Plan.

4.5.3.1.2 Major Commercial uses shall be located within the Major Central Areas and Urban Central Areas as shown on Schedule "A". *Development* and *redevelopment* of lands designated as Major Commercial shall be guided by the Central Area policies and criteria of the Durham Regional Official Plan together with the relevant Intensification Area, Central Area, and Commercial policies of this Plan.

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#### **4.5.3.2 Community Commercial**

4.5.3.2.1 The Community Commercial designation comprises commercial areas serving primarily the weekly shopping needs of several residential neighbourhoods or small segments of the Urban Area. A range of retail uses, including supermarkets, restaurants, personal service, office, and community uses shall be permitted. Residential uses may be integrated with commercial uses within the same building, or on the same lot, subject to Section 4.5.3.7. Community Commercial areas shall be located within the Community Central Areas as shown on Schedule “A”, and shall generally range in size between 1.8 to 6 hectares with a range of approximately 5,500-15,000 square metres of gross leasable floor space.

#### **4.5.3.3 Local Commercial and Convenience Commercial Centres**

4.5.3.3.1 Local Commercial areas comprise small commercial areas serving the day-to-day needs of an adjacent residential area and are symbolically identified as Local Central Areas on Schedule “A”. A range of retail uses, including a food store or small supermarket, restaurants, personal service uses, offices, and community uses shall be permitted. Residential uses may be integrated with commercial uses within the same building, subject to Section 4.5.3.7. Local Commercial areas shall generally range between 0.8 to 2.0 hectares in size, with up to approximately 3,500 square metres of gross leasable floor space. Supermarkets in Local Commercial areas shall generally have less than 2,000 square metres of gross leasable floor space.

4.5.3.3.2 Convenience Commercial Centres provide goods and services of daily necessity to the immediate surrounding neighbourhood, including retail uses of a convenience nature, small-scale restaurants, personal service uses, limited offices, and community uses, and may be permitted on sites generally less than 0.4 hectares with up to approximately 1,000 square metres of gross leasable floor space.

4.5.3.3.3 Local Commercial areas and Convenience Commercial Centres shall be designated in *Secondary Plans* and/or identified in the Zoning By-law as warranted.

4.5.3.3.4 Local Commercial areas shall be located on an arterial road and Convenience Commercial Centres shall be located on an arterial or collector road, generally at intersections with other roads, and shall be constructed and maintained so as to be contextually consistent with the *massing* and building heights of adjacent uses.

#### **4.5.3.4 Special Purpose Commercial**

4.5.3.4.1 Areas designated as Special Purpose Commercial on Schedule “A” are intended to serve those specialized needs of the community on an

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occasional basis with services and facilities which require larger parcels of land and exposure to traffic. Such uses include automotive and recreational vehicle sales and service, garden centres, restaurants, building supply centres, furniture and major appliance sales, financial establishments, and home supply and improvement centres.

4.5.3.4.2 Areas designated as Special Purpose Commercial shall be located with exposure to arterial roads and are encouraged to develop in a comprehensive block manner in accordance with Section 6.2.4.2 of this Plan.

4.5.3.4.3 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By-law.

#### **4.5.3.5 Special Activity Node A**

4.5.3.5.1 Special Activity Node A is generally situated on the north side of Taunton Road, east of Cochrane Street, as shown on Schedule “A”, and indicates a place of special interest to the Municipality.

4.5.3.5.2 Permitted uses in Special Activity Node A shall include uses such as conference centre, educational facility, museum, or other type of interpretive or education centre related to culture, arts and natural heritage, banquet hall, restaurant, spa and related wellness facilities, hotel, inn, bed and breakfast, gift shop, and public uses that are consistent with the intent of the use policies for these lands. Future uses on lands adjacent to Taunton Road and Cochrane Street may also include business, professional, and corporate offices.

It is the intent of the Municipality to protect and maintain *built heritage resources* designated under Part IV of the **Ontario Heritage Act**, located in Special Activity Node A. Uses permitted within Special Activity Node A apply to the *built heritage resources* provided there is no impact on the historical or architectural significance of the buildings.

The permitted uses within Special Activity Node A shall be implemented through the Zoning By-law. New *development* shall only proceed where the lands have frontage on an improved public street and full municipal services are available.

#### **4.5.3.6 Special Activity Node B**

4.5.3.6.1 The area designated as Special Activity Node B on Schedule “A” is located at the Highway 401/Thickson Road interchange. Permitted uses shall include *major retail uses*, offices, including *major offices*, community and recreational uses, entertainment uses, financial institutions, restaurants, banquet halls, hotels, private clubs, and light industrial uses

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within enclosed buildings such as data processing centres, commercial or technical schools, and research and development facilities.

Notwithstanding any other provisions of this Plan to the contrary, a *major retail use* in Special Activity Node B does not include supermarkets and department stores.

4.5.3.6.2 Maximum gross leasable floor space for *major retail uses* in areas designated as Special Activity Node B has been allocated to each quadrant as follows:

- a) The lands located within the southwest quadrant of the designated Special Activity Node B area shall have a maximum gross leasable floor space of up to 63,450 square metres for the purpose of *major retail uses*;
- b) The lands located within the northwest quadrant of the designated Special Activity Node B area shall have a maximum gross leasable floor space of up to 10,300 square metres for the purpose of *major retail uses*;
- c) The lands located within the northeast quadrant of the designated Special Activity Node B area shall have a maximum gross leasable floor space of up to 7,000 square metres for the purpose of *major retail uses*; and
- d) The lands located within the southeast quadrant of the designated Special Activity Node B area shall have a maximum gross leasable floor space of up to 59,400 square metres for the purpose of *major retail uses*.

4.5.3.6.3 Only one *major retail use* containing space where food products are displayed and kept for sale is permitted in Special Activity Node B. The maximum amount of food space contained in this *major retail use* shall not exceed 5,000 square metres of gross leasable floor space. The amount of floor space devoted to the sale, display and storage of food products is restricted to a portion of the total floor space contained in the *major retail use* so that the *major retail use* does not constitute a supermarket. In addition to complying with the foregoing, the applicable *major retail use* shall have a total size of a minimum of 7,500 square metres of gross leasable floor space.

4.5.3.6.4 Additional *major retail uses* within Special Activity Node B shall only be permitted by amendment to the Zoning By-law. Council, in considering amendments for *major retail uses*, shall be satisfied that such uses are of a substantial size and scale and would generally not locate in a traditionally commercial area, and are of a high quality which would not detract from the *character* of the area. Through the *development* review process, it shall be demonstrated to the satisfaction of the appropriate agencies that the road network can adequately support the proposed

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*major retail use.*

- 4.5.3.6.5 A Comprehensive Block Plan shall be required in accordance with Section 6.2.4.2 incorporating an overall design to achieve proper access, internal traffic circulation, adequate parking, and *urban design* and landscape standards prior to approval of a specific *development* application in Special Activity Node B. Outdoor storage on lots abutting arterial roads and Provincial highways shall be prohibited and outdoor display areas shall be restricted and regulated by the Zoning By-law.

#### **4.5.3.7 Residential Uses in Commercial Designations**

- 4.5.3.7.1 Applications for residential uses in Major Commercial, Community Commercial, Local Commercial, and Mixed Use designations shall have regard for the following:
- a) conformity with the relevant provisions of Sections 4.4.3.5, 4.4.3.6, and 4.4.3.9;
  - b) compatibility with the general *character* of the area and, in particular, adjacent uses;
  - c) capacity of infrastructure services and roads to accommodate the proposed residential use;
  - d) proximity to community services and facilities and employment opportunities;
  - e) proximity to public transit;
  - f) availability of adequate parking in accordance with the Zoning By-law; and
  - g) where applicable, ability of the structural and physical character of a building to accommodate residential *intensification*, re-use, and/or *redevelopment*.

#### **4.5.3.8 Automobile Service Stations, Gas Bars, and Car Washes**

- 4.5.3.8.1 New automobile service stations, gas bars, and car washes shall generally be located in Commercial and Industrial designations, with the exception of lands in the Major Central Areas.
- 4.5.3.8.2 Applications for new or expanding automobile service stations, gas bars, and car washes shall be subject to the following policies:
- a) inclusion of appropriate provisions in the Zoning By-law;
  - b) major access will only be permitted from a collector or an arterial road;
  - c) locations shall be such that they would not create undue congestion or danger to vehicular, bicycle, or pedestrian traffic. Access points to each site shall be limited in number and designed in a manner

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which will minimize the danger to vehicular, bicycle, and pedestrian traffic in the immediate areas;

- d) sites will generally not be located adjacent to or opposite to schools or public recreation properties;
- e) where adjacent to residential areas and other sensitive uses, will only be permitted where there is no undue adverse effect on the adjacent use; and
- f) generally, no more than two automobile service stations, gas bars, and/or car washes shall be located at any intersection and diagonally opposite to each other.

#### **4.5.4 Implementation**

4.5.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Commercial areas.

4.5.4.2 In considering applications to amend the Zoning By-law or this Plan for proposed commercial *development* and *redevelopment*, the Municipality may require the preparation of a retail market impact analysis to justify the need for the additional floor space and to demonstrate no undue adverse impact on other existing and planned Central Areas. A peer review of the submitted analysis by a qualified professional may be required at the expense of the proponent.

4.5.4.3 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.

#### **4.5.5 Special Provisions**

4.5.5.1 Notwithstanding any other provisions of this Plan to the contrary, within the lands designated as Special Purpose Commercial south of Consumers Drive, directly east of the westbound Brock Street on/off ramp for Highway 401 and identified by Assessment Roll No.18-09-030-023-01925, the additional use of convenience commercial is permitted, subject to inclusion in the implementing Zoning By-law.



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## 4.6 Mixed Use

### 4.6.1 Goal

- 4.6.1.1 To encourage mixed residential and commercial *development* and *redevelopment* to ensure an intensive, transit-supportive, and efficient use of land, particularly in Intensification Areas and Intensification Corridors.

### 4.6.2 Objectives

- 4.6.2.1 To provide new opportunities for housing and employment which support the *redevelopment* of Mixed Use areas as accessible, transit-supportive, and pedestrian-oriented areas.
- 4.6.2.2 To provide for a range of integrated and compatible uses in Intensification Areas and Intensification Corridors.
- 4.6.2.3 To provide a transition between Mixed Use areas and established residential neighbourhoods.

### 4.6.3 Policies

- 4.6.3.1 Lands designated as Mixed Use shall permit integrated mixed-use *development* and *redevelopment* which include residential, office, retail, restaurant, personal service, and community and/or institutional uses. Lands designated as Mixed Use shall contain two or more of the foregoing permitted use categories. *Development* and *redevelopment* with a residential component is encouraged, particularly within Central Areas. Notwithstanding the foregoing, live-work units alone are not considered to meet the intent of this section.
- 4.6.3.2 For lands designated as Mixed Use, the Zoning By-law shall include provisions to enable the *development* and *redevelopment* of residential units as apartment units above non-residential uses within the same building, or of residential and non-residential uses in distinct and separate buildings on the same site, in accordance with the provisions of Section 6.2.4.2.
- 4.6.3.3 New department stores, *major retail uses*, and supermarkets that would detract from the Major Commercial designation shall not be permitted in areas designated as Mixed Use.
- 4.6.3.4 Further and superseding provisions for the range, mix, and density of uses and building heights permitted in areas designated as Mixed Use may be provided in a *Secondary Plan* or site specific policy.
- 4.6.3.5 The scale of any *development* or *redevelopment* in areas designated as Mixed Use in terms of permitted building height, lot coverage, floor space,

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density, and setbacks shall be included in the implementing Zoning By-law.

- 4.6.3.6 Where lands designated as Mixed Use are included in an Intensification Area or on an Intensification Corridor, the relevant policies of Section 4.2 and 4.3 also apply.
- 4.6.3.7 Mixed Use *development* and *redevelopment* containing residential uses shall be developed in accordance with the relevant provisions of Sections 4.4.3.5, 4.4.3.6, and 4.5.3.7.
- 4.6.3.8 Areas designated as Mixed Use are encouraged to intensify and consolidate over time into mixed-use nodes in accordance with the comprehensive block plan and *urban design* policies of Section 6.2.
- 4.6.3.9 Notwithstanding the provisions of Section 4.6.3.1, where a property designated as Mixed Use contains an existing single detached dwelling, the existing dwelling may be converted to a single permitted non-residential use provided that such conversion is compatible with surrounding uses and subject to a site specific amendment to the Zoning By-law. Expansions of existing buildings for non-residential uses are not permitted.

#### **4.6.4 Implementation**

- 4.6.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals on land designated as Mixed Use.

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## 4.7 Industrial

### 4.7.1 Goal

- 4.7.1.1 To provide opportunities to meet the employment and economic needs of the Municipality and the Region by sustaining and broadening the Municipality's economic base through the maintenance of existing businesses and encouragement of new industrial and business development.

### 4.7.2 Objectives

- 4.7.2.1 To provide a choice of areas for industrial uses within the Municipality by ensuring that an adequate supply of serviced industrial land is available within the designated Industrial areas of the Official Plan.
- 4.7.2.2 To retain existing industrial uses in strategic locations, by protecting such areas from land uses that may affect their continued viability and their expansion in the future.
- 4.7.2.3 To encourage and permit the *development* of a variety of industrial uses by designating lands through this Plan and *Secondary Plans* for Prestige Industrial areas, including *Business Parks*, and General Industrial areas.
- 4.7.2.4 To work closely with all Regional, Provincial, and Federal agencies and authorities to maintain the viability and expansion of existing industry and to maximize opportunities for attracting new business development in the Municipality.
- 4.7.2.5 To encourage the *intensification* of existing Industrial areas.
- 4.7.2.6 To require a high quality design in the Municipality's Industrial areas and *Business Parks*.

### 4.7.3 Policies

#### 4.7.3.1 General Industrial

- 4.7.3.1.1 The predominant use of land designated as General Industrial shall be for the manufacturing, processing, assembly, servicing, storing of goods and raw materials, warehousing, and uses for similar and related purposes such as utility yards and functions, and transportation terminals. Truck, equipment and machinery service shops, building and contracting yards, commercial self-storage facilities, and landscape industry uses are permitted on lands designated as General Industrial. Recycling of materials such as paper, glass, metal, construction waste, and plastics may be permitted provided the operation is wholly enclosed and is in

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accordance with any required Provincial certificate of approval. A range of parcel sizes is encouraged to support a broad range of uses.

- 4.7.3.1.2 Consideration may be given to zoning limited areas adjacent to arterial roads for Prestige Industrial uses as defined in Section 4.7.3.2 without amendment to this Plan.
- 4.7.3.1.3 Areas designated as General Industrial shall also permit *accessory* sales and service and office components of industrial operations, provided that they are smaller in scale and subordinate to the primary use, are located on the same lot as the primary use, have no detrimental impact on adjacent uses, and the floor space limits and any other specific requirements are included in the Zoning By-law.
- 4.7.3.1.4 Heavy industrial uses and open storage areas shall generally be located in the interior of Industrial areas, away from and appropriately screened from non-compatible uses, such that no adverse effects will result on *sensitive land uses* and subject to the relevant policies of Section 5.
- 4.7.3.1.5 General Industrial uses shall comply with all government health and environmental standards and guidelines so as to cause no adverse effects as a result of the emission of smoke, noise, odours, or any other form of pollution and shall be designed, buffered, and separated from *sensitive land uses*.
- 4.7.3.1.6 Transportation terminals shall be located in General Industrial areas with direct access to an arterial road or close connection to high volume arterial roads or Provincial highways.

#### **4.7.3.2 Prestige Industrial**

- 4.7.3.2.1 Areas designated as Prestige Industrial on Schedule “A” comprise lands in strategic locations having prime exposure to Highways 401, 407, and 412. All *development* and *redevelopment* in these areas shall exhibit a high standard of building design, an attractive appearance, and extensive landscaping. A range of parcel sizes is encouraged to support a broad range of uses.
- 4.7.3.2.2 The use of land in Prestige Industrial areas shall generally include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, *major office* uses within *Business Parks*, data processing centres, commercial or technical schools, post-secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is identified in the Zoning By-law and is compatible with adjacent land uses.

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4.7.3.2.3 Warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, with the exception of *Business Parks*, subject to the following criteria:

- a) located in proximity to Highways 401, 407, or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and
- d) wholly enclosed in buildings with no outdoor storage.

Notwithstanding the above, commercial self-storage facilities are not permitted in the Prestige Industrial designation, including *Business Parks*, and are directed to areas designated as General Industrial.

4.7.3.2.4 The following secondary uses may be permitted in the Prestige Industrial designation, including *Business Parks*, subject to the inclusion of appropriate provisions in the Zoning By-law:

- a) limited personal service uses, restaurants, and financial institutions serving the immediate designated Industrial Area;
- b) health or athletic club; and
- c) hotels and convention/banquet facilities, provided that such uses are compatible with uses in the surrounding area.

The maximum gross floor area permitted for individual personal service uses, restaurants, and financial institution uses is 500 square metres. The locations for and number of such uses on a lot shall be restricted in the Zoning By-law to ensure that these uses are complementary to Prestige Industrial uses and do not detract from the planned function of the Prestige Industrial designation, and generally comprise no more than 10 per cent of the aggregate floor area of the uses within each Prestige Industrial area, as generally bounded by arterial roads and highways, and natural features.

4.7.3.2.5 Areas designated as Prestige Industrial may be planned and developed in a comprehensive manner in a campus-like layout as *Business Parks*, and identified as such in *Secondary Plans*, where applicable. *Business Parks* shall be distinctive, large, highly visible, transit-supportive, and accessible with more intensive employment opportunities. The highest design and development standards shall be utilized. Where *Business Parks* are identified in *Secondary Plans*, the *Secondary Plan* shall provide further detailed policies with respect to the *development* and design of such areas.

4.7.3.2.6 It is the intent of this Plan that at least 50 per cent of new employment will be accommodated in the areas designated as Prestige Industrial and General Industrial on Schedule “A” in order to achieve balanced growth and to meet the employment forecasts in Section 2.2.2.

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- 4.7.3.2.7 It is the intent of the Municipality that a Health Precinct be established in the vicinity of the Highway 407 and Baldwin Street interchange. The Brooklin Community Secondary Plan shall identify the location and policy framework for the development of the Health Precinct.
- 4.7.3.2.8 Automobile service stations and gas bars may be permitted on lands designated as Prestige Industrial in accordance with the provisions of Section 4.5.3.8.
- 4.7.3.2.9 Within lands designated as Prestige Industrial, open storage shall generally not be permitted. However, if there is a demonstrated need, the Municipality may permit limited *accessory* outdoor storage areas, subject to the inclusion of appropriate provisions in the Zoning By-law, provided they are located in rear yards, are adequately screened from adjacent roads and do not exceed the ground floor area of the primary use.
- 4.7.3.2.10 As an exception, dealerships for new automobiles and trucks may be permitted in the Prestige Industrial designation by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, Highway 407, or Highway 412, or abutting a service road adjacent to one of these Provincial highways, provided such uses are compatible with the surrounding area. Automobile and truck dealerships shall be required to achieve high *urban design* and landscape design standards in accordance with the applicable policies in Section 6.2.
- 4.7.3.2.11 The lands designated as Prestige Industrial on the north side of Champlain Avenue east of Thickson Road are encouraged to be developed with higher order industrial uses and the expansion of post-secondary educational uses, in consideration of the proximity of a future Major Transit Station in Oshawa.

#### **4.7.3.3 Sensitive Land Uses**

- 4.7.3.3.1 Residential uses, long-term care and retirement homes, elementary and secondary schools, and places of worship are *sensitive land uses* that shall not be permitted in Industrial designations. Other uses, such as funeral homes, day care centres within an office building in an area designated as Prestige Industrial and/or *Business Park*, and residences ancillary to post-secondary educational institutions may be permitted in Prestige Industrial designations as an exception by amendment to the Zoning Bylaw, subject to an assessment which addresses the compatibility of the proposed use with existing and future land uses in the area.

#### **4.7.3.4 Conversion of Industrial Areas**

- 4.7.3.4.1 The Municipality may only permit the conversion of lands within Industrial areas to non-employment uses, through a *municipal comprehensive review*, where it has been demonstrated that:

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- a) there is a need for the conversion;
  - b) the Municipality will meet the employment forecasts allocated to the Municipality pursuant to the Growth Plan for the Greater Golden Horseshoe;
  - c) the conversion will not adversely affect the overall viability of the Industrial Area, and achievement of the intensification target, density target, and other policies of this Plan or the Durham Regional Official Plan;
  - d) there is existing or planned *infrastructure* to accommodate the proposed conversion;
  - e) the lands are not required over the long term for the employment purposes for which they are designated; and
  - f) cross-jurisdictional issues have been considered.

An amendment to permit the conversion of lands within Industrial areas to non-employment uses may also require an amendment to the Durham Regional Official Plan.

Notwithstanding the foregoing, in the case of a *Regeneration Area*, conversion shall be considered through a comprehensive review pursuant to the provisions of the Provincial Policy Statement.

- 4.7.3.4.2 In accordance with the **Planning Act**, there is no appeal to the Local Planning Appeals Tribunal with respect to a refusal or failure to adopt an Official Plan amendment or approve a Zoning By-law amendment application that proposes to remove any land from Industrial areas, even if other land is proposed to be added, or an application that proposes non-employment uses in Industrial areas, except as are permitted by the policies of this Plan.

#### **4.7.4 Implementation**

- 4.7.4.1 The Municipality will assess its supply of serviced industrial land by:
- a) monitoring the supply of serviced and unserviced industrial land and the absorption of industrial land;
  - b) monitoring the Region's capital forecasts supporting the extension of municipal services into designated Industrial areas; and
  - c) reviewing industrial needs through the review and update of this Plan.
- 4.7.4.2 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Industrial areas.

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4.7.4.3 A phasing plan may be required for the *development* of large industrial sites or multiple parcels, particularly in an area identified as a *Business Park*.

#### 4.7.5 Special Provisions

4.7.5.1 Notwithstanding any other provisions of this Plan to the contrary, an existing automobile sales dealership shall be permitted on lands located in Part of Lot 32, Concession 1, identified by Assessment Roll No.'s 18-09-020-001-11200-0000, 18-09-020-001-11220-0000, and municipally known as 1025 Dundas Street West. Expansion of the existing automobile sales dealership, onto land identified by Assessment Roll No. 18-09-020-001-11300-0000, municipally known as 1151 Dundas Street West, may be permitted, subject to inclusion of appropriate provisions in the Zoning By-law.

4.7.5.2 Notwithstanding the policies of this Plan to the contrary, and in accordance with Policy 8C.3.1 of the Durham Regional Official Plan, an integrated, higher density, mixed-use *development* including residential, office, commercial and *business park* uses, is permitted within the area bounded by Victoria Street, Gordon Street, Montecorte Street, and Nordeagle Avenue. The extent and scale of development shall be determined through the completion of studies to the satisfaction of the Region and Municipality to support an amendment to the Lynde Shores Secondary Plan, which shall address the following:

- a) the determination of an appropriate range of permitted uses within the mixed-use development area that are compatible with uses on adjacent lands that are existing and permitted in accordance with the Lynde Shores Secondary Plan;
- b) the compatibility of land uses, which shall include the provision of a transition area between any residential or other sensitive uses and *Business Park* uses adjacent to the mixed-use development area. The transition area may include the parcel immediately north of Nordeagle Avenue, identified by Assessment No. 18-09-020-002-70445;
- c) an analysis of the appropriate height, density, *massing*, and built form for the mixed-use development area, and the delineation of the boundaries of the transition area;
- d) an *urban design* plan;
- e) an analysis of the impacts on the surrounding community, including traffic, noise, environment, air quality, and market;
- f) a phasing plan to address the availability of servicing; and
- g) any other relevant matters and policies of this Plan.



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## 4.8 Institutional, Cultural, and Community Facilities

### 4.8.1 Goal

4.8.1.1 To ensure that adequate institutional, community, educational, and cultural facilities are provided to create a healthy, liveable community and to accommodate the needs of the Municipality's population and work force.

### 4.8.2 Objectives

4.8.2.1 To encourage the co-location and shared use of institutional and community facilities, where appropriate.

4.8.2.2 To support the establishment of educational facilities in the Municipality.

4.8.2.3 To encourage the development of facilities that satisfy the health, education, religious, and cultural needs of the community and that are accessible for all members of the community.

### 4.8.3 Policies

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.

4.8.3.2 The Municipality shall, where practical, encourage the creation of *community hubs* through:

- a) the joint use of institutional and community facilities and campus development through the location of schools adjacent to parks and public open space;
- b) consultation with the school boards and any other institutional agencies in the promotion, design, and joint use of facilities;
- c) the location of institutional and community facilities in close proximity to other centres of activity to encourage joint use of facilities and complementary relationships; and
- d) the adaptive reuse of community and institutional buildings.

4.8.3.3 The Municipality will encourage the development of arts and culture in the Municipality. In this regard, the Municipality will encourage and support the continuation and expansion of the Whitby Station Gallery and the Whitby Centennial Building as arts and cultural centres, and will develop a Culture Plan, in consultation with the community, to guide the provision of arts and culture programs, services, and facilities in the Municipality.

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- 4.8.3.4 Institutional uses and community facilities shall be located in areas which will complement the general policies of this Plan, and adjoining existing and proposed land uses, particularly residential uses. Vehicular access to institutional uses within the Urban Area shall generally be from collector or arterial roads. Major institutional uses serving local Municipal and Regional catchment areas should be located on arterial roads.
- 4.8.3.5 Elementary and secondary schools are permitted within areas designated as Residential and Institutional on Schedule “A”. The Municipality shall plan the location of schools in cooperation and consultation with the appropriate school boards to ensure that school site locations will be the most appropriate to the needs of the area. The general location of elementary and secondary school sites are indicated in *Secondary Plans*, where applicable.
- 4.8.3.6 School sites should be centrally located within the catchment area they serve, fronting on collector or arterial roads, and integrated, where possible, with other community facilities. *Active transportation*, safety, and access shall be considered in determining school locations.
- 4.8.3.7 Generally, elementary schools shall have a site size of approximately 3.0 hectares and secondary schools shall have a site size of approximately 6.0 hectares, however, actual school site sizes shall be determined through the *development* review process in consultation with the applicable school board.
- 4.8.3.8 Where a vacant school site shown in a *Secondary Plan* is not required by the school boards, the lands may be developed in accordance with the underlying land use designation without an amendment to this Plan. Where a school site is located on a collector or arterial road and meets the criteria of Section 4.4.3.9.2, such site is encouraged to be developed for Medium Density and High Density Residential uses.
- 4.8.3.9 The establishment or expansion of a post-secondary educational facility will be encouraged in appropriate areas of the Municipality, such as within Major Central Areas and Prestige Industrial designations that are in proximity to 400 series Provincial highways and have access to transit.
- 4.8.3.10 Ontario Shores Centre for Mental Health Sciences and Lakeridge Health Whitby shall be encouraged to expand with complementary health-related and research and development facilities so as to establish and sustain a *Health Precinct* within the Lynde Shores Secondary Plan.
- 4.8.3.11 Should the Province of Ontario determine to sell or transfer its holdings now occupied by Ontario Shores Centre for Mental Health Sciences, arrangements shall be made to ensure that the Major Open Space lands

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remain in public ownership in order to provide a publicly accessible Waterfront.

#### **4.8.4 Implementation**

4.8.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals on lands designated as Institutional.

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## 4.9 Major Open Space

### 4.9.1 Goal

- 4.9.1.1 To establish, maintain, preserve, and enhance an integrated and linked system of public open spaces, natural heritage and hydrologic features, agricultural lands, rural uses, parkland, and recreational facilities that meets the needs of present and future residents and maintains a healthy and *resilient Natural Heritage System*.

### 4.9.2 Objectives

- 4.9.2.1 To provide parks and recreational facilities to meet the needs of all ages and abilities as the Municipality grows.
- 4.9.2.2 To maintain and enhance scenic vistas and other distinctive topographic and natural features.
- 4.9.2.3 To ensure that active and passive recreational uses in both the urban and rural areas do not have a negative impact on *natural heritage features* and areas and their related *ecological functions*.
- 4.9.2.4 To maximize public waterfront accessibility to and along the Lake Ontario shoreline and to maintain and develop the harbour for recreational and complementary uses.
- 4.9.2.5 To identify and protect suitable lands in both the urban and rural area that contribute to the expansion of a linked and integrated open space system.

### 4.9.3 Policies

- 4.9.3.1 The Major Open Space system is identified on Schedule “A” and includes significant portions of the Municipality’s *Natural Heritage System*, conservation areas, the Lake Ontario Waterfront, as well as portions of the Former Lake Iroquois Beach, the Oak Ridges Moraine and other open space and rural lands. Wherever appropriate, the Major Open Space system shall be continuous and linked with paths and trails for use by pedestrians and cyclists. Utility corridors will be part of the Major Open Space system, wherever possible.
- 4.9.3.2 Lands along the Lake Ontario Waterfront are designated as Major Open Space to support the objective of a Waterfront that is publicly accessible and interconnected, offers a wide range of recreational activities, and provides for the protection and conservation of *natural heritage features and areas* and *cultural heritage resources*.
- 4.9.3.3 The Municipality shall encourage the establishment of east-west open space corridors connecting to adjacent municipalities in the vicinity of the

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Former Lake Iroquois Beach, the Greenbelt Protected Countryside, and along utility corridors.

4.9.3.4 Large parks and existing *major recreational uses* are designated as Major Open Space on Schedule “A”. Other smaller parks and recreational facilities are not necessarily designated as Major Open Space on Schedule “A” but are considered to be part of the Major Open Space system and subject to the relevant policies of this section. Parks and trail networks may be identified in *Secondary Plans* and are subject to the more detailed provisions in the applicable *Secondary Plan*.

4.9.3.5 Permitted uses in the Major Open Space designation, as shown on Schedule “A”, shall include active and/or passive recreational and conservation uses, forest, wildlife and fisheries management, community gardens, and private recreation uses that have minimal negative impacts on the environment and which are consistent with the goals and objectives of this Plan.

Outside the Urban Area boundary, *agricultural uses, agriculture-related uses, and on-farm diversified uses* are permitted on lands designated as Major Open Space in accordance with the relevant provisions of Section 4.10. In addition, the establishment of *major recreational uses, commercial kennels, small-scale landscape industry uses, and non-farm related home industries* 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.

4.9.3.6 Notwithstanding the provisions of Section 4.9.3.5, existing cemeteries shall be recognized as permitted uses in the Major Open Space designation. 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 in accordance with the following criteria:

- a) the site is located on lower quality agricultural lands, where applicable;
- b) the proposal has no negative impacts on the natural environment, including groundwater;
- c) the proposal has no adverse traffic, parking and visual impacts on the surrounding land uses;
- d) the lands are suitable to be developed as a cemetery; and
- e) any other requirements of the Greenbelt Plan or Oak Ridges Moraine Conservation Plan.

4.9.3.7 Notwithstanding the provisions of Section 4.9.3.5, a single detached dwelling may be permitted on an existing vacant lot of record subject to the provisions of the Zoning By-law and the lot having frontage on a public

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road fully maintained on a year-round basis and any relevant policies of Section 5 of this Plan.

- 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:
- a) the location is appropriate and the use is compatible with surrounding land uses and the rural environment;
  - b) the proposed *development* does not adversely impact surrounding agricultural operations as demonstrated by an agricultural impact assessment if required by the Municipality;
  - c) the proposed *development* conforms with the *Minimum Distance Separation formulae* where applicable;
  - d) the parcel is of an appropriate size for the proposed use;
  - e) the site fronts on an open public road and can be adequately serviced with an individual private drilled well and waste disposal system on a *sustainable* basis;
  - f) the use is outside of the *Natural Heritage System* shown on Schedule “C” and, where required, an *Environmental Impact Study (EIS)* demonstrates that the proposed *development* does not have a negative impact on the natural heritage features and related *ecological functions*;
  - g) the implementing Zoning By-law regulates the size and scale as appropriate;
  - h) a site plan is approved for the site, as necessary, to the satisfaction of the Municipality;
  - i) any applicable requirements of the Durham Regional Official Plan and Greenbelt Plan are addressed; and
  - j) the proposal complies with any other applicable requirements of the Municipality, Region of Durham, Conservation Authority, or Province.

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4.9.3.11 The following additional policies apply to *development* or *site alteration* for non-*agricultural uses* on lands designated as Major Open Space within the Greenbelt Natural Heritage System as identified on Schedule “C” to this Plan:

- a) The disturbed area of any site does not exceed 25 per cent (40 per cent for golf courses) and the impervious surface does not exceed 10 per cent of the total developable area, except for recreational and mineral aggregate uses;
- b) At least 30 per cent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation;
- c) *Connectivity* along the system and between natural heritage or hydrologic features located within 240 metres of each other is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape; and
- d) Compatibility of the project with the natural surroundings is optimized and, wherever possible, natural features should be incorporated into the planning and design of *development* proposals.

Notwithstanding the above, for *mineral aggregate operations* and wayside pits, the policies of the Greenbelt Plan shall prevail.

4.9.3.12 Proposed new or expanding *major recreational uses* shall require an amendment to this Plan and are subject to the relevant policies of Section 5 of this Plan and the Durham Regional Official Plan. In addition to any studies identified as part of a complete application in Section 10.1.14, and the requirements of Section 4.9.3.10 and, where applicable, Sections 4.9.3.11 and 4.9.3.13, a proposal for a *major recreational use* shall be accompanied by a hydrogeological study addressing the protection of the water resource, including a water balance assessment, and a Best Management Practices report as defined in the Durham Regional Official Plan. The site specific amendment to the Zoning By-law shall identify the maximum size and scale of buildings and structures, as well as appropriate setbacks, associated with the *major recreational use*.

4.9.3.13 Proposed new or expanding *major recreational uses* in the Greenbelt Protected Countryside shall be accompanied by a vegetation enhancement plan that incorporates planning, design, landscaping, and construction measures that:

- a) maintain or, where possible, enhance the amount of natural self-sustaining vegetation on the site and the *connectivity* between adjacent *key natural heritage features* or *key hydrologic features*;
- b) keep *intermittent stream* channels and drainage swales in a free-to-grow, low-maintenance condition, wherever possible;

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- c) minimize the application and use of pesticides and fertilizers; and
  - d) locate new natural self-sustaining vegetation in areas that maximize the *ecological functions* and ecological value of the area.

4.9.3.14 Proposed new or expanding *major recreational uses* shall be accompanied by a conservation plan demonstrating how water use and nutrient and biocide will be kept to a minimum, including through the establishment and monitoring of targets.

4.9.3.15 Commercial kennels may be permitted on existing lots of record on lands designated as Major Open Space outside the Urban Area boundary, subject to the provisions of Section 4.9.3.10, Section 4.9.3.11 where applicable, and the following criteria:

- a) The kennel is not adjacent or in close proximity to existing or proposed residential uses;
- b) The site is large enough to accommodate extensive setbacks from lot lines to be identified in the site specific amendment to the Zoning By-law; and
- c) Substantial buffering and screening are provided to reduce noise to an acceptable level. A noise study may be required to assess noise levels and recommend appropriate mitigation measures.

4.9.3.16 Landscape industry uses, which consist of businesses associated with horticulture, are encouraged to locate on lands designated as Industrial. Small-scale landscape industry uses, not *accessory* to a primary use, may be permitted on existing lots of record on lands designated as Major Open Space outside of the Urban Area boundary, subject to the requirements of Section 4.9.3.10, Section 4.9.3.11 where applicable, and the following additional criteria:

- a) The use does not include retailing products from the site;
- b) The use does not require large-scale modification of the terrain, vegetation, or both, or large-scale buildings and structures; and
- c) The site is large enough to accommodate extensive setbacks from lot lines and buffering and screening are provided to the road and neighbouring properties.

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;



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- 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.

4.9.3.18 *Development* applications that are submitted for lands within or adjacent to areas indicated as *Natural Heritage System* on Schedule “C” shall be required to undertake an *EIS* in accordance with Section 5.4.2 of this Plan.

4.9.3.19 Where lands designated as Major Open Space are under private ownership, it shall not be construed that these sites are free and open to the public, nor that they will be acquired by the Municipality.

4.9.3.20 The dedication to the Municipality of valleylands and *woodlands*, as well as Major Open Space lands within the Former Lake Iroquois Beach, Greenbelt Protected Countryside or Oak Ridges Moraine, shall be encouraged through the *development* approval process where such lands would contribute to the achievement of the Major Open Space System. Such lands are generally not accepted as parkland dedication through the provisions of Section 4.9.4.3.

4.9.3.21 The Municipality will encourage the acquisition, conservation, and maintenance of public open space and park areas and related facilities as part of a comprehensive program of facilities management and community improvement.

#### **4.9.3.22 Parks, Trails and Recreational Facilities**

4.9.3.22.1 Park functions and facilities shall be based upon the following classifications and definitions:

- a) **Local Parks**, including parkettes and tot-lots, are intended to serve the recreational needs of the immediate neighbourhood for active and passive recreational opportunities. Facilities may include sports fields, landscaped areas, walkways, ball courts, playgrounds, community gardens, and similar facilities;

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- b) **District Parks** are intended to serve the recreational needs in a community area or series of neighbourhoods with outdoor and indoor recreational opportunities. They shall be primarily active recreation areas with illuminated major sports fields and facilities, recreation/ community centres, ball courts, playgrounds, community gardens, landscaped and passive recreation areas, and parking areas; and
  - c) **Town Parks** are intended to serve recreational needs on a Town-wide basis and include major recreational and *cultural heritage resources* and municipally-owned open spaces along valleys, the Waterfront and the Former Lake Iroquois Beach. They may include active recreation areas with illuminated major sports fields and facilities, recreation/community centres, ball courts, playgrounds, community gardens, landscaped and passive recreation areas, and parking areas.

4.9.3.22.2 It is the objective of the Municipality to provide public parkland at an overall rate of 2.0 hectares per 1,000 population, exclusive of Natural Hazards and *Natural Heritage System* lands as follows:

- a) Lands for Local Parks at a rate of 0.8 hectares per 1,000 population and each such Local Park shall generally be 1.5 hectares in size, except in the case of residential parkettes or tot-lots, where the size shall generally range in size between 0.1 hectare and 1.0 hectare;
- b) Lands for District Parks at a rate of 0.8 hectares per 1,000 population and each such District Park shall generally be 4 hectares in size; and
- c) Lands for Town Parks at a rate of 0.4 hectares per 1,000 population at appropriate locations throughout the Municipality.

Lands for public parks and open space shall be acquired in accordance with the provisions of Section 4.9.4 of this Plan.

4.9.3.22.3 The following design and locational policies shall apply to the provision of parkland and open space in the Municipality:

- a) Parks shall generally be located as central as possible to the communities or neighbourhoods that they serve;
- b) Local Parks shall generally have frontage on a local or collector road and District Parks shall be located on a collector or an arterial road;
- c) Local parks shall generally be accessible within a 500 metre walking distance of the neighbourhood they serve and shall be strategically located to discourage the crossing of arterial roads;

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- d) Street frontage and physical access shall be provided to all recreational areas, open space, parks, and facilities at appropriate locations and in accordance with the Municipality's design standards and requirements;
  - e) Parkland areas and the Major Open Space system shall generally be connected utilizing walkways, trails, utility and/or open space corridors, sidewalk systems, bicycle paths, and roads. Wherever possible, linkages shall avoid crossing arterial roads between intersections;
  - f) Parks shall be integrated with the adjacent neighbourhood through open space, cycling, or walkway linkages to community facilities and natural features;
  - g) Naturalization of open space portions of parkland shall be undertaken in appropriate locations;
  - h) Community gardens may be located in parks, subject to the approval of the Municipality;
  - i) The design and development of parks and school sites shall be integrated, wherever possible, subject to the following guidelines:
    - i) The establishment of joint park-school facilities shall be complementary in design and physical barriers or separation of facilities should be avoided;
    - ii) Facilities shall be designed to be complementary;
    - iii) A shared facilities agreement between the relevant School Board and the Municipality is encouraged;
    - iv) A Local Park shall be generally integrated with an elementary school;
    - v) A District Park shall be generally integrated with a secondary school or one or more elementary schools;
  - j) Individual master plans may be prepared to guide the long-term development of parks and shall be prepared in accordance with the Municipality's design standards and Parkland Development Policy; and
  - k) The design of parks shall comply with the relevant provisions of Section 6.2.3.10 of this Plan.

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- 4.9.3.22.4 Council may permit the consolidation of Local and/or District Parks in a *Secondary Plan* without an amendment provided that such consolidation meets the requirements of Sections 4.9.3.22.2 and 4.9.3.22.3 of this Plan. In addition, parkettes may be located within residential areas without a Local Park designation.
- 4.9.3.22.5 The Municipality shall require the design of parks and recreational facilities in a manner that allows for accessibility and the efficient and cost-effective use of existing facilities.
- 4.9.3.22.6 The Municipality will encourage the development of public and private open space areas and recreational facilities in areas where active use is appropriate to meet the changing and diverse recreational needs and requirements of the community. In particular, the Municipality will site community level recreational facilities that serve significant portions of the Municipality's population in locations in proximity to the Brock Street/Baldwin Street corridor, where appropriate and possible.
- 4.9.3.22.7 Connecting Whitby's urban area to the Waterfront Trail shall be encouraged through transit and other north-south linkages, including *active transportation* facilities, trails and walkways within open space lands, the Major Open Space system, and sidewalks within the road network.
- 4.9.3.22.8 The size, location, and function of parks, parkettes, and urban squares, and cycling and trail linkages to other open space and park areas, shall be detailed in *Secondary Plans*, as well as in plans of subdivision and site plans as appropriate.
- 4.9.3.22.9 *Secondary Plans* may contain policies and designations for the establishment of urban squares, in public or private ownership, which are intended to function as public gathering areas. These spaces should be easily accessible and visible to the public, contain seating amenities, hard landscaping, sun protection, and natural elements, and provide opportunities for passive recreation uses, public or private programmed activities, and a display of public art.
- 4.9.3.22.10 Through the *Secondary Plan* and *development* application process, the Municipality shall encourage the integration of pathways, trails, and bicycle facilities, and improve connections to the pathways and trails systems, and the cycling network identified in the Municipality's cycling and trails plan.
- 4.9.3.22.11 The Municipality will direct more intensive recreation opportunities away from sensitive landscapes, including the *Natural Heritage System* and *agricultural* uses. Trails shall include clear demarcation of where public access is permitted.

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## 4.9.4 Implementation

4.9.4.1 The Municipality shall prepare, and update from time to time, a parks plan which examines park needs in the Municipality and identifies parkland and facility requirements to provide an adequate level of parkland in the community. The parkland dedication standards in Section 4.9.4.3 shall be updated as necessary to implement the findings of the parks plan.

4.9.4.2 The Municipality may acquire lands for parks, the cycling and trails network, recreation, and open space purposes and any other lands necessary to achieve an integrated and continuous parkland and open space system throughout the Municipality by any of the following means:

- a) provisions of the **Planning Act**, as amended from time-to-time, including parkland dedication, cash-in-lieu of parkland, and bonusing;
- b) monies allocated in the Municipal budget;
- c) donations, gifts, contributions, or bequests from individuals or corporations;
- d) monies and subsidies allocated by any Authority having jurisdiction for land acquisition;
- e) access easements;
- f) the exchange of lands; and
- g) expropriation.

4.9.4.3 The Municipality shall require that land be conveyed at no cost to the Municipality for parkland or other public recreational purposes, based upon the following requirements:

- a) for the *development* or *redevelopment* of land uses for residential purposes, up to 5.0 per cent of the total land holdings, or a cash-in-lieu equivalent. Alternatively, the Municipality may require the conveyance of lands for park or other public recreational purposes at a rate of 1 hectare for each 312 dwelling units proposed, or a cash-in-lieu equivalent, or at such lesser rate as may be determined by the Municipality;
- b) for the *development* or *redevelopment* of land for commercial or industrial purposes, up to 2.0 per cent of the total land holdings or an equivalent amount of cash-in-lieu of land;
- c) for the *development* or *redevelopment* of land for mixed-use *development* as permitted by Section 4.6 of this Plan, the lands for park or other public recreational purposes shall be calculated at the rate of 1 hectare for each 312 dwelling units, or the cash-in-lieu equivalent, or at such lesser rate as may be determined by the

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Municipality. However, in no case shall such contribution be less than 2.0 per cent of the land area or the cash-in-lieu equivalent, assessed on the basis of the percentage of the total floor space used for non-residential purposes; and

- d) where new *development* is proposed on lands, part of which is identified as Natural Hazards or Natural Heritage on Schedule “C”, or a significant woodlot then such lands shall not be acceptable as part of the dedication of parkland for public recreation purposes or cash-in-lieu payment under the **Planning Act**. In addition, the open-space setbacks from the top-of-bank, as required by Section 5.3.10.6 of this Plan, shall not be included as part of the dedication of parkland or cash-in-lieu payments under the **Planning Act**.

4.9.4.4 All areas conveyed to the Municipality for the purposes of the Major Open Space system shall be free of all encumbrances and contamination and in a physical condition satisfactory to the Municipality. Where this condition requires restoration or remediation, such work shall be carried out at no expense to the Municipality. Lands which are required to be conveyed to the Municipality as a result of *development* or *redevelopment* will also be expected to meet minimum standards for drainage, grading, slope stability, and general condition as contained in the Municipality’s parkland development policy.

4.9.4.5 Priority shall be given to the acquisition of lands for parks, recreation, and open space in areas of greatest deficiency.

Priorities for parkland acquisition will be based upon the Municipality’s master plans prepared for cultural and recreational facilities and the following:

- a) existing and proposed population densities;
- b) existing facilities and their accessibility to the neighbourhood residents;
- c) the availability of funds for acquisition;
- d) the availability of land on the open market; and
- e) the necessity to expropriate.

Where practical, new parkland and other lands for public purposes will be acquired in cooperation with land acquisition programs of school boards, Conservation Authorities, and other public agencies.

4.9.4.6 The development and preservation of the Major Open Space system along the Lake Ontario Waterfront will continue to be implemented in cooperation and full consultation with the various authorities having jurisdiction and their overall guidelines and policies, the Municipality, and the property owners affected.

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- 4.9.4.7 The Municipality shall acquire Waterfront lands, where feasible and practical, for open space purposes or to provide public access to the Waterfront through public parkland, lease arrangements, easements, and/or public rights-of-way. Further, where feasible and deemed appropriate, the Municipality shall acquire valleylands or establish easements for recreational trails along watercourses.
- 4.9.4.8 Major Open Space lands owned by the Municipality shall be retained in public ownership. Where *development* by private interests is permitted by Council, it will be on a leasehold basis, with the Municipality reserving the right of access to all lake frontage and open space areas.

#### **4.9.5 Special Provisions**

- 4.9.5.1 Notwithstanding any other provisions of this Plan to the contrary, the additional use of a topsoil processing operation and the *accessory* sale and storage of landscape aggregates, landscape retaining wall materials, paving stones and other related products, may be permitted as an exception, on an approximately 5.5 hectare portion of the lands located in Part of Lot 35, Concession 4, having access from Lake Ridge Road, and identified as part of Assessment Roll No. 18-09-010-036-25105, subject to the appropriate provisions in the implementing Zoning By-law and subject to a development agreement to the satisfaction of the Municipality, which shall address such issues as, but not limited to: landscaped buffering, grading, drainage, and access.
- 4.9.5.2 It is the intent of the municipality to protect and maintain any *built heritage resources* located in the Major Open Space designation, north of the Special Activity Node designation on the former Cullen Gardens lands, east of Cochrane Street. Notwithstanding the uses permitted in the Major Open Space designation, other uses within these structures may be permitted, such as museum or other type of interpretive or education centre related to culture, arts, and natural heritage, bed and breakfast, gift shop, office or other uses that are complementary and consistent with the planned activities of the adjacent Special Activity Node, and provided there is no impact on the historical or architectural significance of the building. The permitted uses shall be implemented through the Zoning By-law.
- 4.9.5.3 Notwithstanding any other provisions of this Plan to the contrary, the additional use of a golf course and driving range including ancillary uses, may be permitted as an exception, on lands located in Part of Lots 31 and 32, Concession 5, identified by Assessment Roll numbers 18-09-010-036-32800-0000, 18-09-010-036-07600-0000, 18-09-010-036-08700-0000, 18-09-010-036-07500-0000, and 18-09-010-036-07305-0000, subject to the inclusion of appropriate provisions in the Zoning By-law and Site Plan Control.

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## 4.10 Agricultural

### 4.10.1 Goal

- 4.10.1.1 To maintain the agricultural area of the Municipality consistent with the preservation of its natural amenities, its agricultural function and existing rural settlement pattern.

### 4.10.2 Objectives

- 4.10.2.1 To preserve prime agricultural areas and high capability agricultural lands for farming and related uses on a long-term basis.
- 4.10.2.2 To support the continuation of a viable agricultural community through the promotion and protection of *agricultural uses* and *normal farm practices*.
- 4.10.2.3 To restrict the development of non-*agricultural uses* in the rural area.

### 4.10.3 Policies

- 4.10.3.1 Agricultural lands are designated as Agricultural on Schedule “A” of this Plan. Agricultural lands within the Oak Ridges Moraine are also governed by the policies and designations of the Oak Ridges Moraine Secondary Plan.
- 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.
- 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 and will be assessed based on the following criteria:
- a) The scale of proposed uses can be appropriately serviced by private well and sanitary services;
  - b) The agricultural/rural *character* of the area can be maintained;
  - c) Compatibility with adjacent land uses can be achieved,
  - d) Buffering is provided, as required;
  - e) Reuse of existing buildings on the property is undertaken where feasible; and
  - f) The proposal complies with *Minimum Distance Separation formulae*, Provincial guidelines, and any other legislation, as applicable.



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*On-farm diversified uses* shall be limited in area in relation to the total land area and shall generally occupy no more than 2 per cent of the property on which the uses are located, to a maximum of one hectare in size. The gross floor area of buildings used for *on-farm diversified uses* shall generally not occupy more than 20 per cent of the land area occupied by an *on-farm diversified use*.

An agricultural impact assessment may be required to demonstrate that there will be no adverse effects from the proposed use on surrounding agricultural operations and assess the *cumulative impact* of multiple uses in the agricultural area.

- 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:
- 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.
- 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-based 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.
- 4.10.3.8 New buildings or structures or expansions to existing buildings and/or structures located on lands shown as *Natural Heritage System* on Schedule "C" shall be subject to the policies of Section 5.
- 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.

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- 4.10.3.10 Severances, other than those authorized by Section 4.10.3.9, on lands designated as Agricultural are generally discouraged but may be permitted in accordance with the relevant provisions in the Durham Regional Official Plan for:
- a) an *agriculture-related use*, provided the new lot will be limited in size as required to accommodate the use and appropriate sewage and water services;
  - b) a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot is limited to a minimum size needed to accommodate the use and appropriate sewer and water services; and
  - c) minor lot line adjustments, easements, rights-of-way, correction to title, and conveyances between lots of record that do not result in new lots or undersized agricultural lots.
- 4.10.3.11 Severances in areas designated as Agricultural shall not be permitted for non-farm residential purposes.
- 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 *development* occurs.
- 4.10.3.15 *Secondary Plans* prepared for lands identified as Future Urban Development Areas shall address the appropriate transition of land uses and buffering where abutting lands are designated as Agricultural, to minimize the potential adverse effects of new *development* on agricultural operations.

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## 4.11 Rural Settlements

### 4.11.1 Goal

- 4.11.1.1 To recognize the existing rural settlement pattern of the Municipality and restrict additional rural residential *development* in order to preserve the rural residential *character* of hamlets, the agricultural land base, and *Natural Heritage System*.

### 4.11.2 Objectives

- 4.11.2.1 To preserve the special rural residential *character* of the hamlets and existing settlements.
- 4.11.2.2 To encourage hamlets to develop in a manner which provides a variety of housing sizes, and commercial and community uses to serve the rural population.

### 4.11.3 Hamlets

- 4.11.3.1 Ashburn, Macedonian Village, Myrtle, and Myrtle Station are historical areas located outside the Urban Area boundary and are designated as Hamlet on Schedule "A". *Development* and *redevelopment* within Hamlets shall be governed by the appropriate *Secondary Plans*.
- 4.11.3.2 Permitted uses within Hamlets shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area.
- 4.11.3.3 New residential *development* is only permitted in the form of *infilling* within areas designated as Hamlet in accordance with the provisions of the relevant *Secondary Plan*, either by severance or by plan of subdivision. Applications for severances or plans of subdivisions are subject to the requirements of Durham Region's Drilled Wells and Lot Sizing Policies to ensure proposed lots can be adequately serviced with private wells and sewage disposal systems. Applications may be required to be accompanied by a hydrogeological report demonstrating the private servicing of the proposed lots will not adversely affect existing water wells or groundwater quality or quantity, in accordance with Durham Regional Requirements.
- 4.11.3.4 Community uses in Hamlets are encouraged to co-locate and integrate with other community uses to the extent possible in order to create *community hubs* and maximize the use of existing facilities.
- 4.11.3.5 Within the Hamlet of Macedonian Village, no driveways or public streets giving access to Coronation Road will be permitted other than

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those in existence at the time of adoption of this Plan, and those existing driveways may be closed should alternate access be made available through development or redevelopment.

**4.11.4 Estate Residential**

4.11.4.1 Locations of approved, privately serviced estate residential subdivisions are shown on Schedule “A”. Further estate residential *development* and lot creation shall not be permitted in accordance with Provincial and Regional policy and in recognition of this Plan’s intent to concentrate rural residential development within the hamlets.

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## 4.12 Mineral Aggregates

### 4.12.1 Goal

- 4.12.1.1 To permit mineral aggregate extraction and operations in a *sustainable* and balanced manner, by encouraging the protection of high potential aggregate resource areas from incompatible uses while minimizing any negative impacts on the *Natural Heritage System* and residents of the Municipality.

### 4.12.2 Policies

- 4.12.2.1 High Potential Aggregate Resource Areas are shown on Appendix 1. The areas shown on Appendix 1 are comprised of high potential mineral aggregate deposits as identified by the Province. Appendix 1 shall be updated from time to time to reflect updated geological information, without amendment to this Plan.
- 4.12.2.2 The identification of High Potential Aggregate Resource Areas on Appendix 1 does not entitle a landowner to use the land for extraction purposes, and the Municipality is not required to approve applications to permit aggregate resource extraction in such areas.
- 4.12.2.3 The establishment of land uses adjacent to or within High Potential Aggregate Resource Areas outside the Urban Area boundary shall be considered in accordance with the relevant policies of Section 9D of the Durham Regional Official Plan.
- 4.12.2.4 *Mineral aggregate operations* may be permitted in Resource Extraction Areas, subject to the licencing requirements of the Province. Where they exist, Resource Extraction Areas are symbolically shown on Schedule “A” and further delineated on Schedule “C”.
- 4.12.2.5 *Mineral aggregate operations* within Resource Extraction Areas shall include the extraction of mineral aggregate resources as defined under the **Aggregate Resources Act** and other *accessory* uses related thereto.
- 4.12.2.6 An application to designate a new or expanding Resource Extraction Area shall require an amendment to the Durham Regional Official Plan, this Plan and the Zoning By-law and shall be accompanied by the necessary studies and assessments as identified in Section 9D of the Durham Regional Official Plan and the relevant policies of Section 5 of this Plan. The negative impacts of the proposed use on existing adjacent land uses shall be assessed and appropriate mitigation measures recommended such as setbacks, screening, berms, siting of equipment and machinery, and hours of operation. Consideration shall be given to the adequacy and suitability of access to adjacent roads and the impact of the resulting truck

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traffic upon the public road network. An agricultural impact assessment shall be required if the application is for lands designated as Agricultural.

- 4.12.2.7 For applications to designate new or expanding Resource Extraction Areas within High Potential Aggregate Resource Areas located in the Greenbelt Protected Countryside boundary as shown on Schedule “A”, the policies of the Greenbelt Plan shall prevail in the case of a conflict with the policies of this Plan.
- 4.12.2.8 Applications for new or expanding Resource Extraction Areas and wayside pits within the Oak Ridges Moraine shall be subject to the policies of the Oak Ridges Moraine Secondary Plan in addition to the policies of this section. Where there is a conflict between the policies of this section and the Oak Ridges Moraine Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.
- 4.12.2.9 Resource Extraction Area symbols on Schedule “A” and delineations on Schedule “C” may be removed without amendment to this Plan when the applicable license is suspended or revoked.
- 4.12.2.10 The rehabilitation of all abandoned *mineral aggregate operations* and the progressive rehabilitation of *active mineral aggregate operations* shall be undertaken in accordance with the underlying land use designation. Rehabilitation of *mineral aggregate operations* within the Greenbelt Protected Countryside or Oak Ridges Moraine boundaries shall be subject to the applicable policies of the Greenbelt Plan or Oak Ridges Moraine Conservation Plan.
- 4.12.2.11 The Municipality shall consider the provisions and implementation of any relevant approved source water protection plan and relevant *watershed plan* or subwatershed plan in reviewing any plans for rehabilitation of *mineral aggregate operations*.
- 4.12.2.12 Wayside pits required for the construction, reconstruction, or maintenance of a public road may be permitted as a temporary use in accordance with the **Aggregate Resources Act** without requiring an amendment to this Plan, and in accordance with the Zoning By-law. An application to amend the Zoning By-law and/or the Durham Regional Official Plan may be required if the proposed wayside pit is located on lands identified as Natural Hazards or *Natural Heritage System* on Schedule “C” or within the Urban Area or a rural *settlement area*. When wayside pits located on lands designated as Agricultural are closed, the operator shall undertake rehabilitation to restore substantially the same area and average soil capability for agriculture as existed prior to the establishment of the wayside pit.

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- 4.12.2.13 Aggregate-related industrial uses such as asphalt plants, ready- mix concrete plants, and freestanding aggregate transfer stations shall require an amendment to this Plan and the Zoning By-law, except where such uses are permitted in fully serviced General Industrial areas and active, licensed aggregate extraction areas. Where an amendment to this Plan is required, applications for aggregate-related industrial uses shall be accompanied by the necessary studies and assessments identified in Section 9D of the Durham Regional Official Plan. In particular, consideration shall be given to the adequacy and suitability of access to appropriate roads, including the impact of the resulting truck traffic upon the public road network. Such uses shall be adequately buffered through setbacks, screening, and landscaping to protect adjacent land uses and shall meet the industrial pollution control and other applicable standards of the Ministry of the Environment and Climate Change.
- 4.12.2.14 *Portable asphalt plants* used solely by a public road authority or their agent shall be permitted for a temporary period in all designations with the exception of areas designated as Residential on Schedule “A” and lands shown as *Natural Heritage System* or Natural Hazards on Schedule “C” without requiring an amendment to this Plan or the Zoning By-law. Such plants must comply with the Ministry of the Environment and Climate Change’s separation distances and must obtain approval from the Ministry. In areas designated as Agricultural, sites used for *portable asphalt plants* shall be rehabilitated back to their former *agricultural use* by the public road authority or the agent responsible for the facility by restoring substantially the same area and average soil capability for agriculture as existed prior to the establishment of the *portable asphalt plant*.

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## Section 5 - Environmental Management

### 5.1 Goals

- 5.1.1 To provide a high quality living environment for all residents through the protection and enhancement of the natural environment for its valuable *ecological functions*.
- 5.1.2 To facilitate a safe and healthy environment by protecting people and property from natural and human-generated hazards by directing *development* away from hazardous areas.
- 5.1.3 To mitigate and adapt to *climate change*.

### 5.2 Objectives

- 5.2.1 To conserve, preserve, and enhance features and functions of the natural environment, landform features, and hydrologic features associated with the Former Lake Iroquois Beach, the Oak Ridges Moraine, and the Lake Ontario Waterfront, as well as lands identified as Greenbelt Protected Countryside by the Province, through the programs and activities of the Municipality, including the planning and *development* approval process.
- 5.2.2 To maintain, restore, and enhance the quantity and quality of groundwater and surface water and maintain groundwater recharge functions to ensure that water resources are available in sufficient quantity and quality to meet existing and future needs of residents and the natural environment.
- 5.2.3 To identify various constraints on land and related resources, such as natural hazards, hazardous forest types for wildland fire, noise, soil and groundwater contamination, and require that *development* be directed away from such hazards and/or that effective mitigating measures be provided as a condition of *development* approval where appropriate.
- 5.2.4 To encourage remediation and *redevelopment* of contaminated sites and former waste sites in order to support healthy communities, a *sustainable* natural environment, and economic vitality.

### 5.3 Policies

#### 5.3.1 General

- 5.3.1.1 The Municipality will plan for the long-term protection, conservation, enhancement, and *connectivity* of the Waterfront and natural heritage and hydrologic features with input from the public, Conservation Authority, the Region of Durham, and the Province of Ontario.



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- 5.3.1.2 The Municipality will co-operate with other levels of government to reduce air, water, soil, and noise pollution to a level consistent with the best practical technology and accepted standards.
- 5.3.1.3 The Municipality will encourage a *sustainable* approach to the environment, in accordance with Section 3.2 of this Plan, in the preparation of *Secondary Plans*, the review of *development* and *redevelopment* proposals, and the design of capital projects.
- 5.3.1.4 *Woodlands* and trees shall be preserved through measures including *vegetation protection zones*, the requirements of the Municipality's Tree Protection By-Law, the Region of Durham's Tree Cutting By-law, and in accordance with the **Trees Act** and any other enabling legislation. Existing landmark trees and hedgerows shall be inventoried, assessed, and considered for incorporation into the planning and design of any *development*.
- 5.3.1.5 Reforestation and enhancement of the existing wooded and natural areas within the Municipality, including the establishment of connections and linkages within and adjacent to the *Natural Heritage System*, shall be encouraged to assist in the achievement of the Region's woodland cover target and any applicable *watershed plan* targets. Stewardship by private landowners of *woodlands* shall be encouraged through *sustainable* forest management practices. Programs to support such initiatives may be determined in cooperation with the appropriate agency. Council shall consider the development of an urban forest management plan in accordance with Section 3.2.8.3.

## **5.3.2 Lake Ontario Waterfront**

- 5.3.2.2 The Municipality encourages the protection of the existing natural shoreline and rehabilitation of altered shorelines where feasible and in consultation with the Conservation Authority and other Provincial and Federal agencies.
- 5.3.2.3 The Municipality, together with other agencies having jurisdiction, and through the *development* approval process, will investigate opportunities to establish *connectivity* along the Waterfront and between valleyland corridors through land acquisition opportunities, restoration, and naturalization initiatives such as tree planting and revegetation programs along the Waterfront.
- 5.3.2.4 For *development* and *redevelopment* within one kilometre of the shoreline, as shown on Schedule "C", consideration shall be given to the implementation of design measures to minimize negative impacts to the environmental and wildlife corridor function of the Waterfront, in consultation with the Conservation Authority.

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5.3.2.5 More detailed waterfront and shoreline policies may be contained in the Lynde Shores and Port Whitby Community Secondary Plans, as well as Section 4.9 of this Plan.

### **5.3.3 Former Lake Iroquois Beach**

5.3.3.1 The Former Lake Iroquois Beach is identified on Schedule “C”. The significant natural areas within the Beach are generally located in Concessions IV and V. These lands comprise important natural heritage and hydrologic features including a number of *wetlands*, watercourses, wildlife habitat, and aggregate resources.

5.3.3.2 The Municipality recognizes the important *hydrologic function* provided by the Former Lake Iroquois Beach. As such, appropriate studies may be required prior to *development* demonstrating that there will be no negative impacts on the hydrological function of the area by maintaining existing recharge and discharge conditions, in accordance with Section 5.3.8.

5.3.3.3 Where *development* and *redevelopment* is proposed for lands within the Former Lake Iroquois Beach, the Municipality supports planning, design, and construction practices that maintain and, where possible, enhance the size, diversity, and *connectivity* of natural heritage and hydrologic features and functions.

5.3.3.4 More detailed policies related to the Former Lake Iroquois Beach may be contained in the Taunton North Community Secondary Plan, West Whitby Community Secondary Plan, and Brooklin Secondary Plan, as well as Section 4.9 of this Plan.

### **5.3.4 Oak Ridges Moraine**

5.3.4.1 The Oak Ridges Moraine in north Whitby has been protected by the Province of Ontario under the Oak Ridges Moraine Conservation Plan. All *development* and *redevelopment* within the Oak Ridges Moraine shall be subject to the policies of this Plan and the Oak Ridges Moraine Secondary Plan as applicable. Where the policies of this Plan contradict the Oak Ridges Moraine Conservation Plan, the more restrictive policies shall prevail. However, in the case of *agricultural uses*, *mineral aggregate operations*, and wayside pits, the policies of the Oak Ridges Moraine Conservation Plan shall prevail.

### **5.3.5 Greenbelt Protected Countryside**

5.3.5.1 The Provincial Greenbelt Plan provides legislated protection to the agricultural land base and the *ecological features* and functions occurring on this landscape. The Greenbelt Protected Countryside boundary and the Greenbelt Natural Heritage System are shown on Schedule “C”. This Plan

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contains policies that are intended to implement the Greenbelt Plan. Where the policies of this Plan contradict the Greenbelt Plan, the more restrictive policies shall prevail. However, in the case of *agricultural uses*, *mineral aggregate operations*, and *wayside pits*, the policies of the Greenbelt Plan shall prevail.

5.3.5.2 The Greenbelt Natural Heritage System is implemented through a combination of key elements of the Official Plan: the municipal *Natural Heritage System* shown on Schedule “C”, the *Natural Heritage System* policies in Section 5.3.7, the EIS requirements in Section 5.4.2, the Major Open Space and Agricultural land use sections, as well as additional policies in the Mineral Aggregate and Infrastructure sections.

### 5.3.6 Watershed Planning

5.3.6.1 The Municipality supports the preparation and implementation of *Watershed Plans*, *Subwatershed Plans*, and *Master Drainage Plans*, to the satisfaction of the Municipality and the Conservation Authority, that:

- a) establish the existing conditions of the *watersheds*, including natural heritage and hydrologic features and functions, natural hazards, hydrogeology, fluvial geomorphology, and hydrology;
- b) identify physical constraints;
- c) provide a water budget for the *watershed*;
- d) evaluate stormwater management options;
- e) consider cross-jurisdictional and cross-*watershed* impacts including *cumulative impacts*;
- f) recommend targets, management strategies, and programs and a monitoring plan to ensure the continued or improved health of the *watershed*;
- g) recommend specific stormwater management, erosion, and sedimentation control measures, including *low impact development* strategies;
- h) identify fiscal impacts;
- i) consider the Great Lakes Strategy, the targets and goals of the **Great Lakes Protection Act** and any applicable Great Lakes agreements; and
- j) comply with any applicable Provincial and Federal requirements.

5.3.6.2 Upon completion of *watershed plans*, *subwatershed plans*, and *master drainage plans*, the Municipality shall review the recommendations of such plans to determine the need to amend this Plan to support implementation of the plans.

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- 5.3.6.3 Relevant *watershed plans* and subwatershed plans and the achievement of overall *watershed* targets identified in *watershed plans* shall be implemented to the extent possible during the preparation of *Secondary Plans* and land use studies, and during the *development* approval process.
- 5.3.6.4 Prior to the commencement of a *Secondary Plan* study or other land use study, or the consideration of a major *development* proposal, consultation with the Conservation Authority shall be required to determine the need for a new or updated *watershed plan* or subwatershed plan, or study which achieves the same objectives.

### 5.3.7 Natural Heritage System

- 5.3.7.1 The *Natural Heritage System* is comprised of an interconnected system of key natural heritage and hydrologic features and areas within the Municipality including any associated *vegetation protection zones*. These *key natural heritage features* include: *wetlands*; habitat of *endangered species* and *threatened species*; *significant woodlands*; *significant valleylands*, including the applicable lands within the Urban River Valleys identified in the Greenbelt Plan; *significant wildlife habitat*, *fish habitat*, watercourses with associated *riparian corridors*, life sciences *Areas of Natural and Scientific Interest (ANSIs)*, *sand barrens*, *tallgrass prairies*, *alvars*, and *savannahs*. Certain *key natural heritage features* are shown on Appendix 1. *Key hydrologic features* include: permanent and *intermittent streams*, Lake Ontario (and its littoral zone), seepage areas and springs, kettle lakes, aquifers, recharge areas and *wetlands*. The *Natural Heritage System* also includes lands which have been identified and targeted for restoration and enhancement to create linkage areas and connections.

The *Natural Heritage System* is generally indicated on Schedule “C”, and shall be retained and enhanced wherever possible. Lands indicated as *Natural Heritage System* that are located within the Greenbelt Natural Heritage System are subject to additional policies identified in this section and in Section 4.9. In order to protect the associated habitat and species from disturbance, habitats of *endangered species* and *threatened species* are not identified on Schedule “C”.

- 5.3.7.2 The Municipality recognizes the importance of identification and protection of *Provincially significant wetlands*, regionally and locally significant *wetlands*, and unevaluated *wetlands*. Where known, these features are included within the *Natural Heritage System* on Schedule “C”. The location and extent of *wetlands* as identified by the Ministry of Natural Resources and Forestry are indicated on Appendix 1, and may be updated from time to time as new mapping becomes available without amendment to this Plan. Other *wetlands* may be identified and protected through the land use

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planning process in consultation with the Ministry of Natural Resources and Forestry and/or the Conservation Authority.

5.3.7.3 The extent and exact location of areas shown as *Natural Heritage System*, including their component natural heritage and hydrologic features and their significance, shall be determined at a site level through *Environmental Impact Studies (EIS)*, other environmental studies, and may be further refined or delineated in the Zoning By-law through the *development* approval process, subject to the satisfaction of the Municipality and the Conservation Authority.

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:

- a) conservation, flood or erosion control, where need is demonstrated and no reasonable alternative exists;
- b) fish, forest, and wildlife management;
- c) passive recreational uses such as trails and supporting small-scale structures;
- d) *infrastructure*, where need is demonstrated and no reasonable alternative exists; and
- e) existing *agricultural uses*.

5.3.7.5 Notwithstanding Section 5.3.7.4, *development* or *site alteration* shall not be permitted within:

- a) *fish habitat*, except in accordance with Provincial and Federal requirements;
- b) habitat of *endangered species* or *threatened species*, except in accordance with Provincial and Federal requirements; or
- c) significant *wetlands* and significant *coastal wetlands*.

5.3.7.6 *Development* or *site alteration* shall only be permitted on lands within or adjacent to the *Natural Heritage System*, in accordance with the provisions of this Plan and where it has been demonstrated that there will be no negative impact to the features and *ecological functions* of the features within the *Natural Heritage System*. An *EIS* shall be required to be prepared in accordance with the policies of Section 5.4.2 of this Plan, demonstrating that there will be no negative impact on the natural heritage or hydrologic features or their *ecological functions*, and determining the appropriate extent of a *vegetation protection zone* that is of sufficient width to protect the feature and its functions from negative impacts resulting from the proposed *development* and associated activities that may occur before, during, and after construction.

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5.3.7.7 For the purposes of Section 5.3.7.6, outside the Urban Area boundary and rural *settlement areas*, adjacent lands are defined as all lands within 120 metres of the boundary of the *Natural Heritage System*. Within the Urban Area boundary, the extent of adjacent lands shall be determined by the Municipality in consultation with the Conservation Authority and shall consider such matters as the type and scale of proposed *development*, the sensitivity of the natural heritage or hydrologic features and the existence of intervening development, roads, or other physical features.

5.3.7.8 Outside the Urban Area boundary, the *vegetation protection zone* required for the protection of natural heritage or hydrologic features and their *ecological functions* shall not be less than 30 metres, but may be greater if supported by an *EIS*, or if required by the relevant provisions of the Greenbelt Plan or Oak Ridges Moraine Conservation Plan.

Within the Urban Area boundary, the following minimum *vegetation protection zones* shall be required for protection of natural heritage or hydrologic features and their *ecological functions*:

- a) 10 metres from the dripline of a *woodland*;
- b) 10 metres from the top of bank or the projected stable long-term top of slope within the *erosion hazard* for valleylands;
- c) 30 metres from a *Provincially significant wetland*;
- d) 15 metres from all other *wetlands*;
- e) 30 metres from the centre line of a cold or cool water watercourse;
- f) 15 metres from the centre line of a warmwater watercourse; and
- g) any relevant requirement under the **Endangered Species Act**.

The final delineation of the *vegetation protection zone* shall be determined through an *EIS* which may exceed the minimum distances.

Notwithstanding the foregoing, within the Urban Area boundary, the minimum *vegetation protection zone* may be reduced where it is not feasible to provide the minimum distances due to existing development or other restrictions, and subject to the determination of an *EIS* and the approval of the Municipality and the Conservation Authority.

5.3.7.9 The *vegetation protection zone* is to be established and maintained as a natural self-sustaining vegetated area of a width sufficient to protect the *key natural heritage feature* or *key hydrologic features* and its functions from any negative impacts of the proposed *development*.

5.3.7.10 Notwithstanding Section 5.3.7.6, within the Greenbelt Protected Countryside, expansions to existing agricultural buildings or structures or associated residential uses may be permitted within the *Natural Heritage*

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*System* provided that no other alternative exists, *development* is within close proximity to the existing structure, the expansion is limited in scope and directed away from any natural heritage or hydrologic features, and impacts on the features and function is minimized to the maximum extent possible. Expansions to existing agricultural buildings or structures may be subject to the requirement for a scoped EIS in accordance with Section 5.4.2.5.

- 5.3.7.11 Within the Greenbelt Natural Heritage System, new buildings and structures for agricultural, *agriculture-related* or *on-farm diversified uses* are not subject to the policies of Section 5.4.2 if a minimum 30 metre *vegetation protection zone* is provided. In addition, the condition of natural self-sustaining vegetation for the *vegetation protection zone* is not required if the land is and will continue to be used for agriculture.
- 5.3.7.12 The policies of this Plan shall also apply to any *key natural heritage* or *hydrologic feature* which has been identified by the Municipality, the Region, the Conservation Authority, or the Province, but which is not presently shown on Schedule “C” or *Secondary Plan* schedules. Where such a feature is not shown on Schedule “C” or *Secondary Plan* schedules, it does not necessarily mean that the feature or any part thereof may be developed or altered in any way. Should a key natural heritage or hydrologic feature be identified through the *development* review process, the preparation of an *EIS* in accordance with the policies of Section 5.4.2 of this plan, or other assessment as deemed appropriate, may be required. Where a key natural heritage or hydrologic feature has been identified, Appendix 1 will be updated as required.
- 5.3.7.13 The identification and protection of linkages between areas identified as *Natural Heritage System* shall be undertaken during the preparation of *Secondary Plans* and considered through the *development* approval process in order to provide opportunities for plant and animal movement and to contribute to the *connectivity* of the *Natural Heritage System*. Linkages recommended in relevant *watershed plans* shall be considered as part of this exercise. Where identified, linkages shall be protected as a component of the *Natural Heritage System* through the Zoning By-law. Linkages are also encouraged to be protected through private land stewardship.
- 5.3.7.14 Where any feature in the *Natural Heritage System* is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking *development* approvals on the affected lands.
- 5.3.7.15 Where lands shown as *Natural Heritage System* are also shown as Natural Hazards on Schedule “C”, the more restrictive policies shall apply.

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- 5.3.7.16 Where lands shown as *Natural Heritage System* are privately owned, it is not intended that they are free and open to the general public or that they will be acquired by the Municipality or other public agency.
- 5.3.7.17 Lands shown as *Natural Heritage System* and their associated *vegetation protection zone* shall generally not be accepted as contributing toward the parkland dedication requirements of the Planning Act.
- 5.3.7.18 *Infrastructure* within or adjacent to the *Natural Heritage System* shall also be subject to the policies of Section 8 of this Plan.
- 5.3.7.19 Mineral aggregate extraction and operation within or adjacent to the *Natural Heritage System* shall also be subject to the policies of Section 4.12 of this Plan.

### **5.3.8 Water Resources**

- 5.3.8.1 Applications for *development* or *site alteration* proposed within significant *groundwater recharge areas* shown on Appendix 2 may be required to demonstrate that water quality and the water balance, including groundwater flow paths, can be maintained. The Municipality may require that a hydrological study be conducted, to the satisfaction of the Municipality and the Conservation Authority, characterizing the existing water balance and demonstrating that the proposed *development* and/or *site alteration* will result in no net loss to discharge/recharge functions. Monitoring requirements shall also be considered where appropriate.
- 5.3.8.2 Applications for major *development* or *site alteration*, including significant *groundwater recharge areas* and highly vulnerable aquifers, as shown on Appendix 2, shall be accompanied by an appropriate study which will:
- a) demonstrate that the hydrological functions will be protected and, where possible, improved or restored;
  - b) identify planning, design, and construction practices that will maintain and, where possible, improve or restore, the health, diversity, and size of the hydrologically sensitive features and/or areas; and
  - c) consider, and implement where appropriate, applicable *watershed plans*/subwatershed plans, requirements of the Durham Regional Official Plan, any applicable source water protection plan, and relevant Provincial guidelines and legislation.
- 5.3.8.3 *Development* applications that require a permit to take water or applications on lots containing an abandoned well or boreholes shall also conform with the policies of the Durham Regional Official Plan.



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## 5.3.9 Stormwater Management

- 5.3.9.1 The Municipality shall ensure that acceptable stormwater management techniques are employed in the design and implementation of all *development* and *redevelopment*, to control the negative impacts of water quantity and quality of run-off on the downstream aquatic environment. The physical requirement of stormwater management facilities will be considered during the processing of *development* applications, and subject to the provisions of this section and Section 8.2.5 of this Plan.
- 5.3.9.2 The Municipality encourages the use of *green infrastructure* and other innovative and *sustainable* technologies for stormwater management.
- 5.3.9.3 Proponents of *development* and *redevelopment* may be required to prepare Stormwater Management Plans that describe in detail the design and location of stormwater management facilities, in accordance with Section 8.2.3, to be incorporated in the proposed *development* or *redevelopment*, and outline the stormwater management practices to be employed prior to, during, and following construction.
- 5.3.9.4 Appropriate stormwater management techniques and practices will be incorporated at the initial stage of all new *development*, upgrading, and *redevelopment* in the Municipality. In particular, consideration shall be given to the following:
- a) the need to minimize increased levels of stormwater runoff;
  - b) the maintenance, and improvement where possible, of water quality and base flow;
  - c) maintaining or restoring watercourses to a natural state, where opportunities exist;
  - d) the need to minimize erosion, sedimentation, and flooding, including downstream impacts;
  - e) consideration for *green infrastructure*, *low impact development* measures, and the reduction of impervious surfaces in accordance with Sections 5.3.9.2 and 5.3.9.6;
  - f) the protection of the *Natural Heritage System*; and
  - g) the applicable *watershed plan* and master drainage plan, where either exists.
- 5.3.9.5 The Municipality, in consultation with the Conservation Authority, shall adopt general stormwater management standards, policies, and design criteria, including requirements for the regular monitoring and maintenance of stormwater management facilities.

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5.3.9.6 In considering an application for *development* or *site alteration*, the Municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads. Alternative stormwater management techniques including *green infrastructure* and *low impact development* measures should be explored, where appropriate, to minimize and attenuate runoff volumes, peak flow rates to pre-development levels, and appropriate temperatures of stormwater discharge to streams.

### **5.3.10 Natural Hazards**

5.3.10.1 Natural Hazards are those lands exhibiting poor drainage, unstable or organic soils, flood susceptibility, *erosion hazards* such as steep slopes or any other physical condition which could cause property damage, loss of life, or lead to the deterioration or degradation of the environment, if developed. These areas include the streams and their *floodplain/erosion hazard*, associated valleylands and their *erosion hazards*, the shoreline erosion hazards, and flood susceptible areas of Lake Ontario as determined by the Conservation Authority. These lands are primarily designated as Major Open Space and are often associated with natural heritage features.

5.3.10.2 The extent and exact location of Natural Hazards shall be set out in the Zoning By-law in consultation with the Conservation Authority and any other applicable agency. In the absence of such mapping, the Municipality, in consultation with the Conservation Authority shall use lands shown as Natural Hazards on Schedule “C” as a general guideline. When more detailed mapping becomes available, the Municipality shall amend the implementing Zoning By-law, as required. Only significant changes to the Natural Hazards mapping will require an amendment to this Plan.

5.3.10.3 The lands shown as Natural Hazards shall be managed to complement and protect adjacent land uses from any natural hazards or their adverse effects and/or to provide adequate protection to areas of significant *ecological function*.

5.3.10.4 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.

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5.3.10.5 In reviewing an application for the erection of buildings or structures, or the placing or removal of fill, an application for the removal of the development constraints affecting lands containing Natural Hazards or an application for the alteration of a watercourse, consideration shall be given to the following:

- a) the existing environmental conditions and/or physical hazards;
- b) the potential impacts of these hazards;
- c) the potential impact of any proposed *developments* on the Natural Hazards;
- d) the proposed methods by which these impacts may be overcome in a manner consistent with resource management practices;
- e) the potential impacts of *climate change* in accordance with Section 3.2.5; and
- f) any requirements and approvals of the Conservation Authority.

5.3.10.6 The Municipality shall secure, where required, open space setbacks equivalent to the *erosion hazard* through the *development* approval process. The Zoning By-law shall generally contain building and lot setbacks related to Natural Hazards. Such setbacks shall be determined by the Municipality in consultation with the Conservation Authority and shall be related to the flood and *erosion hazard* limit, the severity of any potentially hazardous or sensitive conditions and the top of bank.

5.3.10.7 Where lands shown as Natural Hazards on Schedule “C” or identified during the *development* review process are privately owned, it is not intended that they are accessible to the general public or that they will be acquired by the Municipality or other public agency.

5.3.10.8 Where an application for *development* or *redevelopment* has been submitted, those lands which contain Natural Hazards, or are required for flood detention and/or water quality facilities, shall not be acceptable as part of the dedication for parkland or public recreation purposes or cash-in-lieu payment under the **Planning Act**. However, the dedication of lands shown as Natural Hazards to the Municipality shall generally be encouraged.

### **5.3.11 Former Waste Disposal Sites**

5.3.11.1 In accordance with the requirements of the Ministry of Environment and Climate Change, *development* and *redevelopment* on, or adjacent to, former waste disposal sites, generally shown on Schedule “C”, shall be regulated in order to ensure public safety and land use compatibility.

5.3.11.2 Known former waste disposal sites are identified on Schedule “C”. However, not all former waste disposal sites may have been identified.

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When additional former waste disposal sites are identified, the policies of Section 5.3.11 shall apply, and the sites shall be added to Schedule “C” through periodic updates without amendment to this Plan. Symbols for former waste disposal sites on Schedule “C” may also be removed without amendment if the Ministry of the Environment and Climate Change is satisfied that the site has been decommissioned and rehabilitated in accordance with applicable legislation.

5.3.11.3 The size and extent of the influence area of a former waste disposal site depends on many factors, such as the actual waste cell location, depth and type of waste, and existing controls. New *development* and *redevelopment* may only be permitted within 500 metres of a former waste disposal site if the following requirements are met:

- a) technical studies of gas, leachate, hydrogeology, structural stability, soil and groundwater contamination, presence of hazardous wastes, visual impacts, and safety are completed by qualified professionals to the satisfaction of the Ministry of Environment and Climate Change and the Municipality to show that the *development* is compatible and can safely take place; and
- b) measures are taken to the satisfaction of the Ministry of Environment and Climate Change and the Municipality to control and mitigate any problems identified through the above studies.

5.3.11.4 Notwithstanding Section 5.3.11.3, no *development* or *redevelopment* shall be permitted on lands which have been used for the disposal of waste within a period of 25 years from the year in which such land ceased to be so used unless the approval of the Minister of the Environment and Climate Change for the proposed use has been given.

5.3.11.5 Notwithstanding the land use designations on Schedule “A”, *development* and *redevelopment* will not be allowed to proceed on lands in the vicinity of former waste disposal sites and/or lands identified by studies as containing wastes until the requirements have been met to the satisfaction of the Municipality and, where applicable, the Ministry of Environment and Climate Change.

## **5.3.12 Waste Management**

5.3.12.1 Waste disposal facilities involving the processing and/or transfer of waste may be permitted within the General Industrial designation as an *accessory* use to a permitted primary use, subject to Provincial approvals under the **Environmental Protection Act**.

5.3.12.2 An amendment to this Plan shall be required for any new solid waste disposal facility, involving *landfill*, incineration, and/or an on-site garbage grinder. Where an application is made to amend this Plan, the proponent

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shall demonstrate through the applicable studies that the proposal would not adversely affect the community in terms of noise, dust, traffic, odour, visual impacts, and negative impacts to ground and surface water; as well as other social, economic, and environmental impact deemed relevant by the Municipality. In addition, the proponent must satisfy the requirements of all applicable legislation, as well as the Durham Regional Official Plan, and may be required to enter into an agreement with the Municipality to deal with such matters as *infrastructure* improvement, landscaping, or other mitigative measures.

- 5.3.12.3 New waste disposal facilities, other than those outlined in Sections 5.3.12.1 and 5.3.12.2, shall not be permitted.

### **5.3.13 Contaminated Sites and Other Hazards**

- 5.3.13.1 Contaminated sites refer to buildings, lands, or structures that, for reasons of public health and safety or environmental quality, are hazardous as a result of past human activities. Such sites may include, but are not limited to, raw material storage areas, auto wreckers, former rail lines, automotive repair, gas bars, and service stations.
- 5.3.13.2 Development of any known or suspected contaminated site shall not be permitted until the site is assessed and remediated as necessary in accordance with Regional and Provincial guidelines and legislation, including the filing of a record of site condition, if required. As such, proponents of new *development* and *redevelopment* may be required to undertake appropriate site assessments, an environmental audit to identify any contamination on site, and initiate the necessary actions to decommission the hazard to restore or rehabilitate the site to a condition suitable for the intended uses. Furthermore, where applicable, the Municipality may require, as a condition of approval, financial security to ensure decommissioning of the site.
- 5.3.13.3 Development on, abutting, or adjacent to lands affected by oil, gas, or salt hazards, or *mineral aggregate operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed.
- 5.3.13.4 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of hazardous forest types for wildland fire. However, *development* may be permitted in lands with hazardous forest types for wildland fire where an assessment is undertaken and the risk is mitigated in accordance with wildland fire assessment and mitigation standards and applicable Provincial guidelines.
- 5.3.13.5 *Development* proposals for uses that involve the storage, processing, or transportation of hazardous materials shall demonstrate, to the

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satisfaction of the Municipality, that they will comply with all relevant Provincial and/or Federal regulations and the policies of the Durham Regional Official Plan.

### **5.3.14 Light Pollution**

5.3.14.1 The Municipality recognizes the importance of adequate outdoor lighting for pedestrian and road safety and will seek to reduce excessive or obtrusive artificial light including light trespass, glare, over-lighting, and ‘uplight’ through the *development* approval process.

5.3.14.2 The Municipality encourages outdoor lighting that conserves energy, contributes to an aesthetically pleasing urban environment, and mitigates at the source light pollution onto adjacent properties and the night sky.

5.3.14.3 Outdoor lighting should be directed away from lands identified as *Natural Heritage System* on Schedule “C” to the extent possible.

### **5.3.15 Noise, Vibration and Odour**

5.3.15.1 Where proposed *development* or *redevelopment* has the potential to produce excessive noise which may adversely affect surrounding uses, the submission of a noise study, prepared by a qualified professional, may be required prior to *development* approval dealing with matters such as the noise levels affecting surrounding uses and the *Natural Heritage System* features and functions, and proposed mitigation measures which would be employed to reduce noise to an acceptable level in accordance with applicable standards.

5.3.15.2 Where residential *development* or *redevelopment* is proposed in the vicinity of freeways, arterial roads, and railways, a noise study and, where necessary, a vibration study shall be undertaken to the satisfaction of the Municipality, in consultation with the appropriate agency, and shall address the necessary measures to mitigate any adverse effects. Where residential *developments* are proposed in proximity to commercial and industrial uses, a noise study may be required.

5.3.15.3 All proposed *development* and *redevelopment* within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Municipality, in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that are identified.

5.3.15.4 Where proposed *development* or *redevelopment* has the potential to produce odours which may adversely affect surrounding uses, the Municipality may require, prior to *development* approval or as part of a development agreement, the submission of an analysis of odours,

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prepared by a qualified professional, which may affect nearby uses and the proposed mitigation methods which would be employed to reduce odour to an acceptable level.

- 5.3.15.5 Prior to the approval of proposed sensitive uses in proximity to existing or proposed odour-generating uses, the Municipality may require the proponent to submit an analysis, prepared by a qualified professional, of the adverse effects of odour on the proposed sensitive use to the satisfaction of the Municipality and the appropriate authorities having jurisdiction. The Municipality may also require the proponent to provide appropriate mitigation measures to reduce odour to an acceptable level.

### **5.3.16 Airport-Related Hazards**

- 5.3.16.1 *Development or redevelopment* of lands within the vicinity of the Oshawa Executive Airport or the proposed Pickering Airport shall comply with the following:

- a) the provisions of the *Noise Exposure Forecast (N.E.F.)* and *Noise Exposure Projection (N.E.P.)*, as prepared by Transport Canada;
- b) Transport Canada's "Airport Zoning Regulations" for the Oshawa Executive Airport and proposed Pickering Airport, as amended from time to time, which control the heights of building and structures and prohibits the disposal of waste material which may attract birds on lands surrounding the airport; and
- c) any other applicable Provincial or Federal policies, guidelines, or regulations.

- 5.3.16.2 Prior to approving residential *development or redevelopment* or other sensitive uses in areas that have a *N.E.F. /N.E.P.* value of 28-30 the Municipality shall require the proponent of such *development* to undertake to the satisfaction of Council the following:

- a) the submission of a detailed noise study prepared by a qualified expert outlining the required noise insulation features in the design of buildings;
- b) the provision of appropriate noise insulation features in the construction of buildings in accordance with Provincial and Federal standards; and
- c) inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision shall be included in any development agreement and all developers and future vendors shall be required to advise

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prospective purchasers of this warning clause in any agreement of purchase and sale.

- 5.3.16.3 New residential *development* or *redevelopment* shall not be permitted in areas that have a *N.E.F. /N.E.P.* value greater than 30.

## 5.4 Implementation

### 5.4.1 Site Alteration

Any proposed *site alteration* or placement of fill shall only occur by permit in accordance with the fill control by-law. Any proposed *site alteration* within the Oak Ridges Moraine shall conform to the policies of the Oak Ridges Moraine Secondary Plan and the *site alteration* permit system. Any proposed alteration within the Greenbelt Protected Countryside shall conform to any applicable policies of the Greenbelt Plan.

### 5.4.2 Environmental Impact Studies

- 5.4.2.1 Where the policies of this Plan require an *Environmental Impact Study (EIS)* to be prepared, such an *EIS* shall be prepared by a qualified professional in accordance with the requirements of this section, and/or in accordance with any other specific requirements of this Plan.
- 5.4.2.2 The Municipality, in consultation with the Conservation Authority and the Region, may prepare *EIS* Guidelines or Terms of Reference to guide applicants in conducting an *EIS*.
- 5.4.2.3 Notwithstanding any provision of this Plan to the contrary, an *EIS* shall not be required by the Municipality for any undertaking which satisfies the provisions of the **Environmental Assessment Act**, except in cases where the Integration Provision of the Municipal *Class Environmental Assessment* is utilized, provided the environmental assessment study fulfils the requirements of an *EIS*.
- 5.4.2.4 An *EIS* required by this Plan shall apply to the lands proposed to be developed and may be expanded to include additional lands as deemed necessary. The *EIS* shall examine and assess the following:
- a) the significance and sensitivity of the key natural heritage and/or hydrologic features, in accordance with Provincial procedures where applicable;
  - b) the potential negative impacts, including *cumulative impacts*, of the proposed *development* or *redevelopment*;
  - c) the compatibility of the proposed *development* or *redevelopment* with the *Natural Heritage System*;



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- d) the need for, and description of, mitigating measures to protect the environmental features and functions;
  - e) the extent of any required *vegetation protection zones* in accordance with Section 5.3.7.8 and 5.3.7.9, such that the feature and its functions are protected from negative impacts of the proposed *development, redevelopment, or site alteration*;
  - f) the location and extent of the *Natural Heritage System* or features which should be preserved;
  - g) the potential impacts of outdoor lighting, where proposed, to ensure that there are no adverse effects;
  - h) the recommendations of relevant *watershed*, subwatershed, or master drainage plans; and
  - i) any other matters deemed appropriate by the Municipality.

5.4.2.5 The Municipality, in consultation with the Conservation Authority, may reduce the scope of an *EIS* where the negative impacts of the proposed *development, redevelopment or site alteration* are expected to be limited in area and/or scope or where other environmental studies have been prepared that are deemed satisfactory by the Municipality in fulfilling some or all of the requirements of an *EIS*.

5.4.2.6 Where lands requiring an *EIS* are located within the Greenbelt Natural Heritage System as shown on Schedule “C” of this Plan, the *EIS* shall satisfy the Greenbelt Plan requirements for a natural heritage evaluation and/or hydrological evaluation.

5.4.2.7 Where an application for *development, redevelopment or site alteration* has been submitted with an *EIS*, the Municipality in consultation with the Conservation Authority and, where the application requires an amendment to the Durham Regional Official Plan, in consultation with the Region of Durham, may select and retain qualified professional expertise to undertake a peer review of the *EIS*. The expense of the peer review shall be borne by the proponent.

### **5.4.3 Construction Management Plans**

5.4.3.1 Construction management plans which address the impact of all proposed construction activities and measures to protect, mitigate, and rehabilitate lands impacted by construction activity, shall be required by the Municipality as a condition of site plan or subdivision approval for lands within or adjacent to the *Natural Heritage System*.

5.4.3.2 Construction management plans shall identify vegetative preservation and natural areas to be protected and how disturbance to these areas will be minimized. In addition, Construction Management Plans are to identify the

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measures to be taken to control run-off, and to encourage the management and recycling of construction waste and any other matters deemed important by the Municipality in consultation with the Conservation Authority.

5.4.3.3 Every application for *development, redevelopment, or site alteration* shall demonstrate planning, design, and construction practices to protect water resources, including:

- a) keeping the removal of vegetation, grading, and soil compaction to a minimum;
- b) keeping all sediment that is eroded during construction within the site;
- c) seeding or sodding exposed soils as soon as possible after construction and/or grading; and
- d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

#### **5.4.4 Tree Preservation**

5.4.4.1 The Municipality shall ensure that great care is taken to preserve mature trees and woodlots and other vegetation of heritage significance and/or scenic value in all areas of *development* and/or *redevelopment*. Existing landmark trees and tree and hedgerows shall be inventoried, assessed, and considered for incorporation into the planning and design of any *development*.

5.4.4.2 Applications for plans of subdivision and site plan approval may be required to submit a Tree Preservation Plan, prepared in accordance with the Municipality's Tree Preservation Guidelines, identifying trees, shrubs, and other specific areas of natural vegetation that will be preserved. Once approved by the Municipality, the Tree Preservation Plan shall be referenced in the subdivision or site plan agreement.

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## Section 6 - Community Development

### 6.1 Cultural Heritage Resources and Archaeological Resources

#### 6.1.1 Goal

6.1.1.1 To identify and *conserve* Whitby’s *cultural heritage resources* and *archaeological resources* for the benefit of existing and future generations, to enhance Whitby’s sense of community and identity, and to contribute to its *sustainability* and economic viability.

#### 6.1.2 Objectives

6.1.2.1 To identify, *conserve*, and enhance *cultural heritage resources* in accordance with the **Ontario Heritage Act** and to ensure that such resources are protected through the *development* approval process in accordance with applicable legislation, plans, programs, and guidelines.

6.1.2.2 To *conserve* and enhance the *character* of Heritage Conservation Districts through the careful consideration of plans for change within and adjacent to the District.

6.1.2.3 To identify *archaeological resources* to ensure that such resources are *conserved* through the *development* approval process in accordance with applicable legislation.

6.1.2.4 To encourage the development of a municipal-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy to recognize that *cultural heritage resources* contribute to achieving a *sustainable*, healthy, and prosperous community.

#### 6.1.3 Cultural Heritage Resources

6.1.3.1 The Municipality shall protect and *conserve cultural heritage resources* in accordance with applicable legislation, policies, and recognized heritage protocols. In this regard, the Municipality:

- a) shall maintain a publicly accessible Register of Properties of Cultural Heritage Value or Interest (Heritage Register) consisting of *cultural heritage resources* designated under Parts IV (individual) or V (district) of the **Ontario Heritage Act** and non-designated properties that have been identified by Council as having cultural heritage value or interest;

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- b) shall use applicable Federal, Provincial, and municipal legislation and guidelines to *conserve* and maintain all designated properties on the Heritage Register;
  - c) may designate *built heritage resources* and *cultural heritage landscapes*;
  - d) may establish Heritage Conservation Districts under Part V of the **Ontario Heritage Act** and adopt Heritage Conservation District Plans for each district;
  - e) may establish policies and/or guidelines and tools to manage *cultural heritage resources* and recognize the importance of cultural heritage;
  - f) may enter into heritage easement agreements to *conserve cultural heritage resources*; and
  - g) shall promote local heritage and properties on the Heritage Register through educational programs, exhibits, displays, brochures, and local events.

6.1.3.2 The Municipality recognizes the cultural heritage attributes of its two downtowns and their surrounding residential areas and will establish and update Heritage Conservation Districts and related plans, where appropriate, to ensure the long-term conservation of the *character* of these unique areas.

6.1.3.3 Prior to making decisions on cultural heritage matters, Council shall consult with the Municipality's heritage committee, established pursuant to the **Ontario Heritage Act**, to advise and assist Council on such matters.

6.1.3.4 The Municipality, in consultation with the municipal heritage committee, shall encourage the designation and retention of *cultural heritage resources* on the original site and that such resources be integrated into new *development* and *redevelopment*, where appropriate, through the *development* approval process and other appropriate mechanisms. Retention of façades alone will generally be discouraged.

6.1.3.5 Notwithstanding Section 6.1.3.4, the relocation of *cultural heritage resources* may be permitted provided:

- a) it is supported by a cultural heritage impact assessment and other studies as required;
- b) the relocation does not conflict with any Heritage Conservation District Plans;
- c) a heritage property conservation plan is submitted that demonstrates that the removal and relocation of the building or structure, where applicable, will not pose any physical risk to the

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heritage building and/or structure, or its cultural heritage values and attributes, to the satisfaction of the Municipality; and

- d) a heritage easement agreement is executed, where appropriate, to address these and any other related conditions prior to removal and relocation.

- 6.1.3.6 Council shall not restrict the right of the owner to alter a property designated under the **Ontario Heritage Act** provided the necessary permits are obtained and such alterations maintain the integrity of the heritage property's cultural heritage values and attributes and that such alterations conform to the policies of this Plan, any applicable Heritage Conservation District Plan, designating by-law, and the Zoning By-law.
- 6.1.3.7 In reviewing proposals for the construction, demolition, relocation, or removal of buildings and structures, or for alterations, additions, renovation, or restoration of existing buildings or structures within a designated Heritage Conservation District, the Municipality shall be guided by the applicable Heritage Conservation District Plan guidelines and policies.
- 6.1.3.8 The Municipality may require a cultural heritage impact assessment that describes the cultural heritage resource and potential impacts of *development* and recommends strategies to mitigate negative impacts, where the alteration, *development*, or *redevelopment* of property is proposed on, or adjacent to *cultural heritage resources* that are designated under Part IV or Part V of the **Ontario Heritage Act**.
- 6.1.3.9 The Municipality may require a cultural heritage impact assessment for the removal of a property from the Heritage Register or the demolition of part or all of a building or structure on a property identified on the Heritage Register.
- 6.1.3.10 The Municipality may impose, as a condition of any *development* approvals, the implementation of appropriate conservation, restoration, or mitigation measures to ensure the conservation of any affected *cultural heritage resources*.
- 6.1.3.11 Where *cultural heritage resources* cannot be retained, they shall be documented and are encouraged to be commemorated where appropriate.
- 6.1.3.12 The Municipality may use financial incentives programs to assist in the maintenance and conservation of *cultural heritage resources* for owners and/or long-term lessees of designated *cultural heritage resources* in Heritage Conservation Districts or properties with registered heritage easements. Such programs shall include guidelines to determine eligibility for funding and to advise on appropriate conservation techniques.

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6.1.3.13 The Municipality may consider the preparation of a Heritage Master Plan to guide the Municipality's plans and programs related to cultural heritage conservation.

6.1.3.14 The Municipality shall develop a set of criteria for identifying *cultural heritage landscapes* and trees of cultural heritage value.

#### **6.1.4 Archaeological Resources**

6.1.4.1 The Municipality shall require the protection, conservation, or mitigation of *archaeological resources* and areas of archaeological potential within the Municipality as provided for under applicable legislation and policies.

6.1.4.2 The Municipality shall consider the interests of Aboriginal communities in conserving *archaeological resources*.

6.1.4.3 Where a proposed *development* or *redevelopment* may cause an impact to *archaeological resources* or areas of archaeological potential, an assessment by a qualified professional will be required in accordance with Regional and Provincial standards and guidelines. *Archaeological resources* that are located on a proposed *development* site will be *conserved* in accordance with the recommendations of an approved assessment.

6.1.4.4 Where significant *archaeological resources* are to be *conserved* on site, only *development* and *site alteration* which maintains the integrity of the resource shall be permitted.

## **6.2 Urban Design**

### **6.2.1 Goal**

6.2.1.1 To develop urban spaces and the built environment using good design principles and standards to enhance the quality of life and reflect the goals of this Plan.

### **6.2.2 Objectives**

6.2.2.1 To foster a sense of civic identity and pride through excellence in architectural and landscape design.

6.2.2.2 To promote a high standard of *urban design* in the development of buildings, *streetscapes*, landscapes, and gathering places in both the public and private realms that are attractive, safe, *sustainable*, and accessible.

6.2.2.3 To encourage *development* and *redevelopment* which supports a *sustainable* urban form, greater walkability and transit use, site and

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building adaptability, *intensification* of the existing built environment, and conservation of natural areas.

6.2.2.4 To enhance and protect cultural and natural heritage features and visual amenities through the design of buildings and spaces.

### **6.2.3 Policies**

#### **6.2.3.1 Central Areas**

6.2.3.1.1 Central Areas identified on Schedule “A” shall be the primary focal points of activity in the Municipality and support a broad range of land uses. As such, they shall exhibit a high order of *urban design* with an emphasis on the pedestrian environment and treatment of public spaces.

6.2.3.1.2 The layout and design of Central Areas shall have regard to the relevant policies of Section 6.2.3.5 to 6.2.3.11 with respect to such matters as *streetscapes*, *gateways*, landmark buildings, urban amenities, public spaces, and cultural heritage as appropriate.

6.2.3.1.3 The design of buildings and sites in Central Areas shall give consideration to the compatible integration and transition of uses with regard for built form, site circulation, *connectivity*, landscaping, parking, site amenities, accessibility, safety, sustainability, public art, signage, and lighting, as set out in the relevant policies of Section 6.2.3.12 to 6.2.3.22.

6.2.3.1.4 In particular, applications for *development* and *redevelopment* within Central Areas should address:

- a) compact urban form;
- b) buildings which provide a high standard of design, particularly for the street-facing façade(s);
- c) shared access wherever possible;
- d) integrated internal vehicular and pedestrian circulation systems and parking areas;
- e) off-street surface parking, where permitted, and service areas located in the rear or interior side yard of buildings and screened from the street;
- f) urban squares or outside gathering areas, where appropriate; and
- g) conservation of *cultural heritage resources*, where appropriate, particularly in Downtown Whitby and the Brooklin Heritage Conservation District.



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## 6.2.3.2 Intensification Areas and Intensification Corridors

- 6.2.3.2.1 Intensification Areas and Intensification Corridors identified on Schedule "B" shall be designed with a high priority given to pedestrian and *transit-supportive* building forms and the sensitive integration of higher density and intensity uses with adjacent development.
- 6.2.3.2.2 Intensification Areas are generally associated with Central Areas and shall comply with the provisions of Section 6.2.3.1.
- 6.2.3.2.3 Applications for *development* and *redevelopment* within Intensification Corridors should address:
- a) compact urban form;
  - b) buildings located close to the street and with a high quality street-facing façade(s);
  - c) shared access wherever possible;
  - d) integrated internal vehicular and pedestrian circulation systems and parking areas on abutting sites to minimize access points onto arterial roads; and
  - e) off-street surface parking, where permitted, and service areas located in the rear or interior side yard of buildings and screened from the street.

## 6.2.3.3 Waterfront Area

- 6.2.3.3.1 Consideration shall be given to the integration of public and private spaces to support the Waterfront. Waterfront *development* and *redevelopment* projects shall include public access wherever possible.
- 6.2.3.3.2 Opportunities to enhance pedestrian and cyclist *connectivity* to the Waterfront and to Downtown Whitby will be encouraged.
- 6.2.3.3.3 Maintaining public views of the Waterfront shall be a priority consideration in the review of *development* and *redevelopment* proposals in order to enhance visual connectivity to the Waterfront.
- 6.2.3.3.4 Port Whitby's Waterfront Area is a primary focal point intended to support a broad mix of uses including recreational and tourism related uses, residential and commercial uses, and cultural and community facilities. As such, *development* shall exhibit a high order of *urban design* with an emphasis on the pedestrian environment, access to the Waterfront, *connectivity*, sustainability, opportunities for public gathering spaces, amenities for people of all ages and abilities, and protection of the natural environment.

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6.2.3.3.5 The Port Whitby *Urban Design Guidelines* will provide more specific direction for the achievement of the *urban design* intent for the Waterfront area within Port Whitby.

#### **6.2.3.4 Major Transit Station Area**

6.2.3.4.1 The Major Transit Station Area planned immediately surrounding the Major Transit Station shown on Schedules “B” and “D”, shall be developed with high density mixed-use *development* to support the transit function of the site.

6.2.3.4.2 The Port Whitby *Urban Design Guidelines* will provide more specific direction for the achievement of the *urban design* intent for the Major Transit Station Area.

#### **6.2.3.5 Streets and Blocks**

6.2.3.5.1 Streets shall be designed as public spaces by accommodating sufficient and accessible space for pedestrians of all abilities, bicycles, and vehicles, including public transit where appropriate, as well as utilities and landscaping.

6.2.3.5.2 New neighbourhood *development* shall generally be designed with block and street patterns that promote walkability for pedestrians and *connectivity* for all modes of travel, that provide connections to neighbourhood focal points, and that incorporate significant views and vistas.

6.2.3.5.3 Reverse frontage lots on arterial roads shall be avoided wherever possible. In addition, on collector and arterial roads, rear access laneways shall be encouraged to eliminate street-facing garages and improve the *streetscape* appearance.

#### **6.2.3.6 Streetscapes**

6.2.3.6.1 *Streetscapes* shall provide cohesion and transitions between the public and private realm.

6.2.3.6.2 *Streetscapes* shall be designed to provide attractive, accessible, and age-friendly pedestrian-oriented spaces that incorporate well designed, high quality and coordinated landscaping, lighting, and street furniture, as well as weather protection and wayfinding information, where appropriate.

6.2.3.6.3 New *development* and *redevelopment* shall contribute to achieving an attractive *streetscape* by generally locating buildings close to the street, orienting principal entrances towards the street, locating active uses at street level, avoiding blank building façades along streets, and providing variation in façade details.

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### **6.2.3.7 Gateways**

- 6.2.3.7.1 *Gateways* are identified conceptually on Map 1 at visually prominent sites and are generally located at major entry points to the Municipality. Other *gateways* may be identified in *Secondary Plans* or *urban design* concepts at arterial road intersections and entrances to neighbourhoods.
- 6.2.3.7.2 *Gateways* should include distinctive *streetscape* features and public art and should be designed to contribute towards community image and identity through the enhancement of natural and cultural heritage features, landscape design, *streetscape* amenities, and built form.
- 6.2.3.7.3 *Development* and *redevelopment* proposals located at gateway sites shall exhibit a high quality of architectural and landscape design that respects context and creates a distinct built form, appearance, or landmark.
- 6.2.3.7.4 Entrance features to new subdivisions and *business parks*, where such features are approved, shall be designed with high quality, durable materials and to minimize long-term maintenance costs and avoid any sight line obstruction or other public safety conflicts.

### **6.2.3.8 Landmarks, Views, and Vistas**

- 6.2.3.8.1 *Development* and *redevelopment* proposed at prominent locations such as distinctive corner sites, *gateways*, or at terminating vistas, shall be designed as landmarks with a high quality of architectural and landscape design.
- 6.2.3.8.2 The design of *development* and *redevelopment* proposals shall ensure that views and vistas of existing built and natural landmarks, including public and institutional buildings, natural features, and *cultural heritage resources*, are created, maintained, or enhanced.

### **6.2.3.9 Urban Amenity Space**

- 6.2.3.9.1 The Municipality shall encourage the provision of public and private outdoor amenity spaces, where appropriate, for multi-residential *development* and non-residential *development*, particularly for *development* within Intensification Areas. These spaces should relate to the street and include hard and soft landscaping.
- 6.2.3.9.2 Urban squares shall be encouraged as publicly accessible *urban design* features in commercial, industrial, high density residential areas and in Intensification Areas and Intensification Corridors. Urban squares may remain in private ownership but contribute to the open space system of the public realm. Urban squares shall be integrated and coordinated with abutting private and public land uses and shall be pedestrian-oriented, compact *amenity areas* that encourage public gatherings and reflect an

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urban form. They should be strategically located close to pedestrian activity areas and in proximity to transit stops, and should include such elements as seating, hard and soft landscape elements, lighting, public art, bicycle racks, and sun and weather protection.

- 6.2.3.9.3 Outdoor *amenity areas* associated with commercial or mixed-use *development* shall be designed to ensure safe, accessible pedestrian movement, emergency access and, where required, separation from residential uses.

### **6.2.3.10 Parks and Open Space**

- 6.2.3.10.1 Public open spaces, including parks, parkettes, trails, and natural areas, shall be appropriately integrated into the design of communities by ensuring access, *connectivity*, safety and visibility, and wayfinding, where appropriate.
- 6.2.3.10.2 Parks and open space areas containing natural heritage features shall be designed to protect, and where appropriate, enhance and sensitively integrate natural heritage features into the design of the parkland or open space area.
- 6.2.3.10.3 *Active transportation* facilities through parks and other open space areas shall be designed to be safe and accessible and provide connections to community facilities and adjacent neighbourhoods.
- 6.2.3.10.4 Parks should include adequate and accessible parking areas, including consideration of shared parking with adjacent community uses wherever possible.
- 6.2.3.10.5 The design of parks should incorporate plant material that is tolerant of urban conditions with an emphasis on native species, and hard landscape elements, including shade structures, in appropriate locations.
- 6.2.3.10.6 Parks should provide opportunities for active and passive recreation for residents of all ages, abilities, and cultural and economic backgrounds.
- 6.2.3.10.7 Parks should be designed to have as much street frontage and open views as possible to maximize visibility from adjacent streets and promote safety and shall be designed using Crime Prevention Through Environmental Design (CPTED) principles as set out in Section 6.2.3.21.
- 6.2.3.10.8 Where parks are adjacent to residential areas, appropriate measures shall be taken to reduce adverse noise and visual impacts, including lighting effects and the location and buffering of parking and other facilities.
- 6.2.3.10.9 *Development* and *redevelopment* adjacent to parks and other open spaces shall complement the design of parks and open spaces, provide

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safe and accessible connections, where appropriate, and protect natural features from any negative impacts of *development*.

6.2.3.10.10 The relevant provisions of Section 4.9.3.22 shall also apply in the design of parks and other open space areas.

### **6.2.3.11 Cultural Heritage**

6.2.3.11.1 *Development* and *redevelopment* in or adjacent to Heritage Conservation Districts or adjacent to designated *cultural heritage resources* shall be sensitively designed to complement and reflect the form and *massing*, and surrounding heritage *character*, including landscape features, through the selection of appropriate architectural features, materials, colours, and lighting, in accordance with the provisions of a Heritage Conservation District Plan, where they exist, and/or Cultural Heritage Impact Assessment and Section 6.1 of this Plan.

6.2.3.11.2 Negative impacts on significant *cultural heritage resources* shall be minimized to the greatest extent possible in the design and construction of road improvements and other public works.

### **6.2.3.12 Built Form, Scale and Massing**

6.2.3.12.1 New buildings shall be compatible with nearby existing and planned *development* in relation to *massing*, scale, and design, and with the overall *streetscape*.

6.2.3.12.2 Building design for non-residential, mixed-use, and multi-residential uses shall consider the following:

- a) locate buildings close to the street with greater *massing* at major intersections and in central areas;
- b) orient primary façades and pedestrian entrances to public street frontages;
- c) avoid blank façades along public streets and public spaces;
- d) incorporate architectural elements and design features to add visual interest and to enhance the *streetscape*, particularly on corner lots, at *gateways*, at vista terminations, and along arterial roads;
- e) incorporate exterior design elements such as fenestration, building articulation, weather protection, rhythm of façades, and the use of high quality materials;
- f) provide screening of parking areas, service areas, and utilities;
- g) minimize the appearance of rooftop mechanical equipment;

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- h) minimize shadows on adjacent properties and wind conditions on pedestrian areas;
  - i) exhibit a bird-friendly design;
  - j) create private and shared *amenity areas* in multi-residential and mixed-use *developments*;
  - k) incorporate *universal design* principles; and
  - l) specific urban form requirements will be added through any applicable *urban design guidelines*, and/or area or site specific *urban design* concepts or plans, as approved by the Municipality.

6.2.3.12.3 Heights for new buildings shall be compatible with adjacent planned *development* with consideration to an appropriate transition of height, which includes such measures as vertical step backs/terracing and setbacks from property lines, to reduce shadowing and overlook on adjacent properties and to maintain a pedestrian scale at street level. *Development* proposals in the vicinity of Oshawa Executive Airport or the future Pickering Airport shall comply with any height restrictions imposed by Transport Canada's Airport Zoning Regulations.

6.2.3.12.4 Conflicts with adjoining land use or the impact of intensive operational areas of a *development*, such as loading areas, shall be minimized by appropriate *massing* orientation and screening and the use of acoustic barriers where required.

### **6.2.3.13 Site Circulation and Access**

6.2.3.13.1 Driveways, aisles, walkways, and the layout of parking areas shall be designed to achieve an efficient, safe, and accessible on-site vehicular and pedestrian circulation system that minimizes conflicts between pedestrian and vehicular movements.

6.2.3.13.2 *Development* and *redevelopment* shall be designed to contribute to a safe and comfortable environment for pedestrians by providing walkways that are well lit, accessible, attractive, and safe and that are connected to the public sidewalk and parking areas.

6.2.3.13.3 *Development* and *redevelopment* shall be designed to provide adequate access and vehicular circulation for fire services and other emergency, transit, or maintenance vehicles.

6.2.3.13.4 The number and location of access points from a public road system to the site shall be determined by the Municipality, Region of Durham, or the Province depending on the jurisdiction having authority over the road.

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- 6.2.3.13.5 The Municipality shall minimize the number of access points from a road by requiring common access points shared by contiguous developments, particularly in industrial and commercial areas.
- 6.2.3.13.6 Drive-through service facilities shall generally be discouraged, except where internal to a large *development* site. Multiple drive-through facilities on the same site should be avoided. Where permitted, proposed *development* which includes drive-through service facilities shall be required to demonstrate that appropriate screening and buffering is provided to adjacent uses and that there will be minimal adverse effects on:
- a) safe and accessible pedestrian access to the proposed *development*;
  - b) traffic accessing the site from the public road and traffic circulation on site;
  - c) the *streetscape*, by locating stacking and pick up areas away from the road frontage and public sidewalk; and
  - d) adjacent residential uses in terms of visibility, traffic, and noise.

#### **6.2.3.14 Parking and Loading Areas**

- 6.2.3.14.1 The use of underground and structured parking garages is encouraged, wherever possible, to contribute to a pedestrian *streetscape*. Surface parking for non-residential and higher density residential *development* and *redevelopment*, where permitted, shall generally be located in the rear or interior side yards wherever feasible and practical. In the Downtown Brooklin and Downtown Whitby Major Central Areas, and in proximity to community uses, on-street parking is encouraged in appropriate locations to augment the supply of off-street parking.
- 6.2.3.14.2 Where surface parking and loading areas are to be provided, such areas shall be screened and *buffered* from adjacent properties, particularly residential uses, and roads. This shall generally be accomplished by the use of building location, landscaping, tree planting, and fencing treatments.
- 6.2.3.14.3 *Low impact development* approaches should be considered to reduce stormwater runoff through measures such as bio-swales, rain gardens, permeable paving, and landscaped islands.
- 6.2.3.14.4 Landscaped islands may be strategically used to minimize the visual impact of large parking areas and shall be sufficiently sized to reduce the urban heat island effect. Landscaped islands should provide shade with suitable plant material and utilize *low impact development* principles.

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6.2.3.14.5 Visitor and accessible parking spaces shall be provided adjacent to main entrances and clearly identified by signage in accordance with applicable legislation, standards, and regulations.

6.2.3.14.6 Bicycle parking facilities shall be provided in non-residential, mixed-use, and multi-unit residential *development* and *redevelopment* sites.

### **6.2.3.15 Landscaping, Buffering, and Site Amenities**

6.2.3.15.1 Landscaping shall be provided to:

- a) contribute to a sense of civic identity and place;
- b) enhance the year-round visual *character* of *development* and *redevelopment*;
- c) screen or *buffer* parking areas and operational areas;
- d) create a *buffer* between adjacent *developments* where required;
- e) identify and highlight building entries and/or site features;
- f) enhance pedestrian and cyclist connections into and through a site;
- g) preserve, enhance, and complement the existing natural landscape through the planting of native and non-invasive species;
- h) enhance urban forest canopy;
- i) provide shade and wind protection; and
- j) incorporate *sustainable* and/or low impact design landscape techniques.

6.2.3.15.2 Existing healthy trees shall be maintained and incorporated in the landscape design, where possible. *Development* applications may be required to be accompanied by a Tree Inventory and Tree Preservation Plan in accordance with the relevant provisions of Section 5.4.4.

6.2.3.15.3 Street trees shall be provided, wherever possible, within public rights-of-way to the satisfaction of the Municipality, through the *development* approval process.

6.2.3.15.4 The use of enhanced landscaping features and treatments shall be encouraged at road intersections, provided there is no impairment of sight-lines.

6.2.3.15.5 A landscape plan shall generally be required for all residential *development* and *redevelopment* in excess of three units, commercial, mixed-use, industrial, and institutional *development* as part of the site plan approval and subdivision processes. The landscape plan is to be prepared in accordance with the Municipality's Landscape Plan Guidelines.



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6.2.3.15.6 Medium Density and High Density Residential, Major Commercial, and Mixed Use *development* and *redevelopment* sites shall incorporate well-designed public and private gathering places, as appropriate, into the site layout, as well as the suitable provision of amenities such as landscaping, public art, benches, bicycle racks, refuse containers, decorative fencing, signage, and lighting.

6.2.3.15.7 Where proposed non-residential *development* or *redevelopment* is adjacent to residential uses, adequate screening with landscaping or fencing shall be provided as appropriate.

**6.2.3.16 Site Servicing**

6.2.3.16.1 Services and utilities, including sanitary and storm sewers, watermains, and stormwater management facilities, as well as easements for their construction, maintenance, or improvements shall be provided to the satisfaction of the appropriate agencies having jurisdiction.

6.2.3.16.2 New commercial, institutional, industrial, and higher density residential *development* and *redevelopment* shall provide central storage and collection areas for waste on-site within the building. Storage of waste outside is discouraged, however, will be considered on a case-by-case basis subject to suitable screening. Separate storage facilities and easy access for pick-up of recyclables and reuseables shall be required.

6.2.3.16.3 Hydro transformers shall generally be located within buildings or structures and designed so as not to create an unsightly appearance, subject to the satisfaction of the Municipality, in consultation with the applicable agency.

6.2.3.16.4 Utilities should be located underground wherever possible. Where above-ground utilities are necessary, they should be appropriately located, screened, and recessed where possible, to improve the appearance of the site and to maximize street tree planting opportunities.

**6.2.3.17 Outdoor Storage**

6.2.3.17.1 Where outdoor storage is permitted by the policies of this Plan and the Zoning By-law, such areas shall be suitably screened by buildings, landscaping, and/or fencing treatments.

**6.2.3.18 Signage and Lighting**

6.2.3.18.1 All signs shall comply with the Sign By-law of the Municipality and should be consistent with the architectural design of the building façade. Signs related to heritage conservation districts or designated heritage properties shall comply with any applicable heritage sign guidelines.

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- 6.2.3.18.2 Signs shall be designed in conjunction with the building design or site layout. Where proposed building elevations are required to be submitted, such elevations should indicate the location and general design of signs and lighting.
- 6.2.3.18.3 Pedestrian-scaled lighting shall be provided at building entrances, primary walkways, parking areas, *amenity areas*, urban squares, and transit stops.
- 6.2.3.18.4 All lighting should be oriented internally to the site so as not to cause adverse off-site effects. Full cut-off fixtures shall be used in accordance with the Municipality's lighting and *urban design guidelines*. A lighting plan and fixture details may be required through the *development* approval process and should address the requirements of this policy and Section 5.3.14 of this Plan, where applicable.
- 6.2.3.18.5 The selection of lighting elements shall consider aesthetics, maintenance, cost effectiveness, and energy efficiency.
- 6.2.3.18.6 *Development* applications which require a lighting study shall comply with the Municipality's Lighting Guidelines as amended from time to time.
- 6.2.3.18.7 The Municipality will seek to minimize light pollution and minimize energy consumption by utilizing appropriate luminaires for the lighting of streets and other public areas and retrofitting existing luminaires over time. Municipal street lighting shall be provided in compliance with the Municipality's design standards, including pole and luminaire selection.
- 6.2.3.19 Public Art**
- 6.2.3.19.1 The Municipality encourages the provision of public art by the public and private sector, in publicly accessible and visible locations such as parks, urban squares and major commercial and institutional sites.
- 6.2.3.19.2 Central Areas, *gateways*, and major public facilities shall be considered priority locations for public art.
- 6.2.3.19.3 Public art that fosters community identity and reflects and interprets the Municipality's history, traditions, and culture is especially encouraged.
- 6.2.3.19.4 Proponents of *development* and *redevelopment* are encouraged to incorporate public art into public spaces and into building designs as an architectural element, subject to the satisfaction of the Municipality.
- 6.2.3.19.5 The Municipality will create a public art policy and guidelines, in consultation with the community, to guide the acquisition, funding, location, and integration of public art in public and private spaces in the community.

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### 6.2.3.20 Universal Design

6.2.3.20.1 *Universal design* shall be provided in all new public and publicly accessible buildings and facilities and site *developments*. Such *universal design* features may include level surfaces, ramps, and curb cuts, accessible parking, pedestrian drop-off areas, automatic door openers, and rest areas. These and other barrier free features shall be integrated with the functional design components of the site and/or buildings and shall comply with applicable legislation and standards.

6.2.3.20.2 *Development* sites shall be designed in compliance with the **Accessibility for Ontarians with Disabilities Act**, Design of Public Spaces Standard, Ontario Building Code, and any other applicable legislation including the Municipality's accessibility standards.

### 6.2.3.21 Crime Prevention Through Environmental Design

6.2.3.21.1 The design and layout of *development* and *redevelopment* sites shall have regard to the principles of Crime Prevention Through Environmental Design (CPTED) including consideration to:

- a) lighting that allows visibility and public surveillance of parking lots, walkways, parking garages, and open space areas;
- b) building and site design that allows unobstructed views and visual overlook;
- c) clearly defined, well-lit and direct visible connections into the site and the main entrances to buildings; and
- d) landscaping that maintains views for safety and surveillance.

### 6.2.3.22 Sustainable Design

6.2.3.22.1 *Development* is encouraged to incorporate principles of *sustainable* design to minimize energy consumption while maximizing energy efficiency and emphasizes the use of renewable energy sources. In this regard, the Municipality shall encourage:

- a) *development* sites to be designed for proper building orientation in relation to sun, wind, and site and grading conditions;
- b) *development* to be *resilient* to *climate change* and weather related events;
- c) landscaping that incorporates *sustainable* and *low impact development* techniques including rainwater harvesting, rain gardens, constructed *wetlands*, bio-retention, permeable paving where appropriate, and reduction of impermeable surfaces;

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- d) the use and siting of vegetation that is drought-resistant, native and non-invasive, that increases the urban tree canopy and that assists in reducing the energy consumption of buildings;
  - e) the use of green roof designs in new *developments* where appropriate; and
  - f) the use of energy-efficient construction and space heating techniques in new *development* and renovations.

6.2.3.22.2 The Municipality shall maximize opportunities for the use of energy efficient modes of travel while reducing energy consumption for automobile travel, wherever feasible. In this regard, the Municipality shall:

- a) promote building design and circulation systems, such as sidewalks, multi-use paths, and bicycle routes, which facilitate pedestrian movement, the use of public transit, and cycling;
- b) promote walkability and *connectivity*;
- c) design the road system and traffic controls to minimize unnecessary stops, idling, starts and turns, and to decrease travel time;
- d) encourage the development of central and common parking areas, where appropriate.

## **6.2.4 Implementation**

6.2.4.1 The policies and principles of Section 6.2 shall be implemented through the *development* approval process, including the review of plans of subdivision and site plans. In addition, other specific tools identified in Section 6.2.4 shall be used to assist in achieving the Municipality's *urban design* objectives.

### **6.2.4.2 Comprehensive Block Plan**

6.2.4.2.1 A Comprehensive Block Plan, in the context of *greenfield development*, is a guiding document prepared, at the expense of the proponent and to the satisfaction of the Municipality, that would result in the development of a neighbourhood or sub-neighbourhood area consisting of a number of properties. The purpose of a Comprehensive Block Plan is to provide guidance to developers in achieving a co-ordinated and integrated *development* that will:

- a) implement the policies of this Plan;
- b) provide an integrated *active transportation* plan;
- c) establish the location of parks, schools, places of worship, commercial, and personal service uses;
- d) incorporate *sustainable* design standards and practices; and

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- e) guide the phasing of *development* and appropriate cost-sharing for community uses and *infrastructure*.

6.2.4.2.2 *Development and redevelopment* in areas designated as Commercial, Industrial, Mixed Use, or identified as an Intensification Area or Intensification Corridor, within the *Built Boundary* and, where required by a *Secondary Plan* outside the *Built Boundary* shall be planned, wherever appropriate, using a comprehensive block approach which includes the *development* site and adjacent lands. In such areas, the Comprehensive Block Plan shall address the following:

- a) common vehicular ingress and egress;
- b) common internal vehicular, cycling, and pedestrian circulation;
- c) the compatible integration of land uses; and
- d) unified *streetscape*, urban, architectural, and landscape design.

As a condition of *development* approval, agreements and/or easements may be required respecting such matters as shared access and/or vehicular and pedestrian circulation, servicing, and parking.

### **6.2.4.3 Urban Design Guidelines and Studies**

6.2.4.3.1 The Municipality shall develop a comprehensive *urban design* manual which includes *urban design*, architectural control, and landscaping guidelines and standards. Detailed *urban design guidelines* may be prepared for specific areas and/or sites, including *Secondary Plan Areas* and *Central Areas*, to assist in the evaluation of *development* and *redevelopment* proposals.

6.2.4.3.2 Applications for *development* and *redevelopment* shall be assessed for their conformity with the relevant *urban design guidelines* and standards as well as the Municipality's landscape guidelines.

6.2.4.3.3 The Municipality may require the preparation of *urban design* plans, master plans, or studies, at the expense of the proponent, in support of a major *development* or *redevelopment* proposal. Such *urban design* plans, master plans, or studies shall include, but are not limited to, the following:

- a) a description of the overall design theme for the *development*;
- b) a description of how the proposal addresses and complies with the Municipality's *urban design* policies and *urban design guidelines*;
- c) a detailed overall land use plan, identifying the location of all of the proposed uses and, in particular, the location of higher density residential uses;
- d) the location of appropriate access points onto the abutting road network;

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- e) the location of pedestrian, bicycle, vehicular, and service circulation and access and parking areas;
  - f) proposed *streetscape* and landscaping features;
  - g) the proposed built form of the *development* including type, density, height, and architectural treatments;
  - h) a detailed phasing plan that describes the sequencing of *development* and the timing of any *infrastructure* improvements; and
  - i) supporting graphics, cross-sections, etc.

## 6.3 Community Improvement

### 6.3.1 Goal

- 6.3.1.1 To provide for ongoing maintenance, improvement, rehabilitation, and upgrading of the Municipality's residential, commercial, industrial, and mixed-use areas in a manner which is integrated into the overall planning and development of the Municipality.

### 6.3.2 Objectives

- 6.3.2.1 To retain the existing building stock in a safe and attractive form in compliance with the provisions of the Property Standards By-law.
- 6.3.2.2 To maximize the efficient use of the existing public *infrastructure* and improve or provide new public *infrastructure* where deficiencies or deteriorating conditions exist.
- 6.3.2.3 To provide additional public services, amenities and utilities in existing developed areas where deficiencies exist.
- 6.3.2.4 To preserve and enhance the viability of existing residential, commercial, industrial, and mixed-use areas.
- 6.3.2.5 To provide a range of incentive programs to encourage, support, and assist with improvements to private property.
- 6.3.2.6 To encourage the rehabilitation and *redevelopment* of *brownfield* properties.
- 6.3.2.7 To maximize the use of funding and participation in programs of various levels of government and other agencies that facilitate community improvement.

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### 6.3.3 Policies

6.3.3.1 Community Improvement Areas are identified on Schedule “E” and are intended to identify areas in which Community Improvement Plans may be prepared and implemented in accordance with the **Planning Act**.

6.3.3.2 Community Improvement Areas are identified on the basis of one or more of the following criteria:

- a) existence of incompatible land uses;
- b) lack of or inadequate parks, open space, streetscaping, landscaping, and community facilities such as libraries, recreation centres, sports fields, and other similar community facilities;
- c) lack of or deficient physical infrastructure such as water, sanitary sewers, storm sewers, roads, sidewalks, curbs, street lighting, traffic control, and utilities;
- d) buildings and properties that are in need of maintenance, repair, rehabilitation, or redevelopment;
- e) deficiencies in the provision or design of parking areas;
- f) opportunities for improvements, *intensification*, or *redevelopment* of vacant or under-utilized properties and buildings, particularly in Intensification Areas or along Intensification Corridors;
- g) evidence of economic decline in commercial, mixed-use, or industrial areas;
- h) existence of lands that are known or suspected to be contaminated as a result of a previous use; and
- i) other significant environmental, social, or economic development reasons for community improvement.

6.3.3.3 The Community Improvement Areas shown on Schedule “E” are as follows:

- a) Community Improvement Area A - Downtown Whitby and the Brock Street South corridor;
- b) Community Improvement Area B - the Port Whitby Community;
- c) Community Improvement Area C - Downtown Brooklin;
- d) Community Improvement Area D – Dundas Street East; and
- e) Community Improvement Area E – the entire Urban Area of the Municipality for the purpose of *brownfield* rehabilitation.

6.3.3.4 The Municipality may define specific priority areas within Community Improvement Area E requiring the rehabilitation of *brownfield* and/or contaminated sites.

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6.3.3.5 Upon further study, Community Improvement Areas may be redefined, new areas may be added, or existing designated areas may be deleted on Schedule “E”, by amendment to this Plan.

6.3.3.6 Community improvement project areas may be designated by by-law for any or all lands within Community Improvement Areas. Community Improvement Plans for designated community improvement project areas shall be prepared addressing any of the following matters:

- a) the acquisition and development of land for parks, open space, recreational, or community uses;
- b) actions and programs related to aesthetic improvements such as landscaping, street furniture, and lighting;
- c) actions and programs related to the upgrading of *infrastructure* such as roads, sidewalks, storm sewers, water and wastewater services, and telecommunications;
- d) incentive programs for improvements and *redevelopment* of private property which meet criteria identified in the Plan;
- e) opportunities to promote *sustainable development* and energy efficiency;
- f) opportunities for pre-zoning lands or for the use of bonusing to facilitate *redevelopment*; and
- g) any other improvements or programs deemed appropriate.

#### 6.3.4 Implementation

6.3.4.1 The policies of this section will be implemented by one or more of the following methods in accordance with the **Planning Act**, the **Municipal Act**, and any other applicable legislation:

- a) the designation, by by-law, of community improvement project areas within the Community Improvement Areas identified on Schedule “E” and the preparation, adoption, and implementation of Community Improvement Plans identifying community improvement projects and programs;
- b) participation in funding programs with other levels of government to assist in the implementation of policies and programs to encourage the general rehabilitation of Community Improvement Areas;
- c) the establishment and promotion of municipal incentive programs to provide financial assistance to property owners for improving their properties in accordance with the objectives of this Plan, including through provisions in the Development Charges Bylaw and any other applicable municipal by-law;



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- d) the acquisition and assembly of lands for public purposes, road widening, and/or *redevelopment*;
  - e) the pre-zoning of lands, as appropriate, to encourage their improvement and *redevelopment* for other, more suitable uses;
  - f) the formation and continuation of Business Improvement Areas, or other business associations, to maintain and enhance Community Improvement Areas with a commercial component;
  - g) the application of the **Ontario Heritage Act** to *conserve* and enhance *cultural heritage resources* where appropriate;
  - h) *intensification* and *redevelopment* projects which meet the objectives of a Community Improvement Plan; and
  - i) the integration of community improvement projects with the ongoing maintenance, improvements, and programs of the Municipality with regard to roads, parks, community facilities, and other public lands.

6.3.4.2 In order to ensure that requirements for municipal services under Regional jurisdiction have been satisfied, the Municipality shall consult with Durham Region in the preparation of Community Improvement Plans and when applying for funding for community improvement projects.

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## Section 7 - Housing

### 7.1 Goal

- 7.1.1 To provide an adequate housing supply and range of housing choices to meet the needs of present and future residents.

### 7.2 Objectives

- 7.2.1 To ensure that there is an adequate supply of land for residential *development* and *redevelopment* which can be serviced by municipal water and sanitary sewerage facilities.
- 7.2.2 To ensure that a full range of housing opportunities are available for residents in the Municipality.
- 7.2.3 To assist in the achievement of residential *intensification* and *affordable housing* including encouraging opportunities for mixed-use *development* in appropriate locations.
- 7.2.4 To encourage the *development* of housing for special needs residents, including seniors, in the Municipality.
- 7.2.5 To ensure that an adequate supply of rental housing is available.
- 7.2.6 To assist in the delivery of Regional, Provincial, and/or Federal housing programs as appropriate.
- 7.2.7 To support *universal design* and require the building industry to incorporate such features in new residential structures, in accordance with applicable legislation and standards.
- 7.2.8 To encourage age-friendly residential *development* and *redevelopment* to accommodate the needs of all residents through various stages of life and allow aging in place.

### 7.3 Housing Supply

- 7.3.1 The Municipality shall, in cooperation with the Region of Durham, endeavour to maintain a minimum 10-year supply of serviceable residential land to meet the future housing requirements of the anticipated population in the Municipality.
- 7.3.2 The Municipality shall provide a minimum three-year supply of land zoned for residential *intensification* and *redevelopment* and land in draft approved or registered plans of subdivision/condominium which can be serviced by municipal water and sanitary sewage facilities.

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## 7.4 Housing Mix

- 7.4.1 The Municipality shall encourage the provision of a range of residential accommodation by type, tenure, size, location, density, and affordability to meet the Municipality's housing needs.
- 7.4.2 The Municipality shall encourage plans of subdivision to provide a mix of housing by type, tenure, and density, in accordance with the requirements of this Plan.
- 7.4.3 Where a *Secondary Plan* is required, it shall identify the location and include more detailed policies for varying residential densities in order to provide for a range of housing types and affordability.
- 7.4.4 The Municipality shall encourage the preservation, rehabilitation, and efficient use of the existing housing stock to ensure the continued vitality of neighbourhoods and more cost-efficient use of municipal services.
- 7.4.5 The Zoning By-law(s) shall include zone categories that ensure that a complete range of housing types is available in the Municipality.

## 7.5 Residential Intensification

- 7.5.1 The Municipality shall support opportunities for residential *intensification* in order to increase the supply of housing in urban areas and achieve the Municipality's *intensification* allocation and to provide more cost-efficient use of municipal services.
- 7.5.2 Proposals for residential *intensification* shall be considered in accordance with the relevant policies of Sections 4.2 and 4.4 of the Official Plan.
- 7.5.3 Development standards shall be established in the Zoning By-law(s) to facilitate residential *intensification* in appropriate locations throughout the Urban Area and in conjunction with *urban design guidelines*, to address compatibility with adjacent properties and the surrounding neighbourhood.
- 7.5.4 The Municipality shall consider innovative approaches to *development* and *redevelopment* that may facilitate residential *intensification*.

## 7.6 Special Needs Housing

- 7.6.1 The Municipality shall recognize the housing requirements of special needs residents, including, but not limited to, persons with disabilities and seniors, throughout the Municipality and encourage the *development* of appropriate housing for these groups.
- 7.6.2 The location and *development* of housing for special needs residents and seniors shall have particular regard for the proximity of transit routes,

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community and medical facilities, open space and recreational facilities, and commercial areas that provide the residents with ease of access to required support services. Council shall encourage such housing to be located in Central Areas and along Intensification Corridors.

- 7.6.3 Group homes shall be permitted in all land use designations that permit residential uses and in accordance with the requirements of the authority having jurisdiction. Group homes shall be located with consideration to the proximity of support services, community uses, and transit, as appropriate to the type of group home.

## **7.7 Affordability**

- 7.7.1 The Municipality shall plan for a Town-wide *affordable housing* target of a minimum of 25 per cent that is affordable to households of low and moderate income, resulting from new residential *development* and residential *intensification*.
- 7.7.2 In order to meet the *affordable housing* target, the Municipality shall encourage, in cooperation with other levels of government, the *development* of affordable ownership and rental housing, including the *development* of not-for-profit housing by cooperative, municipal, and private non-profit housing corporations.
- 7.7.3 The location and *development* of *affordable housing* units should have regard for the proximity to transit routes, schools, recreation facilities, open space, and commercial areas, including supermarkets, and be distributed throughout the Municipality in all residential areas.
- 7.7.4 In order to ensure an adequate supply of rental housing in the Urban Area, the Municipality shall consider the conversion of existing residential rental units to condominium tenure only when the residential vacancy rate for Whitby and for the whole of Durham Region has been 3 per cent or greater for two successive rental surveys. Conversions should not be permitted if the conversion will result in a reduction in the residential vacancy rate to less than 3 per cent.
- 7.7.5 Applications for the conversion of existing residential rental units to condominium tenure shall be accompanied by an analysis indicating that the requirement in policy 7.7.4 has been satisfied.
- 7.7.6 The Municipality shall cooperate, and participate as necessary, with the Federal or Provincial governments, as well as the Region of Durham, in the preparation and implementation of *affordable housing* plans and the delivery of programs for the provision of *affordable housing*.

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## 7.8 Monitoring

- 7.8.1 The general intent of a monitoring program for housing is to ensure that the Municipality's identified housing needs are being met. Results shall be reported to Council, as appropriate. Based on the results, Council shall consider whether or not the updating of planning policies, by-laws, and *development* approval procedures is required.
- 7.8.2 The Municipality's monitoring program for housing may include, but is not limited to the following:
- a) an analysis of the total supply of residential land and the relative amounts of High Density, Medium Density, and Low Density Residential land;
  - b) an assessment of *development* in terms of meeting the *affordable housing* target identified in Section 7.7.1;
  - c) a review of the number of new dwelling units being provided through residential *intensification* in relation to the Municipality's intensification allocation;
  - d) the availability of a 20-year supply of designated Residential land in order to provide at least a minimum 10-year supply of designated and serviceable Residential land and a minimum three-year supply of registered lots and blocks;
  - e) the review of residential *development* applications and plans of subdivision to determine how the housing policies and density targets of this Plan are met;
  - f) an analysis of the processing time for *development* approvals for various types of residential *development*;
  - g) the relationship between residential *development* and community services, facilities, and municipal *infrastructure*;
  - h) an assessment of the range of housing forms produced through new residential *development* and residential *intensification*;
  - i) the review of the house prices for each housing form relative to income distribution;
  - j) a review of the type, location, and spatial distribution of *intensification* that has occurred;
  - k) a determination of the number of registered *apartments in houses*; and,
  - l) an assessment of the progress in achieving the *intensification*, density, and *floor space index* targets identified in this Plan.

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# Section 8 - Transportation, Servicing & Utilities

## 8.1 Transportation

### 8.1.1 Goals

- 8.1.1.1 To establish and maintain a safe, efficient, interconnected, and accessible transportation network supporting all modes of transportation including transit, automobiles, *active transportation*, and the efficient movement of goods.
- 8.1.1.2 To encourage *sustainable* transportation initiatives supporting *active transportation*, complete communities, and healthy lifestyles.

### 8.1.2 Objectives

- 8.1.2.1 To provide a transportation network that is interconnected, *multi-modal*, and accessible.
- 8.1.2.2 To provide for the development of an efficient transportation network, minimizing negative social and environmental impacts and economic costs and promoting opportunities for enhancement and improvement.
- 8.1.2.3 To ensure that the transportation network is efficiently integrated and co-ordinated with adjacent municipalities and upper-tier jurisdictions.
- 8.1.2.4 To encourage the use of transit and *active transportation* modes to reduce parking demands, traffic congestion, and air pollution particularly through the promotion of *transit-supportive* land use planning and design, and the provision of a network of pedestrian and cycling trails and routes.

### 8.1.3 Policies

#### 8.1.3.1 Transportation Network

- 8.1.3.1.1 The Municipality shall ensure that roads and *streetscapes* are interconnected and create a safe, efficient, and attractive environment for pedestrians, cyclists, and motorists.
- 8.1.3.1.2 The major road hierarchy is shown on Schedule “D”. Major road alignments are approximate, and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies. Collector Road alignment and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies and may be added, modified or deleted, subject to adequate studies, site specific conditions, accepted engineering principles and approval by the authority having jurisdiction,

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without amendment to this Plan. Local roads are shown for information purposes only and may be added or modified without amendment to this Plan.

- 8.1.3.1.3 Roads in the Municipality shall be classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. Minor variations may be considered to the provisions contained in Sections 8.1.3.3 to 8.1.3.5 by the authority having jurisdiction, without the need for an amendment, subject to adequate studies, site specific conditions, and accepted engineering principles.
- 8.1.3.1.4 Through traffic shall be directed to arterial and collector roads so that traffic on local roads is kept to a minimum.
- 8.1.3.1.5 There shall be close coordination between the Municipality and all other jurisdictional levels regarding the planning of roads and facilities within the Municipality which are not under the Municipality's jurisdiction. In addition, there shall be coordination of network development between the Municipality, adjacent municipalities, the Region, and the Province.
- 8.1.3.1.6 In accordance with the Durham Regional Official Plan, Lake Ridge Road and Thickson Road/Highway 12 north of Brawley Road shall be the preferred north-south haul routes for commercial vehicles. Through the *Class Environmental Assessment* process, the Municipality shall investigate the need and feasibility of establishing an alternative route to Baldwin Street for goods and people movement to avoid excessive through traffic in Downtown Brooklin and the urban area, in consultation with the Region and the Province.
- 8.1.3.1.7 In accordance with Policy 11.3.15 of the Durham Regional Official Plan, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street will be considered in conjunction with any proposal to redevelop the existing uses in the Industrial area north of Ronald C. Deeth Park.
- 8.1.3.1.8 Dedicated bus lanes and High Occupancy Vehicle lanes may be implemented to improve traffic efficiency and the convenience of transit services, subject to the consideration of traffic engineering principles, the reduction in road capacity available to other vehicles, and the ability to widen the road.
- 8.1.3.1.9 The Municipality shall encourage a grid-oriented street network in the planning of new development areas in order to distribute vehicular traffic more evenly, and provide for more accessible and efficient *multi-modal* transportation and goods movement.
- 8.1.3.1.10 All road and trail *infrastructure*, including location, design, construction, repair, and widening, shall be undertaken in a manner that limits negative

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impacts to the natural environment and *cultural heritage resources*, and considers opportunities to enhance *connectivity* for wildlife movement in accordance with the relevant policies of Sections 4.9 and 5.

8.1.3.1.11 For lands within the Greenbelt Protected Countryside as shown on Schedule “A”, the location and construction of all transportation corridors, expansions, extensions, operations, and maintenance, are subject to the relevant *infrastructure* policies of Section 5 of this Plan and the Greenbelt Plan.

8.1.3.1.12 For lands within the Oak Ridges Moraine as shown on Schedule “A”, the location and construction of all transportation corridors, expansions, extensions, operations, and maintenance, are subject to the relevant *infrastructure* provisions of Section 11.7.8 and the applicable policies of the Durham Region Official Plan and the Oak Ridges Moraine Conservation Plan.

### **8.1.3.2 Controlled Access Roads (Freeways)**

8.1.3.2.1 *Development* adjacent to controlled access roads shall be guided by the requirements of the Ministry of Transportation and any necessary mitigation measures determined through the *development* approval process, and in accordance with the relevant policies of Section 5. In this regard, *development* and *redevelopment* should be compatible with and supportive of the long term purposes of the freeway corridor.

8.1.3.2.2 Proposed interchanges, interchange improvements, highway crossings, future Transitway roads and stations, and any other highway improvements for or related to Highways 401, 407, and 412 shall be subject to any regulatory requirements and the approval of the Ministry of Transportation and/or the approval authority having jurisdiction.

### **8.1.3.3 Arterial Roads**

8.1.3.3.1 The right-of-way widths, speeds and access spacing requirements of Schedule E – Table E7 of the Durham Regional Official Plan shall apply to the arterial roads shown on Schedule “D”, and are identified in Sections 8.1.3.3.2 and 8.1.3.3.3. In addition, consideration shall be given to the Region’s Arterial Corridor Guidelines in the review of *development* applications adjacent to arterial roads to ensure that *development* and *redevelopment* is compatible with and supportive of the long term purposes of the arterial road corridor.

8.1.3.3.2 Types A, B, and C arterial roads are shown on Schedule “D” and are described as follows:

Type A arterial roads are designed to accommodate the movement of large volumes of traffic at moderate to high speeds over relatively long distances. Such roads provide the highest level of service relative to other types of arterial



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roads and generally extend beyond the Regional boundaries. These roads are intended to intersect primarily with freeways, other arterial roads, and collector roads;

- a) Type B arterial roads are designed to move moderate volumes of traffic at moderate speeds from one part of the Region to another. Such roads provide an average level of service relative to other types of arterial roads and occasionally extend beyond the Municipal boundaries. These roads are intended to intersect primarily with other arterial and collector roads; and
- b) Type C arterial roads are designed to move lower volumes of traffic at slower speeds over relatively short distances. When considering local road intersection and private access, the needs of abutting land uses will be given paramount consideration subject to site specific conditions and accepted traffic engineering principles. The location of accesses to adjacent lands and intersections should not impact efficient transit operation or public safety.

8.1.3.3.3 The right-of-way width for arterial roads shall be:

- a) Type A arterial - 36-45 metres
- b) Type B arterial - 30-36 metres
- c) Type C arterial - 26-30 metres.

Sufficient right-of-way widths shall be provided which will facilitate the provision of public transit. Additional right-of-way widths may be required for full channelization of arterial intersections, roundabouts, and the accommodation of active transportation.

Notwithstanding the foregoing, in the case of Dundas Street East, from Garden Street eastward to the municipal boundary, and Dundas Street West, from Cochrane Street westward to the municipal boundary, the right-of-way width shall be 45 metres.

8.1.3.3.4 The right-of-way requirements for Type B and Type C arterials shall not apply to roads through the Downtown Whitby and Downtown Brooklin Major Central Areas and Hamlets. The following right-of-way requirements shall be implemented for certain arterial roads:

- a) Brock Street between Mary Street and Ontario Street - 20 to 26 metres;
- b) Brock Street between Ontario Street and Consumers Drive - 26 to 30 metres;
- c) Brock Street between Mary Street and the CPR underpass - 26 to 30 metres;
- d) Dundas Street between Byron Street and Athol Street - 20 to 26 metres;

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- e) Dundas Street between Byron Street and Euclid Street - 26 to 30 metres;
  - f) Dundas Street between Athol Street and Hickory Street - 26 to 30 metres; and
  - g) Baldwin Street between Winchester Road and George Street - 20 to 26 metres.

8.1.3.3.5 The provision of *active transportation* facilities in the right-of-way shall be planned and implemented in appropriate locations through the capital budget, land acquisition, and the conveyance of lands through the *development* approval process.

8.1.3.3.6 Direct access from private property to arterial roads in the Urban Area shall be permitted on a limited basis in accordance with the provisions specified below and shall be subject to the approval of the authority having jurisdiction:

- a) Driveways accessing Type A arterial roads shall generally be located a minimum of 200 metres apart.
- b) Driveways accessing Type B arterial roads shall generally be located a minimum of 80 metres apart.
- c) Direct driveway access from Type C arterial roads into low density residential *development* properties shall generally be limited. When alternative access cannot be provided by a collector road, local road or laneway, or other design solution, direct access may be considered through driveway consolidation or “turnarounds” being incorporated on the lot(s), subject to the satisfaction of the Municipality. It is the intent of this Plan that, over time, direct access to the arterial road be consolidated as *development* and *redevelopment* occurs.

Driveway spacing shall generally be a minimum of 30 metres apart for Medium Density and High Density Residential uses and commercial and industrial uses.

#### **8.1.3.4 Collector Roads**

8.1.3.4.1 Collector roads shall be designed primarily to facilitate traffic movements within and between Residential areas and Central Areas, and between these areas and the overall arterial roadway network.

8.1.3.4.2 The following policies shall apply to collector roads:

- a) Collector roads shall be continuous, and engineering principles and design practices should be implemented to discourage through traffic into neighbourhoods;

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- b) Collector roads shall be designed to accommodate *active transportation* facilities, wherever possible, which may require additional right-of-way width; and
  - c) The right-of-way width for a collector road shall be 20 to 26 metres. Additional right-of-way width may be required for turning lanes and roundabouts at intersections.

### **8.1.3.5 Local Roads**

8.1.3.5.1 Local roads shall be designed to allow direct access to fronting properties and to allow for appropriate *active transportation* facilities.

8.1.3.5.2 The following policies shall apply to local roads:

- a) Local roads shall be designed so as to easily be distinguished from collector roads with respect to such matters as pavement widths and boulevard design;
- b) The right-of-way width for local roads shall generally be 20 metres. Variations to the standard design criteria for roads under the jurisdiction of the Municipality may be permitted to accommodate alternative design concepts approved by the Municipality;
- c) Where local streets are parallel and adjacent to an arterial road, the minimum width may be reduced to 15 metres; and
- d) Existing local roads that have less than the required right-of-way standard may be permitted to maintain their existing widths subject to local considerations.

### **8.1.3.6 Parking**

8.1.3.6.1 All new *development* and *redevelopment* shall provide sufficient off-street parking in accordance with relevant policies of this Plan, including the provisions of Section 6.2 and the policies of the applicable Zoning By-law.

8.1.3.6.2 Municipal and commercial parking facilities shall be located so as to minimize conflict with adjacent land use and adjacent street movement and to provide accessible parking.

8.1.3.6.3 Notwithstanding Section 8.1.3.6.1, on-street parking in the Downtown Brooklin and Downtown Whitby Major Central Areas, and in proximity to community facilities, is supported to enhance the supply of parking and maximize the use of existing *infrastructure*.

### **8.1.3.7 Active Transportation**

8.1.3.7.1 The Municipality shall encourage the provision of on-road and off-road *active transportation* facilities including, but not limited to sidewalks, multi-use paths, cycling lanes, and trails.

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- 8.1.3.7.2 In all new *development* and *redevelopment*, appropriate provisions shall be made for effective, safe, and integrated *active transportation* networks and facilities.
- 8.1.3.7.3 The Municipality shall implement *active transportation* initiatives, as recommended in the Municipality's cycling and trails plan, to provide linkages and routes between neighbourhoods, schools, major open space and park systems, access to transit, as well as commercial and employment centres, including the provision of connections to the Waterfront Trail and Greenbelt Trail. Implementation shall be undertaken through the *development* approval process, as well as through a land acquisition program and the annual budget process. In addition, the development of the *active transportation* network shall be coordinated with adjacent municipalities, utility agencies, the Region, and the Province.
- 8.1.3.7.4 Where the Municipality's cycling and trails plan identifies a cycling route on collector and arterial roads, provision shall be made to accommodate a cycling lane within the travelled portion of the road, or multi-use path in the right-of-way, where feasible and appropriate.
- 8.1.3.7.5 The Municipality shall encourage the use of utility corridors and easements, and former railway corridors, where appropriate, to establish *active transportation* corridors in accordance with the relevant provisions of Section 8.2.4.2. The Municipality shall also consider the use of private lands, where appropriate, in conjunction with public lands for cycling and pedestrian use through agreements, easements, rights-of-way, as well as during the *development* approval process.
- 8.1.3.7.6 The design of roads and bridges shall accommodate, where possible, *active transportation* in order to improve the continuity and effectiveness of such routes.
- 8.1.3.7.7 Wherever possible in the design of *active transportation* facilities, the Municipality shall encourage and support measures which will improve accessibility for all users.
- 8.1.3.7.8 The provision of bicycle parking facilities and associated amenities is encouraged in new *development* and *redevelopment* sites, as well as in existing commercial, industrial, and institutional areas and in proximity to transit routes.
- 8.1.3.7.9 Pedestrian crossings will be considered in appropriate locations, at reasonable spacing, to facilitate *active transportation*.
- 8.1.3.7.10 The Municipality may require the provision of pedestrian linkages above ground or at-grade through the *development* approval process in order to provide access to transit facilities or other significant activity areas and promote *active transportation*.

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### **8.1.3.8 Public Transit**

- 8.1.3.8.1 The Municipality shall cooperate with the Region and Province in the provision of public transit by providing the appropriate road rights-of-way widths within urban and rural areas.
- 8.1.3.8.2 *Development and redevelopment* proposals shall be designed to accommodate public transit and *active transportation* facilities and routes, with consideration to a maximum walking distance of approximately 400 metres to the nearest transit stop wherever possible, to assist in the creation of a transit supportive urban area.
- 8.1.3.8.3 Transit Spines, identified on Schedule “D”, facilitate inter-regional and inter-municipal transit services along arterial roads which intersect with local transit services. Where Transit Spines are coincident with Intensification Corridors, the relevant provisions of Section 4.2 and 6.2 shall apply to achieve a more intensive mixed-use built form that is *transit-supportive*.
- Transit Spines identified on Schedule “D” - Transportation are also classified in the Durham Regional Official Plan as Rapid Transit Spine on Dundas Street East and West, and as High Frequency Transit Network on portions of Baldwin Street South, Victoria Street East and West, Rossland Road East and West, Taunton Road East and West, and Winchester Road East. The relevant policies of these classifications in the Durham Regional Official Plan also apply.
- 8.1.3.8.4 The Major Transit Station is identified on Schedules “B” and “D”. Lands in proximity to the Major Transit Station shall be developed with more intensive uses in accordance with the associated policies of Sections 4.2 and 6.2 and the Port Whitby Community Secondary Plan.
- 8.1.3.8.5 Future Transitway Stations along Highways 407 and 412 are identified on Schedule “D”. Transitway Stations and associated facilities may be permitted within any land use designation and shall be developed in accordance with the relevant policies of Sections 5 and 6.2.
- 8.1.3.8.6 Transit *connectivity* shall be considered during the design and phasing of the road network in new *development*.

### **8.1.3.9 Railways**

- 8.1.3.9.1 The Canadian National and Canadian Pacific rail lines are shown on Schedule “D”. In addition, the GO Rail alignment, including a future planned extension of GO Transit rail service from the Canadian National Railway line to the Canadian Pacific Railway line, and the Future Commuter Rail on the Canadian Pacific Railway line located within Concession 9, are also identified on Schedule “D”. *Development and*

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*redevelopment* adjacent to rail corridors should be compatible with and supportive of the role and long term purposes of the rail corridor for the movement of goods and people.

- 8.1.3.9.2 Conflicts between railways and adjacent land uses and between railways and the road system shall be minimized and mitigated, wherever possible. In this regard, the Municipality shall:
- a) seek to eliminate all railway at-grade crossings as indicated on Schedule “D” to improve safety and the efficiency of rail and road movements; and
  - b) require that proposed *development* and *redevelopment* adjacent to a railway provide landscaping, fencing, and other noise *buffers*, and safety and mitigation measures to meet or exceed the standards of the Ministry of Environment and Climate Change, Transport Canada, and the railways agencies, as applicable.

#### **8.1.4 Implementation**

- 8.1.4.1 The transportation network shall be implemented in conjunction with the overall phasing program for future development of the Municipality and when traffic volume warrants.
- 8.1.4.2 *Secondary Plans* or major *development* and *redevelopment* applications shall identify design improvements to existing roads and intersections and give consideration to roundabouts, as appropriate.
- 8.1.4.3 Engineering and *urban design* criteria and standards for roads within the Municipality’s jurisdiction shall be prepared, and updated from time to time, for Council’s approval by the Planning and Public Works Departments.
- 8.1.4.4 The Municipality shall undertake regular updates to the Transportation Master Plan, coordinated with updates to the Official Plan, to define an integrated mobility plan and guiding principles to accommodate future growth.
- 8.1.4.5 Corridor studies may be undertaken to review and plan for *active transportation*, access management, on-street parking, *streetscape* design, and to determine the best approach to serve the existing and future travel demand of an area.
- 8.1.4.6 The Municipality shall undertake environmental assessments for new or expanded arterial and collector roads as required by the Municipal Engineers Association *Class Environmental Assessment* process. *Development* approvals may be contingent upon the completion of the environmental assessment study.

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- 8.1.4.7 The Municipality encourages policies and initiatives, including those by the private sector, to reduce automobile dependency, make alternative modes such as walking, cycling, and transit more attractive, and encourage *sustainable* transportation approaches.

### 8.1.5 Special Provisions

- 8.1.5.1 Notwithstanding any other provisions of this Plan to the contrary, for lands identified by Assessment Roll No. 18-09-040-027-11200-0000, and municipally known as 951 Dundas Street East, a reduced right-of-way width of 42 metres shall be permitted, measured at 21 metres from the existing centreline as of June 1, 2023, to the property at 951 Dundas Street East.

## 8.2 Services and Utilities

### 8.2.1 Goal

- 8.2.1.1 To support the provision of services and utilities required for the residents and businesses of the Municipality in a cost-effective and environmentally responsible manner.

### 8.2.2 Objectives

- 8.2.2.1 To ensure that services and utilities are integrated in a manner that minimizes negative impacts between these facilities and the environment and the community.
- 8.2.2.2 To ensure that the provision of municipal services and utilities is efficiently integrated and co-ordinated regionally, with other adjacent municipalities and upper-tier external jurisdictions.

### 8.2.3 Municipal Servicing

- 8.2.3.1 *Development* and *redevelopment* of all lands within the Urban Area will be on the basis of full municipal services and utilities.
- 8.2.3.2 In general, the cost of providing services to facilitate new *development* shall be borne by the developer. The provisions of the **Municipal Act** and Local Improvement Charges may be utilized where considered appropriate by the Municipality and/or the Region of Durham. The cost of new *development* and *redevelopment* shall be assessed under the **Development Charges Act** and through servicing agreements with the Municipality and the Region of Durham for the respective services under their jurisdiction.

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8.2.3.3 The Municipality shall be guided by the policies of the Durham Regional Official Plan, and other by-laws or policies as approved by Durham Region with respect to water supply and sanitary sewerage facilities.

8.2.3.4 Consideration and mitigation of environmental impacts shall be given priority in all servicing and utility development, including conformity with the relevant provisions of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan.

## **8.2.4 Utilities**

8.2.4.1 The Municipality shall support the long-term protection of major utilities and their corridors. Major utility facilities and corridors are indicated on Schedule "A" - Land Use, for information purposes and may be updated without amendment to this Plan. These utility facilities and corridors include water supply plants, water pollution control plants, electricity generation facilities and transmission and distribution system, hydro corridors, pipeline corridors, communications/telecommunications facilities, and gas facilities.

8.2.4.2 The Municipality supports the use of utility and hydro corridors, where appropriate, as open space linkages between communities /neighbourhoods and major park areas, subject to the approval of the authority having jurisdiction. Other uses such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are *accessory* to adjacent land uses are encouraged on utility and hydro corridor lands, where compatible with surrounding land uses and subject to appropriate zoning and the approval of the authority having jurisdiction.

8.2.4.3 The Municipality encourages the installation of electrical, communications/telecommunications, and similar utility cables underground at the time of *development* and, where feasible, during *redevelopment*, at the expense of the proponent.

8.2.4.4 *Development* applications in proximity to utility easements, rights-of-way, and corridors shall be reviewed by the respective utility companies and agencies to determine the degree of impact that the proposal may have on the corridors, and any alterations to the proposal which may be needed to mitigate or eliminate negative impacts on the utility corridor.

8.2.4.5 Generally, road crossings of pipeline easements and hydro corridors should be limited. All permanent structures or excavations in proximity to pipeline easements and hydro corridors shall comply with the standards of the agencies having jurisdiction, including any required setback which shall be implemented in the Zoning By-law.



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- 8.2.4.6 The Municipality shall be consulted on the location of any new electricity generation facilities and transmission and distribution systems and pipelines.
- 8.2.4.7 The Municipality encourages the future locations of oil, gas, communication, electricity generation facilities and transmission and distribution systems, and other transmission lines and facilities to be located so as to minimize any adverse or negative impacts of these facilities on nearby communities and adjacent land uses including *agricultural uses, cultural heritage resources, and the Natural Heritage System*.
- 8.2.4.8 *Development or redevelopment* abutting major utility facilities such as sewage treatment and water supply plants shall comply with the requirements of the Ministry of the Environment and Climate Change and the Region of Durham.

## **8.2.5 Stormwater Management Facilities**

- 8.2.5.1 The preparation of stormwater management plans and the design and location of stormwater management facilities in support of *development* applications, shall consider the following:
- a) proposals for the provision of stormwater drainage facilities, including the cost of storm drainage improvements both on-site and external to the site;
  - b) a determination of the impact of the *development* on the receiving watercourse or stormwater management facility, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation;
  - c) proposals and/or design details for mitigating any negative impacts if such are likely to result from the proposed *development*;
  - d) the provisions of Section 5.3.9; and
  - e) regard for Provincial guidelines and legislation as amended from time to time.
- 8.2.5.2 Stormwater management facilities may be permitted in any urban land use designation outside of the *Natural Heritage System*, including the associated *vegetation protection zone*, subject to any restrictions imposed by this Plan, the Municipality's standards, and any required approvals from the Municipality, in consultation with the Conservation Authority. Stormwater management facilities should be directed away from arterial roads, wherever possible, to preserve lands adjacent to arterial roads for higher intensity uses.

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8.2.5.3 For lands within the Greenbelt Protected Countryside as shown on Schedule “A”, stormwater management facilities are subject to the relevant provisions of the Greenbelt Plan. For lands within the Oak Ridges Moraine as shown on Schedule “A”, the relevant provisions of Section 11.7.8 and 11.7.9 and the applicable policies of the Oak Ridges Moraine Conservation Plan shall apply.

8.2.5.4 Where the Municipality has adopted a Master Drainage Plan, Stormwater Management Plans prepared by proponents of *development* applications should be reviewed for compliance with the relevant *watershed plan* and the recommendations of the Master Drainage Plan. Where a Master Drainage Plan has not been prepared, further studies may be required, and Stormwater Management Plans prepared by proponents of *development* applications may be reviewed for compliance with the relevant *watershed plan*, and the Municipality’s and Conservation Authority’s stormwater management policies and design criteria.

## **8.2.6 Special Provisions**

8.2.6.1 Notwithstanding any provisions of this Plan to the contrary, a ready-mix concrete plant and asphalt plant may be permitted on approximately 10 hectares on the east side of Thickson Road North, north of Taunton Road East and identified in the 1993 Assessment Roll Book as No. 18-09-010-037-15800, subject to the inclusion of appropriate provisions in the Zoning By-law.

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## Section 9 - Growth Management and Monitoring

### 9.1 Phasing of Development

- 9.1.1 The phasing of *development* within *greenfield* areas is primarily based on the progressive extension of services and utilities. *Development* of serviced areas shall be substantially completed prior to commencing the servicing and *development* of undeveloped areas.
- 9.1.2 The Municipality may use tools under the **Planning Act**, such as holding symbols, to regulate *development* and phasing in *greenfield* areas in order to achieve the objectives of this Plan related to *intensification* and balanced communities.

### 9.2 Future Urban Development Areas

- 9.2.1 Future Urban Development Areas may be identified on Schedule “A” and relate to the areas where future urban land uses and related policies will be determined through further study, provided such Areas are located within the approved Urban Area Boundary of the Durham Regional Official Plan. Uses permitted prior to the determination of future land uses and policies shall include the continuation of *existing uses* and *agricultural uses* in accordance with the policies of this Plan.

### 9.3 Secondary Plans

- 9.3.1 Secondary Plans shall be prepared to implement the policies of this Plan and to ensure that the Municipality has appropriately planned to accommodate expected growth to 2031 for the areas identified on Schedule “E”. *Secondary Plans* and their schedules are contained in Section 11 of this Plan.

These *Secondary Plans* shall provide more detailed policies and schedules for land use, *development* densities, supporting facilities, and the road network. In instances where the policies and designations contained in the *Secondary Plans* vary with the policies within Part I of this Plan, the more specific and detailed policies of the *Secondary Plans* shall prevail, provided the overall intent of the Official Plan is maintained.

- 9.3.2 Prior to development occurring on lands identified as “Lands subject to Durham Regional Official Plan Policy 14.13.7”, a municipal comprehensive review and update to the Brooklin Community Secondary Plan shall be required.

Note: Policy 9.3.2 has been deferred by the Region of Durham.

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9.3.3

Generally, the following matters shall be undertaken in the preparation of *Secondary Plans* identified on Schedule “E”:

- a) the requirements of the Municipal *Class Environmental Assessment* process are met, as necessary, through an integrated planning process;
- b) the implementation of an existing *watershed plan*; or the update of a *watershed plan*, the need for which shall be established in consultation with the Region and the Conservation Authority; or the preparation of a subwatershed plan or alternative which achieves the same objectives in accordance with the provisions of Section 5.3.6.4;
- c) an analysis of the natural environment within the *Secondary Plan* area to establish a *Natural Heritage System*, including the identification of the specific natural heritage and hydrologic features, potential connections, and appropriate *buffers* and setbacks, and requirements for environmental management during and after *development*;
- d) a determination of the extent of Natural Hazards and an analysis of drainage and stormwater management (water quality and quantity) including downstream impacts;
- e) an analysis of water supply and sewage disposal, with consideration to sequential *development*, progressive extension, and economical utilization of the Regional water supply and sanitary sewerage systems, and minimization of financial impacts on the Municipality and the Region;
- f) the servicing of industrial lands, wherever possible, in conjunction with the servicing of residential lands;
- g) an analysis of future road needs to service the *Secondary Plan* area, including the provision of continuous collector streets that are generally oriented in a north/south and east/west grid, and linked to Regional roads to provide for the efficient provision of transit services to the community and the consideration of roundabouts and/or laneways in suitable locations;
- h) an assessment of *active transportation* and transit needs and opportunities to achieve a safe, interconnected, and accessible transportation network which implements the cycling and trails plan and which addresses the following:
  - i. a system of *active transportation* routes, both within road rights-of-ways and within open space areas, that links the community internally and externally and provides access to the transit system; and

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- ii. the identification of potential transit routes and corridors to ensure the early integration of transit into the community by the Region of Durham;
  - i) an analysis of the capacity of the *Secondary Plan* area to accommodate population and employment with consideration to the Regional target of achieving an overall gross density of 50 people and jobs combined per hectare in *greenfield* areas and the Municipality's population and employment forecasts contained in Section 2.2.2;
  - j) an analysis of the commercial hierarchy and retail needs of the *Secondary Plan* area;
  - k) an analysis of the need for community facilities such as schools, libraries, parks, recreational facilities, and places of worship and the opportunity for the creation of *community hubs*;
  - l) an assessment of the planned land uses, densities, and overall population and/or employment capacities and their related impact on existing and proposed roads, municipal *infrastructure* (water, sanitary sewer, and storm drainage), and community facilities;
  - m) a fiscal analysis of the municipal benefits and impacts, resulting from *development*, including an assessment of long-term *infrastructure* needs through asset management planning that captures life cycle costs and impacts on maintenance operations and the environment and the financial capability of the Municipality and the Region;
  - n) an assessment of the potential for land use conflicts between existing *agricultural uses* and new urban uses and the potential means to alleviate such conflicts;
  - o) an assessment of the existing *cultural heritage resources* within the *Secondary Plan* area in consultation with the municipal heritage committee;
  - p) an assessment of the potential for *archaeological resources*; and
  - q) a phasing plan to ensure that *development* occurs in a sequential and orderly manner and that gives consideration to the interim continuation of existing productive land uses such as agriculture.

9.3.4 *Secondary Plans* shall include the following:

- a) the distribution and location of planned land use designations in the *Secondary Plan* area;
- b) the alignment and classification of arterial and collector roads, including special features such as grade separations, and *active transportation* facilities with consideration to providing connections to community uses;

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- c) policies and designations for the establishment of an appropriate *Natural Heritage System* and development of a strategy for its protection, including land securement options where appropriate;
  - d) policies and designations to provide a wide range and mix of housing types, densities (including minimum densities), sizes, and affordability;
  - e) the provision of an appropriate hierarchy of central areas that will be the focus of a mix and range of uses, including commercial, residential, and community uses;
  - f) the determination of commercial facilities in terms of type of uses permitted, appropriate locations and specific design, site size, and floor space criteria;
  - g) the location of community facilities such as parks, urban squares, schools, places of worship, and recreation facilities;
  - h) policies governing the integration of new *development* with existing areas with regard to minimizing adverse effects;
  - i) opportunities and scope for *redevelopment* and *intensification of existing uses*;
  - j) *urban design* and site planning considerations addressing the relevant policies in Section 6.2 and including:
    - i) residential areas designed to allow safe, convenient pedestrian and vehicular access to schools, parks, natural open space areas, recreational and institutional facilities, and to commercial areas;
    - ii) residential areas designed to include a mixture of housing densities, types, and designs. Higher density and specialized housing such as seniors housing should be in proximity to neighbourhood amenities;
    - iii) neighbourhood focal points such as open space, schools, places of worship, commercial facilities, parks, and buildings of historic or symbolic significance; and
    - iv) *streetscape* and landscape treatments implemented through the subdivision and site plan control process;
  - k) phasing policies including, where appropriate, requiring the preparation of block plans to coordinate the delivery of services and *infrastructure*.

## 9.4 Monitoring

- 9.4.1 A monitoring system will be developed to monitor development within the Municipality and measure the effectiveness of the policies of this Plan.

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- 9.4.2 The Municipality shall ensure, through the use of appropriate monitoring, review, and processing of *development* applications that:
- a) the Plan's objectives and policies remain valid and realistic in view of possible changing circumstances and trends (i.e. population, employment, development/market trends); and
  - b) the Plan's policies are adequate for the achievement of its strategic aims and objectives.

- 9.4.3 To assist in the implementation of the Plan and to identify emerging trends, the following matters shall be researched and monitored and reports shall be prepared for Council, as appropriate, related to:
- a) population and employment growth and the balance of people and jobs to achieve Provincial and Regional targets and create a complete community;
  - b) development trends;
  - c) the development and growth of commercial areas;
  - d) housing requirements and targets by type, tenure, cost, stage of approval, *intensification*, and *affordable housing* in accordance with Section 7;
  - e) parks, schools, and community facilities;
  - f) industrial land supply and land absorption;
  - g) transportation infrastructure and improvements;
  - h) constraints with sewage and water capacity that may impact the Municipality;
  - i) new government initiatives; and
  - j) new Provincial Policy Statements, Provincial Plans, and Guidelines.

## 9.5 Capital Projects

- 9.5.1 Council shall ensure that the costs of growth-related municipal capital projects are identified and recovered from new growth through such mechanisms as the **Development Charges Act** and any other enabling legislation and procedures.
- 9.5.2 Council shall regularly, and not less than once every five years, review the Development Charges policies and capital works forecast and amend the Development Charges By-law, if necessary, to ensure *development* pays its growth-related share of services.



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## 9.6 Fiscal Impact Analysis

- 9.6.1 Council may request that *development* proposals submit a *fiscal impact analysis* which may be peer reviewed by a qualified professional consultant retained by the Municipality at the proponent's expense.

Where a major *development* or *redevelopment* proposal is considered to have impacts on the costs of the provision of municipal services and facilities, Council may require the proponent to modify the proposal so as to mitigate or eliminate the impacts. Alternately, Council may defer approval of the proposal where it is contrary to this Plan or requires capital investments not included in the Development Charges study.

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## Section 10 - Implementation and Interpretation

### 10.1 Implementation

#### 10.1.1 General Policies

- 10.1.1.1 In its decision-making, Council shall have regard for all relevant Provincial and Federal legislation, shall be consistent with Provincial policy statements, and shall conform with Provincial plans.
- 10.1.1.2 The Municipality shall not undertake any public work, nor pass any by-law for any purpose which does not conform to this Plan, in accordance with the **Planning Act**.
- 10.1.1.3 The Municipality may acquire and/or hold land within the Municipality for the purposes of implementing any aspect of this Plan.
- 10.1.1.4 Council shall consider the policies of this Plan in establishing corporate priorities and capital forecasts.
- 10.1.1.5 Council shall give consideration to the objectives and policies of this Plan in the approval of all forms of *development* and *redevelopment* and in the execution of associated agreements.
- 10.1.1.6 All committees of Council and the Committee of Adjustment shall ensure that their decision-making, planning, and program implementation functions conform with the relevant policies of this Plan.

#### 10.1.2 Durham Regional Official Plan

- 10.1.2.1 This Plan has been prepared in conformity with the Durham Regional Official Plan and refines and complements the provisions of that Plan. In the event the Durham Regional Official Plan is amended and a conflict is thereby created with this Plan, in the interim period until such time as this Plan is amended to conform thereto, the provisions of the Durham Regional Official Plan shall prevail to the extent of such conflict but in all other respects this Plan shall remain in full force and effect. Where a conflict is created with this Plan by amendment to the Durham Regional Official Plan, the Municipality shall forthwith initiate and bring forward the necessary amendment to this Plan.
- 10.1.2.2 Council shall not adopt amendments to this Plan or to the Zoning By-law which do not conform to the Durham Regional Official Plan. Council may make applications or requests to Regional Council to undertake amendments, when warranted, to the Durham Regional Official Plan.

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### 10.1.3 Official Plan Review

- 10.1.3.1 Council shall hold a special public meeting in accordance with the provisions of the **Planning Act** to identify any revisions to this Plan that may be required in order to ensure conformity with Provincial plans, regard for matters of Provincial interest, consistency with Provincial Policy Statements, and to review employment area policies. Notice of the special meeting will be provided in accordance with the provisions of the **Planning Act**.
- 10.1.3.2 The public, adjacent municipalities, the Region, the Province, agencies, and Aboriginal communities shall be consulted in the course of reviewing and updating the Official Plan. In addition, any Official Plan amendment prepared to update the Official Plan shall be considered at an open house and public meeting in accordance with the provisions of the **Planning Act**. Notice of such open house and public meeting shall be provided in accordance with the **Planning Act**.

### 10.1.4 Official Plan Amendments

- 10.1.4.1 Council may initiate amendments to this Plan at any time in response to significant changes to the planning and development environment in the Municipality and, in particular:
- a) due to changing conditions determined from the monitoring process in Section 9.4;
  - b) to implement new policy directions or land use studies; and
  - c) due to changes to the Durham Regional Official Plan or changes to Provincial legislation or guidelines.
- 10.1.4.2 *Secondary Plans* for the areas identified on Schedule “E” shall be prepared in order to refine and complement the provisions of this Plan. Such plans shall be prepared in accordance with the policies of Section 9.3 of this Plan and will be implemented through an amendment to this Plan.
- 10.1.4.3 Council shall consider requests for amendments to this Plan based on the following matters, including but not limited to:
- a) conformity to the overall intent, guiding principles, strategic objectives, goals, and policies of this Plan, as well as the relevant policies of the Durham Regional Official Plan and Provincial plans;
  - b) the suitability of the location of the proposed use;
  - c) land use compatibility with existing and future uses of surrounding lands including, if required, *environmental impact studies*;
  - d) the need for the proposed use;

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- e) the impact on hard and soft services;
  - f) economic impact on the Municipality as a whole;
  - g) fiscal impact on the Municipality;
  - h) precedents which may be established by the approval of the application;
  - i) the comments of the public, Municipal Departments and other agencies; and
  - j) the evaluation criteria outlined in the applicable policies of this Plan.

The proponent of an amendment may be required to submit reports from properly qualified professionals to evaluate and address such matters as are identified in Section 10.1.14.

10.1.4.4 In considering a request for an amendment or a municipally-initiated amendment to the Official Plan, Council, or a Committee of Council which has been delegated the appropriate authority, shall provide adequate information to the public and hold a public meeting in accordance with the provisions of the **Planning Act**. Notice for the public meeting shall be in accordance with the provisions of the **Planning Act** and shall be given no less than 20 days prior to the date the public meeting is to be held.

10.1.4.5 Any application to amend this Plan which proposes to redesignate or convert Industrial areas to non-employment uses shall be dealt with in accordance with the policies in Section 4.7.3.4.

### **10.1.5 Area Specific and Corridor Studies**

10.1.5.1 The Municipality may prepare, or require the preparation of, at the expense of the proponent, area specific studies or corridor studies for the purposes of providing land use or *urban design* plans and policies to guide new *development* and *redevelopment* in a coordinated and comprehensive manner. The purpose and scope of each study will differ but shall generally address matters such as:

- a) land use compatibility;
- b) *development, redevelopment, and intensification* potential;
- c) *streetscape* and landscape design;
- d) access arrangements, particularly along arterial roads;
- e) opportunities to incorporate *active transportation*;
- f) protection of the natural environment and *cultural heritage resources*;
- g) recreational and community facility needs; and

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h) servicing requirements.

10.1.5.2 Area specific studies or corridor studies may be implemented through amendments to the Official Plan and/or Zoning By-law, subdivision approval or site plan approval processes, or the adoption of *urban design guidelines* and/or concepts/plans.

## 10.1.6 Zoning By-laws

10.1.6.1 Within three years following the approval to an update of this Plan, the existing Zoning By-laws shall be reviewed and a new Zoning By-law and/or appropriate Zoning By-law amendments shall be prepared and passed by Council to ensure conformity to the Official Plan, as follows:

- a) suitable land use zones to regulate the types of *development* permitted in this Plan;
- b) site *development* standards appropriate to each type of *development*; and
- c) other *development* regulations as required to meet the intent of this Plan.

Such Zoning By-law update shall be considered in accordance with the public consultation provisions of the **Planning Act** including the holding of an open house and public meeting.

10.1.6.2 Lands designated for particular uses in this Plan may be placed in a future development zone category allowing *agricultural use* or other interim uses, until such time that Council is satisfied that the resulting *development* would not be premature, and pending approval of a Zoning By-law amendment for the intended future uses in accordance with this Plan.

10.1.6.3 In considering a request for an amendment to the Zoning By-law, Council or a Committee of Council which has been delegated the appropriate authority shall, provide adequate information to the public and hold a public meeting in accordance with the provisions of the **Planning Act**. Notice for the public meeting shall be in accordance with the provisions of the **Planning Act** and shall be given no less than 20 days prior to the date the public meeting is to be held.

10.1.6.4 Where a change is made to a proposed Zoning By-law or Zoning By-law amendment after the public meeting required by Section 10.1.6.3, a further public meeting will be required only if the change is one which, in Council's opinion, would significantly alter the form, type, or density of *development*. The notification requirements for such a further meeting will be in accordance with the provisions of Section 10.1.6.3.

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- 10.1.6.5 It is the intent of this Plan that existing land uses that do not conform to the provisions and designations of this Plan shall, over time, be brought into conformity. However, at its discretion, Council may zone lands to permit the continuation, expansion, or enlargement of a legally *existing use* which does not conform to this Plan, provided such use:
- a) has no adverse impact on existing surrounding uses, has achieved an acceptable level of compatibility, does not interfere with the development of surrounding, conforming uses, does not contribute to pollution or other nuisance effects, and will not adversely affect traffic and parking conditions in the vicinity;
  - b) is located on a property that is accessible by an open public road maintained year-round by the appropriate authority, and such open public road is to a standard of construction adequate to provide for the additional traffic generated by the proposed use;
  - c) will not detrimentally affect or detract from the implementation of this Plan;
  - d) where located on the Oak Ridges Moraine; was lawfully existing as of November 15, 2001; and where expansion or enlargement thereto or variation to a similar use is implemented in conformity with Parts III and IV of the Oak Ridges Moraine Conservation Plan, which contains policies intended to maintain, improve, or restore the ecological and hydrological integrity of the Moraine; and
  - e) where located in the Greenbelt Protected Countryside; was lawfully existing as of December 15, 2004; and where any expansion or enlargement thereto or variation to a similar use is implemented in conformity with the provisions of Section 4.5 of the Greenbelt Plan.

10.1.6.6 Minor technical changes to the Zoning By-law for the purpose of renumbering sections, correcting errors, minor editorial changes, or minor map changes may be permitted without an Amendment to the Zoning By-law, provided the intent of the Zoning By-law is maintained.

**10.1.7 Holding Provision By-laws**

- 10.1.7.1 In accordance with the provisions of the **Planning Act** and the Durham Regional Official Plan, Council may zone lands and include as a prefix the holding symbol “H” in situations where the specific use of the land has been determined but the details of *development* remain outstanding. These may include situations where:
- a) the phasing of *development* or *redevelopment* may be required in accordance with the policies of this Plan;
  - b) provision of adequate public utilities, stormwater facilities, or road improvements are required prior to development taking place;

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- c) lands are affected by environmental or other *development* constraints which can be resolved to Council's satisfaction;
  - d) adequate sanitary sewer and water services for the subject lands are required prior to the *development* taking place; and
  - e) land assembly is required to permit orderly *development* or *redevelopment*.

10.1.7.2 While the holding symbol is in place, the use of the land, as specified in the Zoning Bylaw, may include *existing uses*, certain *agricultural uses* or other uses in conformity with this Plan.

10.1.7.3 The Zoning By-law amendment implementing the holding provision shall identify the conditions that must be satisfied to remove the "H" and Council may consider applications to amend the Zoning By-law to remove the holding provision at such time as the conditions have been satisfactorily met.

### **10.1.8 Interim Control By-laws**

10.1.8.1 Where Council has by By-law or resolution directed that a study be undertaken for all or part of the Municipality with respect to land uses, Council may pass an Interim Control By-law restricting the use of land, buildings, or structures within that area while the study is being carried out.

10.1.8.2 The term in which Council shall allow an Interim Control By-law to be in effect, as set out in the **Planning Act**, may not exceed one year from the date of its passing. Where the duration of the area based planning study is anticipated to require additional time, Council may amend an Interim Control By-law to extend the term, such that the total time does not exceed two years from the passing of the Interim Control By-law.

### **10.1.9 Temporary Use By-laws**

10.1.9.1 Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years. Notwithstanding the foregoing, in the case of a *garden suite*, the Temporary Use By-law may have an initial duration of up to 20 years.

10.1.9.2 A by-law to permit the temporary use of any land, buildings, or structures, may be considered under one or more of the following circumstances:

- a) when a use is intended to exist for only a limited period of time;
- b) when a use must be monitored for a temporary period of time prior to it being considered for permanent zoning; and

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- c) when the intended use proposed for a temporary period of time within an area that is undergoing a land use study, is not considered to influence the outcome of that study.

10.1.9.3 In considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) the site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;
- b) the use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) the use will not prejudice the future *development* or *redevelopment* of the subject lands and the surrounding area as set out in this Plan; and
- d) no new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted.

10.1.9.4 The Temporary Use By-law may include requirements to restore the use of land, buildings, or structures to those in effect prior to the implementation of the Temporary Use By-law.

10.1.9.5 Council may extend a Temporary Use By-law beyond the initial time period as set out in the **Planning Act**, for additional periods of not more than three years each, provided such extension does not jeopardize the long-term development intention for the subject lands/ area as specified in the Official Plan.

10.1.9.6 Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses.

### **10.1.10 Bonus Provision By-laws**

10.1.10.1 In accordance with the **Planning Act**, Council may, by By-law, authorize increases in height and/or density for a site specific *development* or *redevelopment* proposal beyond that permitted in the Zoning By-law, in return for the provision of such facilities, services, or matters that include significant public benefit as set out in the Bonus Provision By-law.

10.1.10.2 Increases in height and/or density may be considered in order to obtain the following public benefits:

- a) the conservation of *cultural heritage resources*;
- b) the provision of cultural or arts facilities;



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- c) the provision of urban squares, parks, and walkways within the *development*;
  - d) the provision of public art;
  - e) the provision of affordable, assisted, or *special needs housing*;
  - f) the provision of daycare facilities;
  - g) the provision of community facilities;
  - h) the inclusion of *sustainability* or energy conservation measures; and
  - i) any other public benefit deemed suitable by Council.

10.1.10.3 The use of Bonus Provision By-laws shall be carefully controlled, and shall only be undertaken after a thorough site-specific review which shall assess the extent of height and/or density bonuses based on:

- a) the proposed *development's* compatibility with existing and/or future adjacent development;
- b) the extent to which the proposed *development* is consistent with the stated goals and objectives of the Plan;
- c) conformity to the general intent of the relevant land use designation of the Plan; and
- d) impact on hard and soft municipal services.

10.1.10.4 When considering bonusing, and allowing the provisions of benefits off-site, the positive impacts of the exchange should benefit the surrounding areas experiencing the increased height and/or density.

10.1.10.5 The Bonus Provision By-law shall set out areas where the height and/or density of *development* would be permitted to increase, as well as the extent of the height and/or density bonus.

10.1.10.6 As a condition of the Bonus Provision By-law, the Municipality may require the proponent to enter into one or more agreements registered against the lands to which it applies, and dealing with the provision and timing of facilities, services or matters that are to be provided, and the height and/or density bonus to be given.

### **10.1.11 Site Plan Control**

10.1.11.1 The entire area covered by this Plan is designated by by-law as a site plan control area pursuant to the provisions of the **Planning Act**.

10.1.11.2 The objectives of the Municipality in implementing site plan control are:

- a) to achieve efficient site *development* through a functional arrangement of the component parts of the site plan;

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- b) to achieve a high quality exterior design, including the *character*, *massing*, scale, appearance, and design features of buildings;
  - c) to enhance visual attractiveness of *streetscapes* through appropriate use of landscaping, lighting, screening, and other techniques;
  - d) to ensure that the scale and conceptual design of the proposed *development* is in contextual harmony and compatible with the existing or planned *character* of the area;
  - e) to protect and enhance the natural environment, including its features and functions;
  - f) to ensure the conservation of identified *cultural heritage resources* where appropriate;
  - g) to ensure safety and efficiency of vehicular and pedestrian movement into and through the site including accessibility for persons with disabilities;
  - h) to control the placement and provision of required on-site services and facilities such as driveways, walkways, parking, loading facilities, garbage storage and collection facilities, snow storage or removal, and emergency access routes;
  - i) to ensure proper grading and secure easements necessary to provide for public utilities, servicing, and site drainage; and
  - j) to secure road widening sufficient to achieve the planned right-of-way widths for the Municipality and Regional road allowances.

10.1.11.3 The following classes of *development* and *redevelopment* are exempt from site plan control:

- a) single detached, semi-detached, duplex, or link residential development, including any *accessory buildings* related thereto, unless:
  - i) the property is designated under the **Ontario Heritage Act**;
  - ii) the lands are located within a *Natural Heritage System* or Natural Hazard indication as shown on Schedule “C”;
  - iii) the lands are located within the Site Plan Control Area of the Oak Ridges Moraine Secondary Plan Area; or
  - iv) the structure is a *garden suite*;
- b) street townhouse development within a registered plan of subdivision, including any *accessory buildings* related thereto; and
- c) development of farm buildings or structures unless the lands are located within the Oak Ridges Moraine Secondary Plan Area.

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10.1.11.4 In accordance with the **Planning Act**, within the site plan control areas designated, the Municipality shall require the owner of the land proposed for *development* to submit plans, drawings, and any necessary elevations, and cross-sections to display the *massing* and conceptual design of the proposed building and the relationship of the proposed building to adjacent building, streets, and exterior areas to which members of the public have access, and any other technical aspects and *sustainable* design elements as reasonably required for approval. As a condition of site plan approval, the Municipality may require the owner to enter into one or more agreements that address matters such as:

- a) matters relating to external building design details including, but not limited to *sustainable* design, *character*, and appearance, but only to the extent that it is a matter of exterior design;
- b) *sustainable* and accessible design elements within, or adjacent to, an adjoining municipal right-of-way, including without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities;
- c) facilities designed to have regard for accessibility for persons with disabilities; and
- d) architectural drawings illustrating appropriate design characteristics and materials to mitigate the potential for bird strikes and a report from a qualified environmental consultant that states that appropriate and acceptable mitigation measures have been included in the design.

10.1.11.5 As a condition of site plan approval, Council may require the conveyance of lands to the Municipality or Region of Durham for road widening or public transit right-of-way or *active transportation* purposes, where appropriate, in accordance with the provisions of this Plan.

10.1.11.6 Prior to granting site plan approval to a proposed *development* which abuts a road under the jurisdiction of the Region of Durham, Council shall ensure that the Region has been afforded an opportunity to review the plans and identify requirements in accordance with the **Planning Act**.

10.1.11.7 Council shall review and establish guidelines for the transfer of its authority to approve site plans to the Commissioner of Planning or a Committee of Council.

## **10.1.12 Plans of Subdivision/Condominium**

10.1.12.1 In considering an application for a plan of subdivision, Council, or a Committee of Council which has been delegated the appropriate authority, shall provide adequate information to the public and hold a public meeting

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in accordance with the provisions of the **Planning Act**. Notice for the public meeting shall be in accordance with the provisions of the **Planning Act** and shall be given no less than 14 days prior to the date the public meeting is to be held.

10.1.12.2 Council, when considering plans of subdivision and plans of condominium, shall only approve those plans of subdivision or condominium which conform with the provisions of this Plan, the Durham Regional Official Plan, the **Planning Act**, and the **Condominium Act** where applicable.

10.1.12.3 Where roads and other *infrastructure* associated with a plan of subdivision, require approvals under the **Environmental Assessment Act**, the Municipality shall consider the integration of the **Planning Act** and **Environmental Assessment Act** processes to the extent reasonable and practical.

10.1.12.4 The Municipality may, under its conditions of approval for plans of subdivision and condominium pursuant to the **Planning Act**, require that the applicant(s)/owner(s) enter into one or more agreements which shall be registered against the title of the subject lands. Such agreements shall include such matters as, but not limited to finance, drainage, roads, landscaping, public lands' dedication, and other provisions in the conditions of approval.

### **10.1.13 Severances**

10.1.13.1 If a plan of subdivision is not deemed necessary, consideration of an application for severance shall ensure conformity to the intent of this Plan, including the policies in Section 4.4.3.4.2 where applicable, the Durham Regional Official Plan, the **Planning Act**, and to the following criteria:

- a) Severance for non-farm residential *development* outside the Urban Area boundary shall not be permitted;
- b) Strip *development* along arterial roads shall be avoided and direct access from arterial roads may be restricted;
- c) Where public sewer and water services are not available, severances shall only be granted with the approval of the Regional Health Unit and Provincial agencies involved;
- d) The land shall front on an open public road which is of a reasonable standard of construction and is maintained on a year-round basis;
- e) The size of any parcel of land created by severance should be appropriate for the use proposed and no parcel shall be created which does not conform to the provisions of this Plan and the implementing Zoning By-law;

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- f) Access can be obtained without creating a traffic hazard because of limited sight lines on curves or grades;
  - g) Approved severances may be conditional upon an agreement being entered into with the Municipality, pursuant to the provisions of the **Planning Act**;
  - h) The fulfilment of the requirements of the Durham Regional Official Plan; and
  - i) The Municipality is satisfied that a plan of subdivision is not required. Approved severances may be conditional upon an agreement being entered into with the Municipality pursuant to the provisions of the **Planning Act**.

### **10.1.14 Pre-consultation and Complete Application Requirements**

10.1.14.1 Prior to the submission of any *development* application to the Municipality, applicants shall be required to consult with the Municipality in accordance with the Municipality's Pre-consultation By-law. The pre-consultation process is intended to scope issues associated with a specific *development* or *redevelopment* proposal, address matters requiring agency comments, and to identify the information and materials required, including reports and studies, as described in Section 10.1.14.3, or as otherwise identified in this Plan or the Durham Regional Official Plan, prior to the submission and acceptance of a *development* application, as items necessary for the application to be deemed complete under the **Planning Act**.

10.1.14.2 The Municipality requires that applicants for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Plans of Condominium, and Site Plans, provide certain information or material that the Municipality considers it may need, or as required by the Region of Durham or other relevant agencies, in addition to the **Planning Act** requirements.

10.1.14.3 Information or material, prepared by a qualified professional, that may be required, or determined by the Municipality in consultation with other government agencies and following consultation with the applicant in order to deem a *development* application complete may include, but is not limited to, the following:

**Planning Considerations:** Planning Rationale Report; Land Use Compatibility Analysis, Phasing Plan, Health Impact Assessment;

**Engineering Considerations:** Functional Servicing Report; Servicing Options Report; Grading and Drainage Plan; Stormwater Management Plan; Hydrogeological Report; Well Impact Study; Soils and Slope Stability Report(s); Geotechnical Report; Noise Study; Vibration Study; Construction Management Plan;

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**Environmental Considerations:** *Environmental Impact Study*; Phase 1 Environmental Site Assessment Report; Phase 2 Environmental Site Assessment Report; Record of Site Condition; Natural Heritage Evaluation; Hydrological Evaluation; Conservation Plan for Water Use; Contaminant Management Plan; Natural Hazard Study; Coastal Engineering Study; Subwatershed Study; Tree Inventory and Preservation Study; Impact Assessment for Lands within 500 metres of Former Waste Sites; Odour Report; Vegetation Enhancement Plan; Edge Management and Restoration Plan; Air Quality Study; Mineral Aggregate Extraction Study;

**Agricultural Considerations:** Agricultural Impact Assessment; Statement of Conformity with *Minimum Distance Separation formulae*;

**Transportation Considerations:** Traffic Impact Study; Transit Study; On-site Traffic Management Plan; Parking Study; Parking Management Plan; Haul Route Plan; Active Transportation Plan; Transportation Demand Management Strategy;

**Financial Considerations:** Retail Market Impact Study; Retail Market Capacity Study; Fiscal Impact Analysis; Municipal Financial Impact Study; Housing Market Study; Rental Housing Study;

**Cultural Heritage Resource Considerations:** Archaeological Assessment; Cultural Heritage Impact Assessment; any requirements of a Heritage Conservation District Plan and designating by-law;

**Design Considerations:** Site Plan; Building Elevations; Landscape Plans/Analysis; Open Space and Parks Plan; Urban Design Study; Urban Design Plan; Comprehensive Block Plan; Sun/Shadow Study; Lighting Plan; Wind Study; Refuse/Recyclable Storage and Pick-up Plan; View/Vista Study; Bird Mitigation Study.

- 10.1.14.4 In all instances, the number and scope of reports and technical studies required for the submission of a complete application should be appropriate and in keeping with the scope and complexity of the application in consultation with other key agencies.
- 10.1.14.5 All required reports and technical studies shall be prepared by qualified professional consultants retained by and at the expense of the proponent and in accordance with any applicable Terms of Reference or specifications by the Municipality, Durham Region, or other public agency. The Municipality will review all reports and studies and may also require a peer review by an appropriate public agency or by a qualified professional consultant retained by the Municipality at the proponent's expense.
- 10.1.14.6 The reports and technical studies outlined in sub-section 10.1.14.3 are not intended to preclude the Municipality from requiring additional reports and

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studies that may be identified during the subsequent review and assessment of a complete application if circumstances necessitate the need for such information as part of the decision-making process.

### **10.1.15 Agreements and Planning Application Fees**

10.1.15.1 Agreements may be required with respect to such matters as the following:

- a) subdivision and condominium agreements to provide for the installation of all necessary services, roads, and facilities, payment of fees, development charges and other financial obligations, dedication of lands and such other matters as may, from time to time, be required by Council under the conditions of approval for a draft plan of subdivision or draft plan of condominium;
- b) site plan control agreements to regulate *development* or *redevelopment* of lands or buildings pursuant to the provisions of the **Planning Act**;
- c) development agreements as a result of bonusing provisions and arrangements;
- d) front-ending or credit agreements under the **Development Charges Act** to mitigate cash flow issues resulting from growth occurring later than *infrastructure* installation;
- e) cost-sharing agreements for expediting the provision of hard and soft services in development areas; and
- f) heritage, conservation, and access agreements and easements.

10.1.15.2 All *development* and *redevelopment* applications submitted to the Municipality shall be accompanied by the appropriate fees as set out in the Planning Application Fee Bylaw, as amended from time to time and any applicable fees collected by the Municipality on behalf of other agencies.

### **10.1.16 Municipal Land Acquisition**

10.1.16.1 The Municipality may acquire, manage, and dispose of any lands, buildings or structures in order to implement any aspect of this Plan in accordance with the provisions of the **Municipal Act**, **Planning Act**, **Development Charges Act**, or any other applicable legislation. In this regard, the Municipality may prepare a land acquisition strategy to guide decision-making.

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## 10.1.17 Public Consultation

10.1.17.1 Council shall:

- a) promote the active participation of the Municipality’s residents, landowners, and businesses in the implementation of the policies of this Plan and any subsequent amendments, as well as providing opportunities for such participation in accordance with the formal requirements of the **Planning Act** and the **Environmental Assessment Act**;
- b) actively seek input and comments from the public and Committees of Council, in the review of planning matters as active participants in the decision-making process;
- c) actively seek input and comments from agencies and Aboriginal communities, where appropriate, in the review of planning matters as active participants in the decision-making process; and
- d) ensure that adequate reporting mechanisms are in place to provide Council and the public with a complete and unbiased record of the public consultation process undertaken on various planning and development matters.

## 10.2 Interpretation

### 10.2.1 General

- 10.2.1.1 The boundaries between land uses as designated on all schedules contained in this Plan are approximate, except where they coincide with major roads, railway lines, or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to approximate boundaries will not require amendment to this Plan. Notwithstanding the above, the Greenbelt Protected Countryside boundary and the southern boundary of the Oak Ridges Moraine as identified on the schedules of this Plan conforms to the requirements of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan and shall not be amended.
- 10.2.1.2 All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations may be considered provided the intent and spirit of the Plan is maintained.
- 10.2.1.3 Alignments of roads on Schedule “D” are diagrammatic and an amendment to this Plan is not required for the realignment of these roads provided the general purpose and intent of this Plan is maintained.



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Precise routes of new roads will be determined by studies, such as, but not limited to environmental assessment studies.

- 10.2.1.4 Land use designations on Schedule “A” and other schedules may be refined in *Secondary Plans* without an amendment to this Plan provided its overall intent is maintained.
- 10.2.1.5 In the event that a conflict exists between the schedules and policies of *Secondary Plans* and those of this Plan, then the more detailed *Secondary Plan* shall take precedence and prevail for interpretation and decision-making purposes. Where a *Secondary Plan* is silent on a particular matter, the provisions of Part I of this Plan shall apply.
- 10.2.1.6 Examples of permitted uses are included in this Plan to illustrate the range of activities permitted in each land use designation. Specific uses shall be defined for an area at such time as the implementing Zoning By-law is established. Uses considered to be within the range of activities of a land use designation of this Plan will not require an amendment to this Plan.
- 10.2.1.7 Where references are made to minimum building height in storeys, the minimum required number of storeys shall consist of functional floor space on a portion or all of each required storey, which will be further detailed in the Zoning By-law.
- 10.2.1.8 Where references are made to legislation and other documents, it shall be understood that the legislation and/or document may be amended from time to time and the version in effect shall apply.
- 10.2.1.9 In the case of a discrepancy between the policies and related schedules of this Plan, the policies will supersede.
- 10.2.1.10 Changes to the policy numbering and cross-referencing of policy sections, minor editorial changes and map changes may be permitted without an Amendment to this Plan, provided the intent of the Plan is maintained.

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## 10.2.2 Definitions

**Accessory Building** - A detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot and that is not used for human habitation.

**Accessory** - The use of any land, building, or structure which is normally incidental to, subordinate to, and exclusively devoted to, the principal use located on the same lot.

**Active Transportation** - Any form of human-powered travel, including but not limited to walking, cycling, inline skating, skateboarding, and travel with the use of mobility aids.

### **Affordable Housing** -

In the case of ownership housing, the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
- b) housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

- a) a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
- b) a unit for which the rent is at or below the average market rent of a unit in the regional market area.

For the purposes of this definition:

Low and moderate income households means, in the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.

**Agricultural Use** – The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-Related Use** – Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

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**Alvars** – Naturally open areas of thin or no soil over essentially flat limestone, dolostone or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs.

**Amenity Area** – An interior area within a building or an outdoor area exterior to the building which is designed and intended primarily for the leisure and recreation of the occupants of the dwelling.

**Apartments in Houses** – A self contained second dwelling unit incidental to the permitted residential use created through converting part of, or adding on to, an existing dwelling unit.

**Archaeological Resources** – Artifacts, archaeological sites, marine archaeological sites, as defined under the **Ontario Heritage Act**. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the **Ontario Heritage Act**.

**Areas of Natural and Scientific Interest (ANSI)** – Areas of land and water containing natural landscapes or features that have been identified by the Ministry of Natural Resources and Forestry as having life science or earth science values related to protection, scientific study, or education.

**Brownfields** – Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.

**Built Boundary** – The limits of the developed urban area as defined by the Province and as identified on Schedule “B”.

**Built Heritage Resources** – One or more buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community.

**Buffer** – An area intended to minimize potential conflict between land uses or areas. In the case of a buffer intended to minimize potential conflict between human activities and sensitive environmental features, this is typically done by providing a natural separator and by rounding out irregularities and minimizing the length of interface with the human dominated landscape.

**Business Park** – An employment area which provides for light industrial uses and service/office uses in a campus setting.

**Character** – The collective qualities, features, and attributes that comprise the physical and natural aspects of a particular place, area, or neighbourhood.

**Class Environmental Assessment** – Refers to the process established under the **Environmental Assessment Act** for certain types of projects.

**Climate Change** – Any significant change in temperature, precipitation, or wind, lasting for an extended period (decades or longer).

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**Climate Change Adaptation** – Changes in processes, procedures, *infrastructure*, the built environment, and human behaviour to reduce the impact and risks to property, human health, and the natural environment associated with changing weather patterns caused by *climate change*.

**Climate Change Mitigation** – Efforts and actions to reduce or prevent the emission of greenhouse gases, including using new technologies and renewable energy; retrofitting and upgrading equipment, buildings and *infrastructure* to be more energy efficient; and changing human behaviour.

**Coastal Wetland** – Any *wetland* located on the shore of Lake Ontario or on a tributary of Lake Ontario and lies, either wholly or in part, downstream of a line located two kilometres upstream of the 1:100-year floodline (plus wave run-up) of Lake Ontario.

**Community Hub** – A gathering place where people come together to receive services or meet one another, for a range of health and social services, cultural, recreational, and/or community needs. A community hub can be a school, a neighbourhood centre, an early learning centre, a library, a seniors' centre, a community health centre, a municipal facility, a place of worship, or another public space.

**Connectivity** – The connection between two or more land uses, neighbourhoods, or areas. In the case of environmental connectivity, it means the degree to which *key natural heritage* or *hydrologic features* are connected to one another by links such as plant and animal movement corridors, hydrologic and nutrient cycling, genetic transfers, and energy flow through food webs.

**Conserve/Conserved** – As it relates to *cultural heritage resources*, means the identification, protection, management, and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the **Ontario Heritage Act**. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or Heritage Impact Assessment.

**Cultural Heritage Landscape** – A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association. Examples may include, but are not limited to, heritage conservation districts designated under the **Ontario Heritage Act**; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas, and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities.

**Cultural Heritage Resources** – Resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, event, or a people and include built heritage, *cultural heritage landscapes*, *archaeological resources*, and documentary heritage left by people.

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**Cumulative Impact** – The combined effects or potential effects of one or more development activity(s) in a specified area over a particular time period which may occur simultaneously, sequentially, or in an interactive manner.

**Development** – The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the **Planning Act**, but does not include: a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or b) works subject to the **Drainage Act**.

**Dynamic Beach Hazard** – Areas of inherently unstable accumulations of shoreline sediments along Lake Ontario, as identified by Provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the *flooding hazard* plus a dynamic beach allowance.

**Ecological Features** – Naturally occurring land, water, and biotic features that contribute to ecological integrity.

**Ecological Functions** – The natural processes, products, or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes. These may include biological, physical, and socio-economic interactions.

**Endangered Species** – A species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources and Forestry’s official Species at Risk list, as updated and amended from time to time.

**Environmental Impact Study (EIS)** – A study which examines the effect of *development* proposals and other major actions which have the potential to significantly affect the environment.

**Erosion hazard** – The loss of land, due to human or natural processes, that poses a threat to life and property. In the case of a confined system, the erosion hazard limit is determined using considerations that include the 100-year erosion rate/erosion allowance (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability/stable slope allowance to determine the location of the projected stable long-term top of slope, and an erosion/erosion access allowance. In the case of an unconfined system, it is defined by the greater of the meander belt plus access allowance or flood hazard plus access allowance.

**Existing Use** – The continued use of any land, building, or structure legally existing on the day of adoption of the Official Plan.

**Fiscal Impact Analysis** – An evaluation of the marginal and/or average operating costs and revenues to the municipality which are directly associated with residential and/or non-residential *development*.

**Fish habitat** – Spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes, as defined in the **Fisheries Act**, as amended from time to time.

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**Flooding hazard** – The inundation, under the conditions specified below, of areas adjacent to a shoreline or watercourse and not ordinarily covered by water:

- a) along the shoreline of Lake Ontario, the *flooding hazard* limit is based on the 100-year flood level plus an allowance for wave uprush and other water-related hazards;
- b) along other watercourses, the *flooding hazard* limit is the greater of:
  - i) the flooding resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954), transposed over a specific *watershed* and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over *watersheds* in the general area; or
  - ii) the 100-year flood; and
  - iii) a flood which is greater than i) or ii) which was actually experienced in a particular *watershed* or portion thereof and has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry.

**Floodplain** – The area of land, usually low lands adjacent to a watercourse that has been or may be subject to *flooding hazards*.

**Floor Space Index (FSI)** – The ratio of the total floor area of a building or buildings to the gross area of the lot on which the building or buildings are located. For example, a *floor space index (FSI)* of 2.0 would indicate that the gross floor area of a building could be up to two times the gross area of the lot on which it is located.

**Garden Suite** – A self contained, portable dwelling unit located on an existing residential property, designed primarily to provide temporary residential accommodation.

**Gateways** – Entrances into the Municipality or parts of the Municipality along major transportation corridors which provide strategic opportunities for projecting and contributing a sense of identity for the area and/or Municipality.

**Green infrastructure** – Natural and human-made elements that provide ecological and hydrological functions and processes and can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, or green roofs.

**Greenfield** – All undeveloped lands within the defined Urban Area that are not within the *Built Boundary*.

**Gross Residential Hectare** – The area of land measured in hectares utilized for residential dwellings including the lot area, local residential streets; local parks,

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including walkways and bicycle ways; public and separate elementary schools; places of worship and other institutions such as day care centres and long-term care and retirement homes; and local municipal facilities such as emergency service facilities. This area excludes arterial roads and required widenings where identified, *hazard lands*, commercial areas, secondary schools and other major institutional uses.

**Ground Related Dwelling Unit** – A dwelling unit which is designed to be accessible by direct access from the ground or by means of stairways, usually not exceeding 3 storeys in height.

**Groundwater Recharge Area** – An area in which there is a significant addition of water by natural processes to the groundwater system.

**Hazard Lands** – Lands having inherent environmental hazards such as poor drainage, organic soils, flood susceptibility, erosion, steep slopes, or any other physical condition which could cause property damage, loss of life, or lead to the deterioration or degradation of the environment, if developed.

**Health Precinct** – Cluster of health and medical related facilities, including research and development facilities and related uses.

**Healthy and Complete, Sustainable Communities** – Communities where:

- a) people's needs for daily living are met without compromising the ability of future generations to meet their needs by providing convenient access to an appropriate mix of jobs, local services, a full range of housing (including *affordable housing*), schools, recreation, open space, and community infrastructure and alternative transportation options through *transit-supportive development*;
- b) there is an appropriate ratio of population to jobs;
- c) decisions are based on integrating social, economic, and environmental considerations; and
- d) people can live, work and play in a safe, vibrant, healthy, and prosperous environment.

**Home Industry** – Small-scale industrial use, primarily serving the agricultural community, which is an *accessory* use to a farm or rural residential lot, and includes such uses as carpentry, metalworking, welding, electrical work or blacksmithing, but shall not include auto repair or paint shop or furniture stripping.

**Hydrologic Functions** – The functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

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**Infill** – *Development* on vacant lots or through *redevelopment* to create additional new residential units and/or commercial space.

**Infrastructure** – The physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes, but is not limited to: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intensification** – The *development* of a property, site, or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield* sites;
- b) the *development* of vacant and/or underutilized lots within previously developed areas;
- c) *infill development*; and
- d) the expansion or conversion of existing buildings.

**Intermittent Stream** – Stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year.

**Key Hydrologic Features:**

- a) permanent and intermittent streams;
- b) wetlands;
- c) lakes, and their littoral zones;
- d) kettle lakes, and their surface catchment areas;
- e) seepage areas and springs; and
- f) aquifers and recharge areas.

**Key Natural Heritage Features:**

- a) habitat of *endangered species* and *threatened species*;
- b) fish habitat;
- c) wetlands;
- d) Areas of Natural and Scientific Interest (ANSIs);
- e) Significant valleylands;
- f) Significant woodlands;
- g) Significant wildlife habitat;



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- h) Sand barrens, savannahs, and tallgrass prairies; and
  - i) *Alvars*.

**Landfill** – Any land or building or structure in which waste has been deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste (excluding waste transfer, recycling and composting facilities). For the purpose of this Plan, waste includes ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse and such other wastes as designated under the **Environmental Protection Act**.

**Low Impact Development** – An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls in order to mitigate the impacts of increased runoff and stormwater pollution. It comprises a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration and detention of stormwater. *Low impact development* can include: bio-swales, permeable pavement, rain gardens, green roofs, and exfiltration systems.

**Major Office** – Freestanding office buildings of 10,000 square metres or greater, or with 500 or more jobs.

**Major Recreational Use** – Recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to golf courses, serviced playing fields, serviced campgrounds, and ski hills.

**Major Retail Use** – Large-scale, retail operations and commercial facilities, having a gross leasable area of 2,000 square metres or greater.

**Massing** – The overall bulk, size, physical volume, or magnitude of a building, structure, or project.

**Mineral Aggregate Operation** –

- a) Lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the **Aggregate Resources Act**;
- b) For lands not designated under the **Aggregate Resources Act**, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) Associated facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary-related products.

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**Minimum Distance Separation Formulae** – Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal** – Transportation systems providing facilities for many modes of movement such as vehicular, rail, cycling, and walking.

**Municipal Comprehensive Review** – An official plan review undertaken by the Municipality, or an official plan amendment, initiated by the Municipality that comprehensively applies the policies of Provincial plans and the Provincial Policy Statement and the Durham Regional Official Plan.

**Natural Heritage Features and Areas** – Features and areas, including significant wetlands, *coastal wetlands*, *fish habitat*, *significant woodlands*, *significant valleylands*, habitat of *endangered species* and *threatened species*, *significant wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural Heritage System** – A system made up of *natural heritage features and areas*, and linkages intended to provide *connectivity* and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, conservation areas, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue.

**Net Residential Hectare** – The area of land measured in hectares utilized for residential dwellings including the lot areas but excluding all public roads and widenings, public parks, open space blocks, school sites, local commercial areas, places of worship, and other public lands.

**Noise Exposure Forecast/Projection (NEF/NEP)** – A prediction of outdoor and indoor noise levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

**Normal Farm Practices** – A practice, as defined in the **Farming and Food Production Protection Act, 1998**, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the **Nutrient Management Act, 2002**, as amended from time to time, and regulations made under that Act.

**On-farm Diversified Use** – A use that is secondary to the principal *agricultural use* of the property, and are limited in area, including but not limited to, home-based businesses, *home industries*, uses that produce value-added agricultural products from

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the farm operation on the property, such as cottage wineries, and agri-tourism uses such as bed and breakfast establishments, farm vacation homes, and farm tours.

**Portable Asphalt Plant** – A facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Prime Agricultural Lands** – Lands having agricultural soils Classes 1, 2, and 3 (and combination equivalents thereof), as defined in the Canada Land Inventory.

**Provincially Significant Wetlands** – *Wetlands* and/or *wetland* complexes identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

**Redevelopment** – The creation of new units, uses, or lots on previously developed land, including *brownfield* sites, within existing communities.

**Regeneration Area** – An area identified, through a *municipal comprehensive review*, as an area in transition, with vacant lands and/or buildings that are in need of revitalization, which may redevelop for non-industrial land uses. These areas may include *brownfield* or *greyfield* areas.

**Regulatory Floodplain** – The approved standard used in a particular *watershed* to define the lands subject to flooding in a regional storm or an approved 100-year storm condition.

**Resilient/Resiliency** – The ability to recover from or adjust easily to misfortune or change.

**Riparian Corridors** – A linear section of natural vegetation adjacent and parallel to a watercourse that contributes to the protection of *fish habitat*.

**Sand Barrens** – Land, not including land that is being used for agricultural purposes or no longer exhibits sand barrens characteristics, that:

- a) has sparse or patchy vegetation that is dominated by plants that are:
  - i) adapted to severe drought and low nutrient levels;
  - ii) maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- b) has less than 25 per cent tree cover;

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- c) has sandy soils, other than shorelines, exposed by natural erosion or depositional process, or both; and
  - d) has been further identified, by the Ministry of Natural Resources and Forestry, or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**Savannah** – Land, not including land that is being used for agricultural purposes or no longer exhibits savannah characteristics, that:

- a) has vegetation with a significant component of non-woody plants, including tall grass prairie species that are maintained by seasonal drought or periodic disturbances such as fire, or both;
- b) has from 25 per cent to 60 per cent tree cover;
- c) has mineral soils; and
- d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**Secondary Plan** – A plan for a specific geographic area containing specific policies to guide future *development* and *redevelopment* which is adopted by Council as an amendment to this Official Plan.

**Sensitive Land Uses** – Land uses, buildings, *amenity areas*, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby industrial use. Sensitive land uses may be a part of the natural or built environment.

**Settlement Areas** – An existing built up area and that surrounding land which has been designated for *development* over the long term planning horizon.

**Significant Valleylands** – Natural areas that occur in a valley or other landform depression that has water flowing through or standing for some period of the year, which is ecologically important in terms of features, functions, representation or amount, and contributes to the quality and diversity of the Major Open Space system. Significant valleyland boundaries are defined by taking into consideration stable top of bank, riparian vegetation and *flooding hazard* limits.

**Significant Wildlife Habitat** – Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations, which are ecologically important in terms of their features, functions, representation or amount, and contribute to the quality and diversity of the Major Open Space system. Specific wildlife habitats of concern may include areas where species

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concentrate at a vulnerable point in their annual or life cycle; and areas that are important to migratory or non-migratory species.

**Significant Woodlands (Off the Oak Ridges Moraine)** – An area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ministry of Natural Resources and Forestry. Municipal approaches which achieve or exceed the same objective may also be used.

**Site Alteration** – Activities, such as grading, excavation, and the placement of fill, that would change the landform and natural vegetative characteristics of a site. For areas within the Greenbelt Protected Countryside and Oak Ridges Moraine, site alteration does not include:

- a) construction of facilities for transportation, infrastructure, and utilities used by a public body;
- b) activities or works under the **Drainage Act**; and,
- c) carrying out of agricultural practices on land that continues to be used for *agricultural uses*.

**Special Needs Housing** – Housing that is suited to specific needs of certain households and includes group homes and independent permanent living arrangements where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided.

**Streetscape** – The image created by the combination and location of physical and natural elements such as buildings, street furniture, landscaping, signage, roadway, and other elements, with an emphasis on the pedestrian-scale environment.

**Sustainable / Sustainability** – Meeting the needs of the present without compromising the ability of future generations to meet their own needs through the protection and enhancement of the natural environment, improvement to quality of life and the economy.

**Tallgrass Prairies** – Land, not including land that is being used for agricultural purposes or no longer exhibits tallgrass prairie characteristics, that:

- a) has vegetation dominated by non-woody plants, including tall grass prairie species that are maintained by seasonal drought or periodic disturbances such as fire, or both;
- b) has less than 25 per cent tree cover; and

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c) has mineral soils.

**Threatened species** – A species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources and Forestry’s official Species at Risk list, as updated and amended from time to time.

**Transit-supportive** – Compact, mixed-use *development* that makes transit viable and improves the quality of the experience of using transit.

**Universal Design** – The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

**Urban Design** – The process or exercise of giving form, shape, arrangement, appearance, and *character* to groups of buildings, neighbourhoods, or spaces, for the interaction of people and places.

**Urban Design Guidelines** – A set of discretionary statements to guide land development to achieve a desired level of quality for the physical environment. They may be general or technical statements intended to create functional, attractive, and compatible *development* through creative and innovative solutions that meet the design objectives.

**Vegetation Protection Zone** – A vegetated *buffer* area surrounding a natural heritage feature or a hydrologic feature within which only those land uses permitted within the feature itself are permitted.

**Watershed** – An area that is drained by a river and its tributaries.

**Watershed Plan** – A plan used for managing human activities and natural resources in an area defined by watershed boundaries.

**Wetlands** – Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. This also includes a Wetland Complex defined as a grouping of two or more wetlands that are related in an ecological and functional manner.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Woodlands** – Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the *sustainable*

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harvest of a wide range of woodland products. Woodlands include treed areas, woodlots, or forested areas, other than a cultivated fruit or nut orchard or a plantation established for the purpose of Christmas trees, and vary in their level of significance at the local, Regional and Provincial levels. Woodlands may be delineated according to the **Forestry Act** definition or the Province’s Ecological Land Classification system definition for “forest”.

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## Schedules “A” to “E”

Please visit [Whitby.ca/OfficialPlan](https://Whitby.ca/OfficialPlan) to view the following schedules:

**Schedule “A” – Land Use (North and South)**

**Schedule “B” – Intensification (North and South)**

**Schedule “C” – Environmental Management (North and South)**

**Schedule “D” – Transportation (North and South)**

**Schedule “E” – Secondary Plans and Community Improvement Areas (North and South)**



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## **Part 2 – Secondary Plans**

### **Section 11 - Secondary Plans**

All policies outlined in Part I, Sections 1 to 10 shall generally apply to Part II - Secondary Plans. Part II - Secondary Plans will reflect the overall intent of Part I - Official Plan. Secondary Plans shall be prepared in accordance with Sections 9.3, 10.1.4 and 10.1.5 of this Plan.

Any area shown on Secondary Plan schedules, but lying outside of the Secondary Plan boundary, shall be governed by the policies of Part I of this Plan.

Secondary Plans shall be read in conjunction with Part I of this Plan, including Schedules “A” – “E”.

In the event that a conflict exists between the Secondary Plan policies and/or schedules and those included within Part I of the Plan, then the more detailed Secondary Plan shall take precedence and prevail for interpretation and decision-making purposes.

Where a Secondary Plan is silent on a particular matter, the provisions of Part I of the Plan shall apply.

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## 11.1 Port Whitby Community Secondary Plan

### 11.1.1 Goals

- 11.1.1 To encourage the sensitive integration of new development into the fabric of the existing Port Whitby community.
- 11.1.2 To establish where new development and intensification will be located and to determine how existing stable neighbourhoods and environmental features and functions will be protected, while facilitating positive change and growth.
- 11.1.3 To create better transit, pedestrian, cycling and vehicular connections to the waterfront, GO Station, surrounding neighbourhoods, the downtown and within the Port Whitby community.

### 11.1.2 Objectives

- 11.1.2.1 To maximize the potential for the utilization of the Whitby Harbour as a small-craft harbour and the utilization of the adjoining public open space lands for active and passive recreational purposes.
- 11.1.2.2 To provide for the growth and development of a mixed use community through infilling and/or intensification in order to provide a mix and range of housing, appropriate in terms of scale, traffic generated, and demand on municipal services.
- 11.1.2.3 To create a compact neighbourhood with a range of services that includes the necessary amenities and transportation options for an economically and socially viable neighbourhood.
- 11.1.2.4 To promote Port Whitby as a vibrant and diverse, liveable place with appropriate opportunities for intensification, entertainment, leisure, and civic activities, and where a variety of experiences, unique and neighbourhood retail uses, and a range of residential uses are available.
- 11.1.2.5 To ensure that the character of existing and well-established residential streets is maintained and enhanced by ensuring that development and redevelopment is consistent with the policies of this plan, and compatible with neighbouring development, in terms of built form, character of adjacent buildings and the scale and density of existing development.
- 11.1.2.6 To foster a sense of civic identity through a high standard of community design in all future development that encompasses:
- a) the appropriate integration of public and private spaces;
  - b) a high degree of visual diversity and aesthetic quality;

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- c) a well-defined public realm, including an interconnected open space network;
  - d) sustainable and energy efficient building and site design;
  - e) the sensitive integration of new development with existing development; and,
  - f) a pedestrian oriented development pattern.

11.1.2.7 To encourage reductions in the use of private automobiles by promoting public transit, active transportation, auto sharing, and the use of Transportation Demand Management measures.

11.1.2.8 To create a sustainable community that demonstrates excellence in all aspects of sustainability including land use and economic vitality, energy, water and wastewater, materials and solid waste, environment, habitat and biodiversity, and accessibility and transportation, and that advances the strategies and recommendations contained in the Port Whitby Sustainable Community Plan.

### **11.1.3 General Development Policies**

11.1.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “F”. Any area shown on this map, but lying outside of this boundary is governed by the general land use designations and policies of this Plan.

11.1.3.2 Schedule “F” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.1, together with the general policies of this Plan, apply to the land use designations of the Port Whitby Community Secondary Plan area as shown on Schedule “F”.

11.1.3.3 Development within the Secondary Plan area shall be: compact in form; pedestrian-oriented; accessible by public transit; and, promote efficient and effective use of land resources and municipal services.

11.1.3.4 The Port Whitby/Whitby GO Station Intensification Area identified on Schedule “B” and the policies of the Port Whitby Community Secondary Plan are intended to implement the requirements of the Durham Regional Official Plan regarding Major Transit Stations, Waterfront Places and Regional Corridors, by providing for a range of residential, commercial, marina, recreational, tourist, and community uses in proximity to the waterfront and GO Station in the Port Whitby area.

11.1.3.5 Development within the Port Whitby/Whitby GO Station Intensification Area identified on Schedule “B” shall be considered in accordance with,

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amongst other policies, the policies of Section 4.2.8 of this Plan, and in particular Section 4.2.9 regarding the Major Transit Station area.

- 11.1.3.6 Development should consider the following design and built form criteria:
- a) Buildings should be located at or close to the street line to reinforce a strong street edge, where appropriate, while respecting existing conditions;
  - b) Parking areas should not be located between buildings and the streetlines;
  - c) Landscape treatments should be provided to contribute to the development of a walkable and safe pedestrian environment; and
  - d) Views and vistas to the waterfront and harbour from within the public realm will be considered, secured and enhanced through the review of development applications and the design of streets and public spaces.
- 11.1.3.7 Development and redevelopment within 1 kilometre of the Lake Ontario shoreline shall consider implementation of design measures to minimize impacts to the environmental and wildlife corridor function of the Waterfront and to maintain, restore and enhance corridor functions where possible, in consultation with Central Lake Ontario Conservation Authority.
- 11.1.3.8 Development south of Pringle Creek on the east side of the Whitby Harbour may only occur upon verification that flood proofing measures can be implemented to the satisfaction of the Municipality and the Conservation Authority and that safe access/egress to the site during flood events is available.
- 11.1.3.9 The Port Whitby Community Secondary Plan policies in Section 11.1 shall be read and applied in conjunction with the relevant policies and provisions of the Port Whitby Urban Design Guidelines, the Port Whitby Community Improvement Plan, and the Port Whitby Sustainable Community Plan.

#### **11.1.4 Sustainability**

- 11.1.4.1 The Municipality, through the review and consideration of development applications, will require proponents of new development to address sustainability matters outlined in the Port Whitby Sustainable Community Plan and Section 3 of this Plan. On this basis, proponents of new development may be required to prepare a Sustainability Plan that considers the elements of sustainability identified in this Plan and the Port Whitby Sustainable Community Plan, to demonstrate how the proposed development would advance sustainability objectives.

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11.1.4.2 Approval of new development within the Port Whitby area may be conditional on meeting sustainability objectives as appropriate. Consideration will be given through all review processes as to how these requirements could be phased through the development process.

### **11.1.5 Low Density Residential**

11.1.5.1 Lands designated as Low Density Residential on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policies.

11.1.5.2 Lands designated as Low Density Residential permit single and semi-detached dwellings.

11.1.5.3 The maximum residential density shall not exceed 30 dwelling units per net hectare and the maximum building height shall not exceed three storeys.

11.1.5.4 Where a single detached or semi-detached dwelling is proposed to be demolished and replaced, the Municipality may require proponents to demonstrate how the new dwelling is compatible from a siting, design and architectural perspective with existing homes on adjacent lots.

11.1.5.5 Development that has the effect of increasing the frontage of any existing lot or by increasing the building façade by 25% or more is discouraged unless it can be demonstrated that the relationship between the built form and the street frontage along the street is generally maintained. The width of any new or enlarged lot, or new or enlarged building façade, should not generally exceed the average width of the existing lots or building façades on the same block or as a consequence of a land assembly.

11.1.5.6 Notwithstanding any other provisions of this Plan to the contrary, townhouse development may also be permitted, to a maximum density of 50 units per net hectare, and a maximum building height of 3 storeys, on the property identified by Assessment Roll No. 18-09-030-012-19300-0000, subject to inclusion of appropriate provisions in the Zoning By-law.

### **11.1.6 Medium Density Residential One**

11.1.6.1 Lands designated as Medium Density Residential One on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following additional policies.

11.1.6.2 Lands designated as Medium Density Residential One permit townhouses, multiple dwellings, and low-rise apartment buildings.

11.1.6.3 The minimum residential density is greater than 30 dwelling units per net hectare and the maximum residential density shall not exceed 50 dwelling

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units per net hectare. The minimum building height shall be two storeys and the maximum building height shall not exceed four storeys.

11.1.6.4 The retention and updating of existing low-rise buildings in the Medium Density Residential One designation is encouraged where feasible. On this basis, additional development, redevelopment or alterations may be permitted on lots containing low-rise buildings provided that, as a condition of approval, the façades of the existing buildings are updated and modernized. The addition of landscaping and other design features is also encouraged.

11.1.6.5 Where redevelopment is proposed, it should have direct access from the dwelling to the street to support and encourage the residential character of the area. Garages and/or parking for the new dwellings should be located to the rear of the building.

11.1.6.6 It is recognized that the provision of additional landscaping may not be feasible when lots are redeveloped and/or when existing uses are expanded, particularly if the landscaping potentially limits the amount of development that could occur and/or is not feasible given building and parking area location. In these cases, the focus shall be on the enhancement of the streetscape by the addition of landscaping between the building and the public road and the parking areas adjacent to the public road.

### **11.1.7 Medium Density Residential Two**

11.1.7.1 Lands designated as Medium Density Residential Two on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following additional policies.

11.1.7.2 Lands designated as Medium Density Residential Two permit mid-rise multiple dwelling units and mid-rise apartment buildings.

11.1.7.3 The minimum residential density is greater than 50 dwelling units per net hectare and the maximum residential density shall not exceed 65 dwelling units per net hectare. The minimum building height shall be three storeys and the maximum building height shall not exceed six storeys.

### **11.1.8 High Density Residential**

11.1.8.1 Lands designated as High Density Residential on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

11.1.8.2 Lands designated as High Density Residential permit mid-rise multiple dwelling units and mid-rise apartment buildings.



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11.1.8.3 The minimum residential density is greater than 30 dwelling units per net hectare and the maximum residential density shall not exceed 135 dwelling units per hectare. The minimum building height shall be three storeys and the maximum building height shall not exceed six storeys.

### **11.1.9 Mixed Use Residential One**

11.1.9.1 Lands designated as Mixed Use Residential One on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.6 and Section 4.6.3, except as modified by the following additional policies.

11.1.9.2 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.

11.1.9.3 The minimum residential density is greater than 50 dwelling units per net hectare and the maximum residential density shall not exceed 175 dwelling units per hectare. The minimum building height shall be three storeys and a maximum building height shall not exceed six storeys.

11.1.9.4 Mixed-use commercial development shall be required to include integrated residential uses. For the purposes of this policy, floorspace shall be calculated based on requiring a minimum of one square metre of residential floorspace, for each one square metre of ground floor commercial floor space. Offices may be permitted within the upper floors of a mixed-use development, provided that residential uses are separated from non-residential uses.

11.1.9.5 Development with frontage on Brock Street South must contain ground floor related commercial uses.

11.1.9.6 New construction should frame and enclose the public realm of Brock Street South with mid-rise infill buildings that are stepped back from a four storey street wall.

11.1.9.7 New infill development along Brock Street South should have adaptable and accessible ground floor spaces suitable for a range of uses such as galleries, professional offices, retail, community space and live/work units that can animate the public realm.

11.1.9.8 Improvements to the streetscape, such as soft landscaping, lighting fixtures, benches and public art, will be required as part of the overall project design of new developments.

11.1.9.9 The encroachment of restaurant patios and the outdoor display and sale of goods related to a business along Brock Street South is encouraged and may be permitted within the municipal right-of-way provided the scale and extent of the encroachment does not affect pedestrian/vehicular movement in the area.

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11.1.9.10 Parking to serve uses along Brock Street South shall be comprised of a combination of private and, where feasible, public parking facilities. The provision of adequate and convenient off-street parking is recognized as a necessity in the promotion and enhancement of Brock Street South. On this basis, the Municipality will encourage the coordination of existing parking facilities including the linkage of driveways and lanes for parking purposes. To the extent possible, new parking facilities shall be coordinated and linked with existing parking facilities.

11.1.9.11 Notwithstanding any provisions of this plan to the contrary, townhouse development may also be permitted to a maximum density of 75 units per hectare, on the properties having frontage on Brock Street South, located in Part of Lot 26, Broken Front Concession, identified by Assessment Roll #18-09-030-012-9300-0000 and Assessment Roll #18-09-030-012-9400-0000, subject to inclusion of appropriate provisions in the Zoning By-law.

### **11.1.10 Mixed Use Residential Two**

11.1.10.1 Lands designated as Mixed Use Residential Two on Schedule “F” shall be developed in accordance with the policies of Section 4.4.3.6, Section 4.6.3, and Sections 11.1.9.4 to 11.1.9.10 inclusive, except as modified by the following additional policies.

11.1.10.2 Lands designated as Mixed Use Residential Two permit residential uses in a multiple unit and apartment building 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.

11.1.10.3 The minimum residential density is greater than 60 dwelling units per net hectare and the maximum residential density shall not exceed 75 dwelling units per hectare. The minimum building height shall be three storeys and a maximum building height shall not exceed six storeys.

### **11.1.11 High Density Residential Mixed Use**

11.1.11.1 Lands designated as High Density Residential Mixed Use on Schedule “F” shall be developed in accordance with Section 4.4.3.6, except as modified by the following additional policies.

11.1.11.2 Lands designated as High Density Residential Mixed Use permit multi-storey residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses. Drive-through service facilities are not permitted.

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- 11.1.11.3 The minimum residential density is greater than 75 dwelling units per net hectare and the maximum residential density shall not exceed 300 dwelling units per net hectare. The minimum building height for lands designated High Density Residential Mixed Use, north of Victoria Street shall be six storeys and the maximum building height for all lands shall not exceed eighteen storeys.
- 11.1.11.4 Notwithstanding any provisions of this Plan to the contrary for lands located within Part Lot 27, Broken Front Concession, identified by Assessment Roll #'s 18-09-030-012-03200-0000, 18-09-030-012-03300-0000 and 18-09-030-012-03400-0000, the minimum residential density shall be 115 dwelling units per net hectare and the maximum residential density shall be 370 dwelling units per net hectare with a maximum building height of up to 33 storeys. A marina, ancillary retail, and personal service uses may also be permitted. Retail and personal uses will be harbour-related and serve the recreational and tourist function of the harbour as well as the residents of lands subject to this policy.
- 11.1.11.5 Notwithstanding any other provisions of this Plan to the contrary, for lands municipally known as 106 and 110 Victoria Street West and identified by Assessment Roll #'s 18-09-030-012-07000-0000 and 18-09-030-012-07100-0000, the maximum permitted residential density shall be 630 units per hectare.
- 11.1.12 Commercial**
- 11.1.12.1 Lands designated as Commercial on Schedule “F” shall be developed in accordance with the policies of Section 4.5.3.3, except as modified by the following additional policies.
- 11.1.12.2 Lands designated as Commercial north of the rail line between Henry Street and Brock Street permit business and professional offices, trade and convention centres, hotels and uses that are associated with the above uses and integrated within office buildings, such as take-out or full service restaurants, financial institutions, personal service shops, convenience stores and commercial fitness centres. The minimum building height shall be three storeys and the maximum building height shall be eighteen storeys.
- 11.1.12.3 Lands designated as Commercial south of Water Street permit smaller floorplate retail and personal service uses limited to businesses and amenities servicing local residents and visitors. The maximum building height shall be two storeys.
- 11.1.12.4 New office buildings shall generally form a continuous wall along public streets, respecting a consistent setback from the public street, to be determined through a detailed site plan review.

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### **11.1.13 Community / Institutional**

- 11.1.13.1 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.
- 11.1.13.2 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.

### **11.1.14 Major Open Space**

- 11.1.14.1 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.
- 11.1.14.2 Docking areas and related on-shore facilities are permitted on lands designated as Marina on Schedule “F”.
- 11.1.14.3 Applications for development will be required to connect to active transportation networks and Major Open Space areas through the development approval process.
- 11.1.14.4 A publicly accessible open space shall be included as part of the future redevelopment of the GO Station site north of Victoria Street. This open space shall provide an amenity area for residents of the redeveloped GO Station site and a strong pedestrian linkage between this neighbourhood and the waterfront.
- 11.1.14.5 The continued existence of St. John’s Church, cemetery and grounds shall be permitted and is recognized as one of the significant heritage sites in the Port Whitby Community.
- 11.1.14.6 Notwithstanding any policies of this Plan to the contrary, the property identified by Assessment Roll No. 18-09-030-012-21305-0000 may be zoned to permit the adaptive reuse of the former pumphouse site for such uses as personal service or limited retail and commercial uses in order to support the economic viability of retaining the structure, provided that compatibility with adjacent land uses and conformity with the general intent of this Plan are maintained.

### **11.1.15 Utilities**

- 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.
- 11.1.15.2 The lands designated as Utilities north of the rail corridor, and east

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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.

### **11.1.16 Prestige Industrial**

11.1.16.1 Lands designated as Prestige Industrial on Schedule “F” shall be developed in accordance with the policies of Section 4.7.3.2 of this Plan.

### **11.1.17 Environmental Protection Area**

11.1.17.1 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 enhanced by the following additional policies.

11.1.17.2 Lands designated as Environmental Protection Area include natural hazard lands / floodplain, valley lands, woodlands, wetlands, as well as Provincially Significant Wetlands.

11.1.17.3 Where appropriate, Council shall consult with the Central Lake Ontario Conservation Authority to encourage the use of conservation easements to protect private lands within the Environmental Protection Area designation.

11.1.17.4 Full Environmental Impact Studies (EIS) shall be required for applications for development within 30 metres of natural heritage features and functions and for applications for development within 120 metres of a Provincially Significant Wetland. The details of the EIS shall be dependent on the features within and adjacent to the proposed development.

11.1.17.5 An EIS shall be prepared by a qualified professional(s) in the appropriate field(s) of expertise (e.g., ecology, hydrogeology and/or environmental planning) and must be submitted to the Municipality as part of a complete development application. The Municipality will consult with Central Lake Ontario Conservation Authority, Ministry of Natural Resources or other appropriate agencies in a review capacity or for additional guidance with respect to key issues.

11.1.17.6 The following minimum vegetation protection zones shall be required for protection of natural heritage or hydrologic features and their ecological functions:

- a) 10 metres from the dripline of a woodland;
- b) 10 metres from the top of bank or the erosion hazard for valleylands;
- c) 30 metres from a Provincially Significant Wetland;

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- d) 15 metres from all other wetlands;
  - e) 30 metres from the centre line of a cold or cool water watercourse;
  - f) 15 metres from the centre line of a warmwater watercourse; and
  - g) any relevant requirement under the Endangered Species Act.

The final delineation of the vegetation protection zone shall be determined through an EIS which may exceed the minimum distances.

Notwithstanding the foregoing, the minimum vegetation protection zone may be reduced where it is not feasible to provide the minimum distances due to existing development or other restrictions, and subject to the determination of an EIS and the approval of the Municipality and the Conservation Authority.

11.1.17.7 An EIS shall identify and assess the potential impact of a proposed development on the ecologic and hydrogeological features and functions within the proposed development area. An EIS shall confirm that the minimum buffer/setback requirements from the environmental features/functions are adequate and that greater buffers are not required. The EIS shall also include a detailed water balance to demonstrate that pre- and post-development infiltration can be maintained and recommendations on buffers adjacent to sensitive areas and preservation, maintenance, and enhancement of woodlot, wetland and natural linkage corridors are provided.

11.1.17.8 Where an EIS recommends that minor modifications can be made to the boundary of the Environmental Protection Area designation and subject to the satisfaction of the Municipality and Central Lake Ontario Conservation Authority, then the boundary may be refined without further amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained.

### **11.1.18 Natural Hazard Area**

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.

### **11.1.19 Transportation**

11.1.19.1 The classification of all existing and proposed roads in the Port Whitby Community Secondary Plan area is identified on Schedule “D”. Existing and proposed trails and connections are identified on Schedule “F”.

11.1.19.2 While the Arterial Roads shown on Schedule “D” are intended primarily to allow for the ease of motor vehicle traffic throughout the Region and the Municipality, regard must be had in their design to the other public interest objectives established by this Plan, which require that higher density

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development be established along Arterial Roads in a pedestrian oriented and transit supportive environment.

- 11.1.19.3 Arterial roads shall be designed in a manner that provides for other modes of non-motorized travel and the pedestrian. In addition, priority shall be given to ensuring that public transit facilities, such as stops, shelters and dedicated lanes, are all part of the overall design of the arterial road over the long term.
- 11.1.19.4 Within the Mixed Use Residential One and Mixed Use Residential Two designations focused on Brock Street South, it is the intent of this Plan that a pedestrian oriented public realm be established along Brock Street South to promote a safe, walkable and vibrant urban environment.
- 11.1.19.5 All of the right-of-ways in the Port Whitby Community Secondary Plan area shall be planned to allow for a tree canopy that will provide shade and enhance and establish a vibrant urban environment. In this regard, a Tree Canopy Plan may be required as part of a complete development application, and the trees should be planted as soon as feasible to ensure that a canopy is established in the shorter term.
- 11.1.19.6 Given anticipated densities and built form, all right-of-ways in the Port Whitby Community Secondary Plan area shall be planned to accommodate sidewalks wherever feasible.
- 11.1.19.7 Increased east-west connectivity through the Port Whitby Community Secondary Plan area should be accomplished over the long-term and considered during the development approval process.
- 11.1.19.8 Applications for development may be required to be supported by a traffic study that amongst other matters, demonstrates no negative impacts on Arterial Roads to the satisfaction of the Town of Whitby and the Region of Durham, and identifies options that have the effect of improving connectivity, especially between Henry Street and Brock Street. In order to provide for the orderly development of lands north of Victoria Street, phasing options may need to be considered.
- 11.1.19.9 Any new roads or road improvements may be subject to an Environmental Assessment and must meet the engineering standards of the Municipality, the Region and the requirements of the Conservation Authority. If it is determined that proposed connections are not feasible, other alternative alignments that provide the same function will need to be considered.
- 11.1.19.10 Applications for development may be required to be supported by a parking management plan that identifies how parking requirements will be addressed. As a condition of approval, the Municipality may require that easements be provided to allow for the sharing of internal accesses between parking areas.

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- 11.1.19.11 The provision of appropriate space for the storing and parking of bicycles, and motor vehicles that are part of a car sharing program, shall be considered through the development approval process.
  - 11.1.19.12 In considering the continual enhancement of the Region’s public transit system, priority may be given to developments which support public transit and/or which facilitate the provision of transit infrastructure and/or related infrastructure as a condition of development approval. In addition, parking requirements may be reduced in circumstances where it can be demonstrated that the number of vehicles expected to access the proposed use is, or can be, lessened through the use of public transit or other travel demand management.
  - 11.1.19.13 As an incentive to encourage travel demand management, the Municipality may permit reduced parking standards for developments that demonstrate through their travel demand management plan and implementation strategy that a reduction in the parking standards is appropriate.

**11.1.20 Urban Design**

- 11.1.20.1 The provisions of Section 6.2 of this Plan shall apply to all lands within the Port Whitby Community Secondary Plan area, except as modified and/or enhanced by the policies of this Section, the Port Whitby Urban Design Guidelines and the Port Whitby Community Improvement Plan.
- 11.1.20.2 An Urban Design Plan may be required as part of a complete application for development, to illustrate such matters as consolidation or joint development of lands, integration of uses, building placement, access and internal circulation, pedestrian connections, land use compatibility, accessibility, landscaping and opportunities for transit connections. Where an Urban Design Plan is required, such plan shall consider all matters listed in Sections 6.2 and 11.1.17 of this Plan, as well as the Port Whitby Urban Design Guidelines and the Port Whitby Community Improvement Plan.
- 11.1.20.3 Landscaping and planting are an integral component of all new development on vacant lots, redevelopment of existing uses and/or proposed alterations. All landscaping and planting plans shall be developed in accordance with the Port Whitby Urban Design Guidelines.
- 11.1.20.4 Proponents may be required to restore or enhance building façade(s) on the same lot in order to maintain the architectural character and identity of the surrounding area in accordance with the Port Whitby Urban Design Guidelines.



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- 11.1.20.5 The Municipality shall require tree planting and preservation through subdivision agreements and development approvals so that all areas are provided with sufficient urban tree canopy to maintain a high standard of amenity and identity for the Port Whitby community.
  - 11.1.20.6 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.
  - 11.1.20.7 It is the intent of this Plan that lands be developed in an integrated fashion by encouraging the consolidation or joint development of lands.
  - 11.1.20.8 Notwithstanding Section 11.1.20.7, where consolidation or joint development is not possible or desirable, development may be permitted on individual properties, provided that the Urban Design Plan outlined in Section 11.1.20.2 indicates how the proposed development of the specific parcel will permit the orderly and harmonious, future development of adjacent lands.

#### **11.1.21 Heritage Considerations**

- 11.1.21.1 Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.
- 11.1.21.2 In order to support the economic viability of retaining heritage resources, properties with buildings designated under the Ontario Heritage Act may be zoned to permit such additional uses as limited office, retail or personal service uses, provided that compatibility with adjacent land uses and conformity with the general intent of this Plan are maintained.

#### **11.1.22 Implementation**

- 11.1.22.1 Applications for development and redevelopment within the Port Whitby Community Secondary Plan area, as contemplated by the policies of this Plan, may require supporting Functional Servicing Reports and/or Phasing plans to address required extensions, improvements and upgrading of components of the water supply, sanitary sewer and storm sewer services.

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## 11.2 Lynde Shores Secondary Plan

### 11.2.1 Goals

- 11.2.1.1 To provide for the comprehensive development of the Lynde Shores Secondary Plan Area in a manner which protects and enhances the Lynde Creek wetland, natural heritage system and natural hazards, and integrates residential, commercial, institutional, industrial and community oriented uses.
- 11.2.1.2 To provide for the development of a Business Park area adjacent to Highway No. 401 that capitalizes on the advantages of the surrounding transportation facilities.

### 11.2.2 Objectives

- 11.2.2.1 To develop a fully integrated residential neighbourhood incorporating a range of residential densities and community facilities.
- 11.2.2.2 To develop a community that is integrated and interconnected with the Port Whitby community through active transportation networks, open space connections, and shared community facilities.
- 11.2.2.3 To develop a neighbourhood which provides a full range of housing types to satisfy the social and economic needs of Whitby's population.
- 11.2.2.4 To develop a strategically located Business Park taking advantage of the Highway No. 401 exposure and the surrounding transportation network.
- 11.2.2.5 To encourage the development and expansion of the Health Precinct.
- 11.2.2.6 To develop an open space system which provides both passive and active recreational opportunities, utilizing the Lake Ontario waterfront while respecting the environmentally sensitive nature of the Provincially Significant Wetlands on the western boundary of the area, and the sensitive nature of potential archaeological sites in the area.
- 11.2.2.7 To establish a focal point for the neighbourhood at the Gordon Street-Victoria Street intersection, incorporating a mixture of residential, retail commercial, office and recreation uses while ensuring a high quality of design and visual appearance.

### 11.2.3 General Development Policies

- 11.2.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "G". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of the Whitby Official Plan, and the Port Whitby Secondary Plan, where applicable.

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- 11.2.3.2 Schedule “G” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.2, together with the general policies of this Plan, apply to the land use designations of the Lynde Shores Secondary Plan area as shown on Schedule “G”.
- 11.2.3.3 Development and redevelopment within 1 kilometre of the Lake Ontario shoreline, as shown on Schedule “C”, shall be in accordance with the policies of Section 5.3.2.4.
- 11.2.3.4 Portions of Victoria Street identified as Intensification Corridors as illustrated on Schedule “B” will be guided by the policies of Section 4.2.7, and the more detailed policies of this Secondary Plan.
- 11.2.3.5 The Community Commercial Areas as illustrated on Schedule “G” will be guided by the policies of Section 4.3.3.5.2, and the more detailed policies of this Secondary Plan.
- 11.2.3.6 Development and redevelopment shall be encouraged to incorporate energy conserving land use planning design principles in accordance with the policies of Section 3.2.
- 11.2.3.7 The development of all lands within the Lynde Shores Secondary Plan shall be undertaken in accordance with the recommendations of the “Environmental Management Plan - Lynde Shores Secondary Plan Area” (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.

As part of Council’s approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.

## **11.2.4 Residential**

- 11.2.4.1 The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.
- 11.2.4.2 Lands designated as Low Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.4
- 11.2.4.3 Lands designated as Medium Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following additional policies.
- a. Notwithstanding Section 4.4.3.5, in the Medium Density Residential designation the minimum density shall be 35 dwelling units per net

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hectare and the maximum density shall be 75 dwelling units per net hectare;

- b. Notwithstanding Section 4.4.3.5, in the Medium Density Residential 1 designation may also permit semi-detached dwellings with a minimum density of 30 units per net hectare.

11.2.4.4 Lands designated as High Density Residential 1, 2 and 3 on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

- a. Notwithstanding Section 4.4.3.6, in the High Density Residential 1 designation the minimum density shall be 80 dwelling units per net hectare and the maximum density shall be 170 dwelling units per net hectare, and shall not exceed 12 storeys in height.
- b. Notwithstanding Section 4.4.3.6, in the High Density Residential 2 designation the minimum density shall be 100 dwelling units per net hectare and the maximum density shall be 275 dwelling units per net hectare, and shall not exceed 14 storeys in height.
- c. Notwithstanding Section 4.4.3.6, in the High Density Residential 3 designation the minimum density shall be 75 dwelling units per net hectare and the maximum density shall be 220 dwelling units per net hectare, and shall not exceed 6 storeys in height.

11.2.4.5 Development within all Residential designations shall be encouraged to incorporate energy conserving land use planning design principles.

## **11.2.5 Community Commercial**

11.2.5.1 The Community Commercial designation associated with the Community Central Area identified on Schedule “G” may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan except as modified by the following additional policies.

11.2.5.2 On lands designated Community Commercial on the second and above floors of commercial development to a maximum overall building height of 12 storeys and a maximum density of 100 units per net hectare.

11.2.5.3 The minimum and maximum floor space capacity for the commercial component on lands designated as Community Commercial shall be 3,000 square metres and 8,900 square metres respectively.

## **11.2.6 Business Park**

11.2.6.1 Lands designated as Business Park on Schedule “G” shall be developed in accordance with the policies of Section 4.7.3.2 except as modified by the following additional policies.

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- 11.2.6.2 In addition to the uses permitted in Section 4.7.3.2, the following additional uses are permitted information processing establishments, communication production uses, pharmaceutical, light assembly and light manufacturing operations for the production and/or distribution of high value and high technology products.
- 11.2.6.3 Notwithstanding Section 4.7.3.2.3, within the northeast section of the Business Park designation adjacent Highway 401, the additional use of a regional warehouse and distribution centre may also be permitted, subject to the inclusion of appropriate provisions in the implementing Zoning By-law.
- 11.2.6.4 Development shall be encouraged to take full advantage of the Highway No. 401 exposure through the staggering of lot lines on opposite sides of internal roads, siting of buildings and other appropriate site design measures. Consideration and appropriate mitigation measures for contamination management and on-site containment shall be required for all development and redevelopment on lands designated as Business Park.
- On-site water detention facilities shall be required to contain industrial spills.
- 11.2.6.5 Appropriate active transportation linkages shall be required through publicly accessible pedestrian walkways on private property and within rights-of-way where appropriate.
- 11.2.6.6 Within the Business Park designation, development and redevelopment should foster a distinct character area of high urban, architectural and landscape design. Development and redevelopment shall be in accordance with the policies of Section 6.2 and shall include the following:
- a. minimizing at-grade surface parking;
  - b. restricting service and loading areas;
  - c. minimizing and restricting outdoor storage areas; and
  - d. requiring berms, landscaping and other appropriate measures to adequately buffer residential areas on the south side of Victoria Street from the uses on the north side of Victoria Street.
- 11.2.6.7 In addition to the permitted uses in Section 11.2.6.2, the lands within the Community Central Area, shown on Schedule A, may be developed to include limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses serving the Business Park. Development within the Community Central Area fronting on Victoria Street West or Gordon Street shall have a minimum and maximum height restriction of 3 and 8 storeys respectively. As an exception, the following additional policies shall apply to a single office building located on lands at the immediate northeast corner of Victoria Street West and Montecorte Street:

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- a. a minimum and maximum height restriction of 3 and 20 storeys respectively; and
  - b. notwithstanding the policy provisions set out in Section 10.1.11, the developer shall also be required to submit architectural drawings illustrating appropriate design characteristics and materials to mitigate the potential for bird strikes; and a report from a qualified environmental consultant that states that appropriate and acceptable mitigation measures have been included in that design.

11.2.6.8 Where detailed study in support of a development application confirms that the boundary of a Natural Hazards designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazards designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply.

### **11.2.7 Institutional**

11.2.7.1 Lands designated as Institutional on Schedule “G” shall be developed to support and expand the Health Precinct, which includes Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences.

Lands designated as Institutional shall be developed as a cluster of health and medical related facilities, and complementary health-related research and development facilities and shall be developed in accordance with the relevant policies of Sections 6.2 and 10.1.11.

11.2.7.2 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.

### **11.2.8 Major Open Space**

11.2.8.1 Lands designated as Major Open Space on Schedule “G” shall be developed in accordance with the policies of Section 4.9 of this Plan, except as modified by the following additional policies.

11.2.8.2 Access for the servicing of public utilities, where necessary, may be provided through all lands within the Major Open Space designation.

### **11.2.9 Transportation and Active Transportation**

11.2.9.1 The Secondary Plan Area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following

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additional policies.

- 11.2.9.2 Consideration of the future road linkage connecting Gordon Street to Annes Street shall be considered during the development approval process within the Business Park.
- 11.2.9.3 Active transportation corridors shall be maintained in the open space corridor along the Lake Ontario waterfront and Lynde Creek.
- 11.2.9.4 A looped Active Transportation Network shall be required to facilitate public pedestrian and bicycle access to link Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area in an integrated manner. The Active Transportation Network, as shown on Schedule “G” shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and usability of this public recreational resource.

## **11.2.10 Heritage Conservation**

- 11.2.10.1 Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

## **11.2.11 Servicing**

- 11.2.11.1 The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

## **11.2.12 Implementation and Interpretation**

- 11.2.12.1 The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.





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## 11.3 Downtown Whitby Community Secondary Plan

### 11.3.1 Vision and Objectives

#### 11.3.1.1 Vision

11.3.1.1.1 Downtown Whitby is a vibrant, sustainable, innovative, inclusive and walkable urban destination, where our heritage is conserved and celebrated and where residents, employees and visitors are inspired to shop, live, work, play and connect.

#### 11.3.1.2 Objectives

##### 11.3.1.2.1 **Conserve and Enhance Cultural Heritage Resources:**

To enhance Downtown Whitby's historic character and respect cultural heritage resources through protection, adaptive re-use, sensitive integration with new developments, preservation of views and mature trees and appropriate built form transitions.

##### 11.3.1.2.2 **Provide the Right Built Form in the Right Place:**

To provide for intensification that is supportive of transit, businesses and a variety of housing options.

To require appropriate transition to existing adjacent mature areas.

##### 11.3.1.2.3 **Improve the Public Realm:**

To support public realm and streetscape improvements through features like expanded boulevards where possible, increased tree canopy, accessibility, additional street furniture and opportunities for flex streets and flex spaces.

##### 11.3.1.2.4 **Increase Access to Parks and Open Space:**

To provide for additional parks and accessible private and public open spaces, which create opportunities for year-round community engagement and outdoor social interaction.

##### 11.3.1.2.5 **Encourage Sustainability:**

To encourage innovative ideas that embrace principles of sustainability, resiliency and climate change adaptation and mitigation.

##### 11.3.1.2.6 **Support Innovation and Technology in Downtown:**

To support the Town's growing technology and innovation sectors and establish Downtown as an innovation district by encouraging technology companies, entrepreneurs, innovators, co-working spaces and post-

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secondary institutions to locate Downtown.

11.3.1.2.7

**Design for Accessibility:**

To ensure accessibility for people of all ages and abilities within Downtown Whitby by incorporating universal site and building design through development and redevelopment.

11.3.1.2.8

**Enhance Road Networks and Connectivity:**

To maintain and enhance the existing roadway grid network configuration through provisions of "missing links" and discouraging the creation of cul-de-sacs or dead-end streets for new developments.

11.3.1.2.9

**Encourage Active Transportation:**

To improve active transportation facilities and connections through innovative transportation design, considering opportunities such as road diets, and flex streets, that focus on pedestrians and cyclists.

11.3.1.2.10

**Improve Parking:**

To ensure access and availability of parking, including bicycle and accessible parking, throughout Downtown Whitby.

11.3.1.2.11

**Establish a Transit Oriented Downtown:**

Recognize the opportunity to establish a transit-oriented Downtown to support existing and planned transit within and in the vicinity of Downtown Whitby.

11.3.1.2.12

**Enhance Vitality and Viability of the Downtown:**

To enhance Downtown Whitby as a focal point and destination for visitors, as well as a place that meets the needs of existing and future residents and employees through a mix of retail and service commercial businesses, a broader range of housing options and an animated public realm.

**11.3.2 General Development Policies**

11.3.2.1

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "H". Any area shown on this Schedule, but lying outside of this boundary, is governed by the general land use designations and policies of Part I of this Plan.

11.3.2.2

Schedule "H" provides detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.3, together with the general policies of Part I of this Plan, apply to the land use designations of the Downtown Whitby Community Secondary Plan area as shown on Schedule "H" subject to Policy 10.2.1.5.

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- 11.3.2.3 Schedule "I" provides maximum permitted heights in storeys for buildings, which are in addition to the policies related to each land use.
- 11.3.2.4 The policies of the Downtown Whitby Community Secondary Plan are intended to implement the requirements of the Part I policies of this Plan regarding Intensification Corridors, Intensification Areas and Major Central Areas, by providing for a range of residential, commercial, employment and community uses at higher densities.
- 11.3.2.5 The unique character of Downtown Whitby, which is defined by heritage buildings, a vibrant retail main street, low to mid-rise built form and surrounded by low density mature neighbourhoods, should be maintained and enhanced.
- 11.3.2.6 Development and redevelopment within the Secondary Plan area should follow the objectives set out in Section 11.3.1 and be:
- a. Compact in form;
  - b. Pedestrian Oriented;
  - c. Supportive of active transportation options;
  - d. Accessible by, and supportive of, public transit;
  - e. Supportive of an active and vibrant mixed use core;
  - f. Compatible between different built forms through a transition of heights and densities, particularly abutting mature neighbourhoods;
  - g. Compatible with the heritage character of the downtown;
  - h. Efficient in the use of land, resources and municipal services; and
  - i. Supportive of healthy living for persons of all ages and abilities.
- 11.3.2.7 Development and redevelopment shall consider the design and built form policies of Section 6.2 of this Plan and relevant Town established urban design guidelines.
- 11.3.2.8 In accordance with Policy 4.3.3.3.2 of this Plan, new drive-through service facilities and automotive uses, including automobile sales, gas bars, car washes and service stations shall not be permitted within the Downtown Whitby Community Secondary Plan area. Such existing uses will be encouraged to relocate. Existing gas bars, car washes and automobile service stations may be recognized as permitted uses in the implementing Zoning By-law.
- 11.3.2.9 Residential development shall be encouraged within Downtown Whitby to help support the economic vitality of the area and provide a broader range of housing options.
- 11.3.2.10 Senior Citizen and Special Needs housing shall be encouraged to locate in Mixed Use, Medium Density Residential and High Density Residential

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designations within the Secondary Plan Area.

- 11.3.2.11 Affordable housing will be encouraged in Downtown Whitby in accordance with the policies of Section 7.7 of this Plan.

### **11.3.3 Sustainability**

- 11.3.3.1 The Municipality shall require new development and redevelopment to address the sustainability matters set out in Section 3.2 of this Plan and sustainable design measures set out in Section 6.2.3.22 of this Plan. On this basis, proponents of new development may be required to prepare a Sustainability Plan to demonstrate how the proposed development would advance sustainability objectives.

- 11.3.3.2 Green infrastructure and Low Impact Development techniques, such as permeable paving, infiltration trenches, rain gardens and other stormwater management techniques, shall be considered wherever possible in the design of new development and through retrofit opportunities to adapt existing buildings for sustainable design.

- 11.3.3.3 The Municipality shall use a wide selection of native trees, shrubs and wildflowers along street boulevards and in parks and encourage the planting of native trees, shrubs and wildflowers within the private realm through the development process.

- 11.3.3.4 All collector and local roads shall be planned to include a vibrant and healthy tree canopy that will provide shade and enhance and establish a vibrant urban environment, and comfortable pedestrian experience, where feasible. In order to maximum the amount of tree planting, the co-location of utilities is encouraged.

### **11.3.4 Placemaking**

- 11.3.4.1 The unique grid street layout and short block pattern within Downtown Whitby should be maintained and enhanced wherever possible to facilitate walkability and support greater connectivity within the Downtown. Schedule "H" identifies several new connections that will expand upon the historic grid street layout in accordance with Section 11.3.9 of this Plan.

- 11.3.4.2 Streetscape features that enhance the pedestrian experience and encourage walkability shall be implemented in Downtown Whitby where feasible, including distinctive street furniture, unique paving features, public art, signage/wayfinding and seating areas.

- 11.3.4.3 Within the Downtown core, opportunities to enlarge and enhance the pedestrian realm shall be considered including bulb-outs at intersections, reduced traffic lane widths and conversion of on-street parking to patios for restaurants and cafes.

- 11.3.4.4 Distinctive placemaking features should be implemented at entry points into

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Downtown Whitby. These features will contribute to the image and identity of Downtown Whitby and include such features as special landscape treatments, plantings, signage and banners.

- 11.3.4.5 Landowners with properties abutting rear lanes are encouraged to include storefronts facing the rear lane, public building entrances, patio spaces, seating areas, plantings, public art and lighting, to improve the overall pedestrian experience and safety of laneways.
- 11.3.4.6 The implementation of public art at key intersections, areas of high pedestrian activity and within parks and urban squares, is encouraged to foster a unique sense of place in Downtown Whitby.
- 11.3.4.7 Urban squares and parks within Downtown Whitby, developed in accordance with Section 11.3.7 .11 of this Plan and shown on Schedule H, provide opportunities to contribute to placemaking. The Town shall consider opportunities to program these spaces to animate public spaces and enhance placemaking.
- 11.3.4.8 New privately owned, publicly accessible open spaces are encouraged to increase the provision of public space within Downtown Whitby.

### **11.3.5 Cultural Heritage Resources**

- 11.3.5.1 Development and redevelopment shall be in accordance with the cultural heritage and archeological resource policies of Section 6.1 of this Plan.
- 11.3.5.2 The adaptive re-use of cultural heritage resources is encouraged.
- 11.3.5.3 Any proposed demolition of a cultural heritage resource must demonstrate that all alternative options have been considered and demolition is the only viable option.
- 11.3.5.4 Development and redevelopment adjacent to or incorporating cultural heritage resources shall be respectful of the resource, having regard for scale, massing, setbacks, building materials and design features, following established Heritage Conservation District Plans where applicable. Development and redevelopment may require a heritage permit, Cultural Heritage Impact Assessment and/or other relevant documentation required through the development process.
- 11.3.5.5 The Werden's Plan Neighbourhood Heritage Conservation District is located within Downtown Whitby and is subject to the policies of Section 11.3.6.2 of this Plan, as well as the Heritage Conservation District Plan. The Town may establish additional Heritage Conservation Districts within the Downtown Whitby Community Secondary Plan area under Part V of the Ontario Heritage Act, including the adoption of Heritage Conservation District Plans.

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## **11.3.6 Community Structure**

### **11.3.6.1 Downtown Whitby Major Central Area**

- 11.3.6.1.1 The boundary of the Downtown Whitby Major Central Area is delineated on Schedule "A" and also on Schedule "H". Occupying the core of the Downtown Secondary Plan, this area shall be planned to serve as vibrant mixed use centre, providing an array of institutional, commercial, retail, services, residential, recreational, cultural, entertainment and office uses.
- 11.3.6.1.2 A portion of the Downtown Whitby Major Central Area is also identified as an Intensification Area on Schedule "B". These lands shall be developed in accordance with Section 4.3.3.3.2 of this Plan.
- 11.3.6.1.3 Schedule "B" also identifies Brock Street and Dundas Street as Intensification Corridors. These Intensification Corridors shall be developed in accordance with Section 4.2.7 of this Plan.
- 11.3.6.1.4 Development and redevelopment within the Downtown Whitby Major Central Area shall maintain and conserve the historic commercial character and the low-rise built form within the Heritage Mixed Use designation, as delineated on Schedule "H". Denser forms of development are permitted and encouraged elsewhere within the Secondary Plan area.
- 11.3.6.1.5 Along Brock Street and Dundas Street, the unique main-street business environment shall be maintained, and the pedestrian experience enhanced through placemaking initiatives and public realm improvements. These areas should continue to function as destinations for shopping, dining and entertainment, as well as office and service uses, with encouragement for mixed use infill development that is comprised of ground level commercial units with residential units located above.
- 11.3.6.1.6 Offices, co-working spaces and flex offices, innovative industries, postsecondary institutions and health and social service agency facilities shall be encouraged to locate in Downtown Whitby.
- 11.3.6.1.7 The majority of residential intensification will be accommodated within the Downtown Whitby Major Central Area and the Intensification Area and Corridors within the Downtown. Limited infill and intensification will be permitted within the existing Low Density Mature Neighbourhoods.
- 11.3.6.1.8 Compatible residential intensification through the redevelopment of existing buildings and the infilling of vacant and underutilized properties shall be encouraged in the Downtown Major Central Area and along the Intensification Area and Corridors in order to achieve the intent of the designation and intensification targets set out within this Plan.
- 11.3.6.1.9 The permitted height and density of residential and mixed use intensification shall consider the local context and character of

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surrounding uses and built form, including surrounding mature neighbourhoods and cultural heritage resources, and should provide for appropriate built form transition to mature neighbourhoods and a built form character that fits in with the established character.

### **11.3.6.2 Werden's Plan Neighbourhood Heritage Conservation District**

11.3.6.2.1 The boundary of the Werden's Plan Neighbourhood Heritage Conservation District (Werden's Plan HCD) is shown on Schedule "H". Significant built heritage resources within the Werden's Plan HCD shall be conserved.

11.3.6.2.2 The goal of the Werden's Plan HCD Plan is to preserve the neighbourhood's small-town historic character and manage physical change to the neighbourhood over the long term.

11.3.6.2.3 The primary land use designations in the Werden's Plan HCD are Low Density Mature Neighbourhoods and Heritage Mixed Use. The intent of these designations is to respect and maintain the historic low density character of the area.

11.3.6.2.4 Notwithstanding Policy 11.3.6.2.3, the Werden's Plan HCD Plan recognizes the opportunities for conversion of existing buildings to commercial uses and apartments in specific areas. These areas are designated Heritage Mixed Use.

11.3.6.2.5 Changes to buildings, the public realm or private open space shall be in accordance with the goals, objectives, policies and guidelines of the Werden's Plan HCD Plan, which includes direction for new development, redevelopment, infill and alterations.

11.3.6.2.6 Development and redevelopment within or adjacent to the Werden's Plan HCD, may require a heritage permit, a Cultural Heritage Impact Assessment, and/or any other relevant documentation required through the development process. Development and redevelopment shall have regard for scale, massing, setbacks, building materials and design features in accordance with the requirements of the Werden's Plan HCD Plan.

11.3.6.2.7 The Werden's Plan HCD Plan identifies five historic landmarks: the St. Mark's United Church, the former R.A. Sennett School, the former Ontario County Registry Office, the Centennial Building and the St. Arsenije Sremac Serbian Orthodox Church. Views of these historical landmarks should be maintained, wherever possible.

## **11.3.7 Land Use Designations**

### **11.3.7.1 Low Density Mature Neighbourhoods**

11.3.7.1.1 Lands designated as Low Density Mature Neighbourhoods on Schedule

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"H" shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policies.

11.3.7.1.2 The Low Density Mature Neighbourhoods designation recognizes existing residential development.

11.3.7.1.3 Limited residential infill and intensification will be permitted in Low Density Mature Neighbourhoods in accordance with Sections 4.4.3.4, and 10.1.13.1, provided it fits in with, is context sensitive to and is compatible with the existing physical character of the neighbourhood.

11.3.7.1.4 The maximum permitted height shall not exceed 2-storeys or as shown on Schedule "I". The Zoning By-law may consider areas where a third storey above the roofline of a dwelling is permitted.

11.3.7.1.5 New development and redevelopment within Low Density Mature Neighbourhoods shall be compatible with and fit in with the existing physical character of the neighbourhood.

11.3.7.1.6 New development and redevelopment within the Low Density Mature Neighbourhoods designation shall follow the Residential Design policies of Section 11.3.7.5.

11.3.7.2 **Low Density Residential**

11.3.7.2.1 Lands designated as Low Density Residential on Schedule "H" shall be developed in accordance with Section 4.4.3.4 of this Plan, except as modified by the following additional policies.

11.3.7.2.2 The designation recognizes newer low density residential developments and future low density residential development on designated lands.

11.3.7.2.3 The lands on the north and south side of Beech Street are designated Low Density Residential on Schedule "H". When the existing industrial uses leave over time, the lands shall be developed for residential uses. Mitigation measures may need to be incorporated in new development while existing industries remain.

11.3.7.2.4 The maximum permitted building height shall be 3-storeys as shown on Schedule "I".

11.3.7.2.5 New development and redevelopment within the Low Density Residential designation shall follow the Residential Design policies of Section 11.3.7.5.

11.3.7.3 **Medium Density Residential**

11.3.7.3.1 Lands designated as Medium Density Residential on Schedule "H" shall be developed in accordance with Section 4.4.3.5 of this Plan, except as modified by the following additional policies.



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- 11.3.7.3.2 The Medium Density Residential designation recognizes existing designated medium density developments as well as some areas for newer developments adjacent to the Mixed Use Corridors and along Beech Street.
- 11.3.7.3.3 The lands on the north and south side of Beech Street are designated Medium Density Residential on Schedule "H". When the existing industrial uses leave over time, the lands shall be developed for residential uses. Mitigation measures may need to be incorporated in new development while existing industries remain.
- 11.3.7.3.4 The maximum permitted building height shall be 4-storeys or as shown on Schedule "I".
- 11.3.7.3.5 No maximum density is established for this designation as density will be a product of the built form requirements for height, setbacks and step backs.
- 11.3.7.3.6 New development and redevelopment within the Medium Density Residential designation shall follow the Residential Design policies of Section 11.3.7.5.
- 11.3.7.4 **High Density Residential**
- 11.3.7.4.1 Lands designated as High Density Residential on Schedule "H" shall be developed in accordance with Section 4.4.3.6 of this Plan, except as modified by the following additional policies.
- 11.3.7.4.2 The High Density Residential designation recognizes existing apartment development, and also permits both residential development and redevelopment up to 6-storeys, and taller residential development and redevelopment up to 8-storeys in specific areas of the Secondary Plan Area.
- 11.3.7.4.3 The minimum height of buildings shall be 4-storeys. The maximum permitted building height is identified on Schedule "I", or as further restricted by Policy 11.3.7.4.5.
- 11.3.7.4.4 No maximum density is established for this designation as density will be a product of the built form requirements for transition, height, setbacks and step backs.
- 11.3.7.4.5 New development and redevelopment shall provide a transition in heights and densities adjacent to the Low Density Mature Neighbourhoods and any heritage properties, which may be achieved through increased setbacks, intervening low-rise built-form and the use of a 45-degree angular plane from any property abutting a low density designation.
- 11.3.7.4.6 New development and redevelopment within the High Density Residential designation shall follow the Residential Design policies of Section

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11.3.7.5.

**11.3.7.5 Residential Design**

- 11.3.7.5.1 Lands designated as Low Density Mature Neighbourhoods, Low Density Residential, Medium Density Residential, and High Density Residential shall be developed in accordance with the design policies of Section 6.2 of this Plan, Town established urban design guidelines and the additional policies of this Section.
- 11.3.7.5.2 To fit in with the physical character, new development or redevelopment in Low Density Mature Neighbourhoods shall reflect the predominant building type, height, scale, massing, and setbacks of the block and surrounding residential neighbourhood.
- 11.3.7.5.3 Development or redevelopment within the Werden's Plan HCD shall respect the prevailing front yard setback in the siting of new dwellings and additions should be to the rear of existing dwellings away from public view.
- 11.3.7.5.4 Front yard parking should be minimized in the Werden's Plan HCD. The creation of new parking bays, and new driveways, shall be permitted in side yards or rear yards, in accordance with policies of the HCD Plan.
- 11.3.7.5.5 Lot severances will be discouraged in the Werden's Plan HCD.
- 11.3.7.5.6 New buildings and additions to existing buildings in the High Density Residential designation shall provide for a building step back above the third storey for the portion of the building facing a public street or public park, in order to create a low-rise scale abutting the public realm.
- 11.3.7.5.7 New buildings and additions to buildings in the Medium Density Residential or High Density Residential designations should be massed to establish a continuous streetscape and promote pedestrian scale, with consistent minimum and maximum setbacks.
- 11.3.7.5.8 Principal entrances should face the sidewalk wherever possible and provide direct access onto the public sidewalk.
- 11.3.7.5.9 Site planning should emphasize the importance of landscaped areas, including the provision of shade structures, building entrances and active built spaces at the street line.
- 11.3.7.5.10 For lands designated High Density Residential, projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes.
- 11.3.7.5.11 For lands designated Medium Density Residential and High Density Residential, off-street parking areas shall be located underground, at the surface at the rear of buildings, or within above ground parking structures

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so as to not impact the character of the area or impact pedestrian streetscapes. Common parking areas shall be appropriately screened by landscaping or built form features, or other techniques as may be required through site plan approval. The location of entrances and exits to offstreet parking facilities should consider safety and visual impact and be located so as to minimize the interference with street traffic and pedestrian circulation and should not be close to major intersections.

11.3.7.5.12 Where side yard parking is exposed to the street on lands designated Medium Density Residential and High Density Residential, it shall be screened by low walls and landscaping to provide a sense of enclosure along the street.

11.3.7.6 **Heritage Mixed Use**

11.3.7.6.1 Lands designated as Heritage Mixed Use on Schedule "H" shall be developed in accordance with the policies of Section 4.6 of this Plan, except as modified by this Section.

11.3.7.6.2 This designation is intended to permit a broad range of commercial, office, service, and community, institutional and residential uses in a mixed use environment, while respecting and maintaining the historic low-rise character of the area designated on Schedule "H".

11.3.7.6.3 The minimum height of buildings shall be 2-storeys. The maximum permitted building height is identified on Schedule "I".

11.3.7.6.4 No maximum density is established for this designation, as density will be a product of the built form requirements for height, setbacks and step backs as applicable.

11.3.7.6.5 Development and redevelopment shall reinforce the "main street" historic character of Brock Street and Dundas Street by locating buildings and storefronts close to the public sidewalk, wherever possible.

11.3.7.6.6 Compatible infill development that respects and complements the existing historic built form is encouraged.

11.3.7.6.7 New residential units shall not be permitted on the main floor of buildings.

11.3.7.6.8 New development and redevelopment within the Heritage Mixed Use designation shall follow the Mixed Use Design policies of Section 11.3.7.9.

11.3.7.7 **Downtown Mixed Use**

11.3.7.7.1 Lands designated as Downtown Mixed Use on Schedule "H" shall be developed in accordance with the policies of Section 4.6 of this Plan, except as modified by this Section.

11.3.7.7.2 The intent of the Downtown Mixed Use designation is to provide a mix of

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residential and commercial uses in a pedestrian-oriented manner at a density that supports frequent transit service, creating an expanded, vibrant pedestrian experience within Downtown Whitby. Notwithstanding Policy 4.6.3.3, department stores, major retail uses and supermarkets may also be permitted within the Downtown Mixed Use designation, subject to appropriate provisions in the Zoning By-law.

- 11.3.7.7.3 New buildings shall accommodate retail, office and/or service commercial uses at grade, with residential or additional non-residential uses directed to the floors above. Indoor amenity areas, loading and vehicular access may not be permitted along Dundas Street, Brock Street and Colborne Street. Rather, these uses should be directed to frontages that face other streets or laneways, where possible.
- 11.3.7.7.4 Notwithstanding Section 11.3.7.6.7, where the Downtown Mixed Use designation abuts a residential designation, consideration will be given to permitting the portion of the mixed use development abutting the residential designation to contain residential uses at grade.
- 11.3.7.7.5 The minimum height of buildings shall be 2-storeys. The maximum permitted building height is identified on Schedule "I", or as further restricted by 11.3.7.7.7.
- 11.3.7.7.6 No maximum density is established for this designation as density will be a product of the built form requirements for height, setbacks and step backs.
- 11.3.7.7.7 New development and redevelopment shall provide a transition in heights and densities adjacent to Low Density Mature Neighbourhoods, and any heritage properties, which may be achieved through increased setbacks, intervening low-rise built form and the use of a 45-degree angular plane from any property abutting a low density designation.
- 11.3.7.7.8 New development and redevelopment within the Downtown Mixed Use designation shall follow the Mixed Use Design policies of Section 11.3.7.9.
- 11.3.7.8 **Corridor Mixed Use**
- 11.3.7.8.1 Lands designated as Corridor Mixed Use on Schedule "H" shall be developed in accordance with the policies of Section 4.6 of this Plan, except as modified by this Section.
- 11.3.7.8.2 The intent of the Corridor Mixed Use designation is to accommodate a mix of uses along the Dundas Street and Brock Street Intensification Corridors, providing an extension of the commercial, office and residential uses of the Downtown core. Notwithstanding Policy 4.6.3.3, department stores, major retail uses and supermarkets may also be permitted within the Corridor Mixed Use designation, subject to appropriate provisions in the Zoning By-law.

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- 11.3.7.8.3 A mix of uses within the Corridor Mixed Use designation shall be accommodated on individual sites, either within the same building or as separate buildings on the lot. This mix of uses provides flexibility for the evolution of the Corridor Mixed Use area, allowing stand-alone residential, commercial and office uses, as well as mixed-use buildings. Consideration should be given as to how these land use elements will be phased through the development process. A phasing plan may be required to ensure a mix of uses is created in the initial stages of development.
- 11.3.7.8.4 In addition to the requirements of Section 4.6.3.9 of this Plan, where an existing single detached dwelling is converted to a sole commercial use, the conversion must also enhance the pedestrian streetscape, provide on-site parking within the interior of the lot or rear yard, and where a building of historic significance is involved, ensure the heritage attributes of the building are conserved.
- 11.3.7.8.5 The minimum height of buildings shall be 2-storeys. The maximum permitted building height is identified on Schedule "I", or as further restricted by Policy 11.3.7.8.7.
- 11.3.7.8.6 No maximum density is established for this designation as density will be a product of the built form requirements for height, setbacks, step backs and angular plane.
- 11.3.7.8.7 New development and redevelopment shall provide a transition in heights and densities adjacent to the Low Density Mature Neighbourhoods, and any heritage properties, which may be achieved through increased setbacks, intervening low-rise built-form and the use of a 45-degree angular plane from any property abutting a low density designation.
- 11.3.7.8.8 New development and redevelopment shall enhance the pedestrian comfort along Brock Street and Dundas Street by locating new buildings close to the street, activating the street frontage and enhancing the public realm in front of buildings.
- 11.3.7.8.9 Prior to approval of any mixed use redevelopment for lands south of Consumers Drive, a Comprehensive Block Plan may be required in accordance with Section 6.2.4.2 of this Plan.
- 11.3.7.8.10 New development and redevelopment within the Corridor Mixed Use designation shall follow the Mixed Use Design policies of Section 11.3.7.9.
- 11.3.7.9 **Mixed Use Design**
- 11.3.7.9.1 Lands designated as Heritage Mixed Use, Downtown Mixed Use and Corridor Mixed Use shall be developed in accordance with the design policies of Section 6.2 of this Plan, relevant Town established urban design guidelines and the additional policies of this Section.

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- 11.3.7.9.2 Mixed use buildings shall be oriented to the street and massed to establish a continuous streetscape, wherever possible, that promotes a pedestrian scale, with consistent minimum and maximum setbacks.
- 11.3.7.9.3 A variety of architectural styles are encouraged in new buildings that compliment the historic built form character of the Heritage Mixed Use designation.
- 11.3.7.9.4 Mixed use buildings should provide active at-grade uses that animate the streetscape along both the frontage and flankage adjacent to public streets.
- 11.3.7.9.5 Within the Heritage Mixed Use and Downtown Mixed Use designations, retail buildings and the ground floor of mixed use buildings should be designed to:
- a. Maintain the existing character of small shops within the Heritage Mixed Use designation, which includes a fine grain of entrances, and/or windows along the street edge;
  - b. Contain clear glazing on windows and doors along front facades to ensure active store frontages;
  - c. Separate, where possible, residential entrances and lobbies along Brock Street and Dundas Street and direct them to side streets or rear entrances; and
  - d. Provide for ground floor heights that reflect the heights of other commercial and mixed use buildings on the block.
- 11.3.7.9.6 Principal entrances shall face the sidewalk, wherever possible, and provide direct access onto the public sidewalk. The primary windows and signage shall also face the street.
- 11.3.7.9.7 Development and redevelopment facing a residential designated area should provide a residential character, wherever possible.
- 11.3.7.9.8 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in accordance with relevant Town established urban design guidelines.
- 11.3.7.9.9 The design of new development, infill and intensification adjacent to cultural heritage resources shall incorporate principles of heritage conservation and shall be sensitive to the existing resources in accordance with Section 11.3.6 of this Plan and where applicable the Werden's HCD.
- 11.3.7.9.10 Off-street parking areas shall be located underground, in above ground structures, at the rear of buildings or interior to the block, so as to not impact the character of the area or impact pedestrian streetscapes.
- 11.3.7.9.11 Above ground parking structures shall contain active commercial and

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community uses on the ground floor of a building's frontage and flankage, except facing a Residential designated area. Above ground parking structures in the Heritage Mixed Use designation shall be designed to reflect and fit in with the surrounding heritage character.

11.3.7.9.12 Where side yard parking is exposed to the street, it shall be screened by low walls, landscaping, and/or other techniques, to provide a sense of enclosure along the street. Implementation of these techniques may be required through site plan approval.

11.3.7.9.13 Parking, driveways, lanes or aisles shall not be permitted between the public sidewalk and the facade of buildings.

11.3.7.9.14 The location of entrances and exits to off-street parking facilities should be located so as to minimize the interference with street traffic and pedestrian circulation and should not be close to major intersections.

11.3.7.9.15 The development of mid-block entrances to pedestrian mews and pathways is encouraged.

#### 11.3.7.10 **Institutional**

11.3.7.10.1 Lands designated as Institutional on Schedule "H" shall be developed in accordance with the relevant policies of Section 4.8 of this Plan, except as modified by the following additional policies.

11.3.7.10.2 The maximum building height in the Institutional designation will be governed by Schedule "I" and the applicable Zoning By-law with consideration given to the height of existing buildings on each site.

Notwithstanding Section 11.3.7.1, a private office may be permitted, as an exception, on the property located at 400 Centre Street South, identified as Assessment Roll #18-09-030-014-06900, subject to the inclusion of appropriate provisions in the Zoning By-law.

#### 11.3.7.11 **Open Space**

11.3.7.11.1 Lands designated as Open Space on Schedule "H" shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.

11.3.7.11.2 New Parks and Urban Squares are shown symbolically on Schedule "H" and shall be further delineated at the time of development review and approval.

11.3.7.11.3 New park spaces should accommodate smaller scale uses and activities that can be used by people of all ages and abilities.

11.3.7.11.4 The Town will explore opportunities to incorporate interactive placemaking elements, in accordance with the policies of Section 11.3.4,

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in existing parks such as public art, games, tables, seating, skating rinks, water features, food vendors, outdoor markets, outdoor theatres and distinctive play structures.

- 11.3.7.11.5 Publicly accessible Urban Squares shall be provided, wherever possible, within the Heritage Mixed Use designation and Downtown Mixed Use designations through the redevelopment of existing spaces to:
- a. Promote the identify of the Downtown;
  - b. Allow for a variety of uses, such as spaces for gathering, hosting events, and markets;
  - c. Address the need for more park space in the Downtown; and
  - d. Provide vegetation and diversity in tree and shrub planting.
- 11.3.7.11.6 Urban Squares should be designed with edges that are defined by buildings or other structures where not bound by roads.
- 11.3.7.11.7 Urban Squares should be easily accessible and visible to the public, containing hard landscaping and natural elements, and provide passive recreation uses, programmed activities and a display of public art. Adjacent commercial uses should provide access to and from the Urban Square, wherever possible.
- 11.3.7.11.8 Public-private partnerships between landowners, as part of new development or redevelopment, are encouraged to establish privately owned publicly accessible open spaces.
- 11.3.7.11.9 Residential land uses within the Beech Street area shall include a new park within this new neighbourhood. The location of the new park on Schedule "H" is conceptual.

### **11.3.8 Natural Hazards**

- 11.3.8.1 Lands designated as Natural Hazards on Schedule "H" represent floodplain and erosion hazards as determined by the Central Lake Ontario Conservation Authority. These lands shall be developed in accordance with Section 5.3.10 of this Plan and the approval of the Conservation Authority.
- 11.3.8.2 Where detailed study in support of a development application confirms that the boundary of a Natural Hazards designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazards designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply.



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## **11.3.9 Other Policy Directions**

### **11.3.9.1 Parking**

11.3.9.1.1 The development and redevelopment of parking lots within Downtown Whitby will be based on Town Parking Master Plans that are specific to Downtown Whitby.

11.3.9.1.2 The Town shall consider means to reduce parking needs, which may include carpool incentives, cycling infrastructure, transit improvements, micro-transit support service and car share services.

11.3.9.1.3 Parking is encouraged to be shared between businesses for developments and uses that do not have competing parking needs to reduce overall parking requirements.

11.3.9.1.4 The Town may consider cash-in-lieu of non-residential parking where it can be demonstrated that the full parking requirement cannot be provided on-site or in an alternate location. In such cases, the Municipality and the Developer shall enter into an agreement providing for such payment. Within the Heritage Mixed Use designation, cash-in-lieu of parking may be encouraged for in order to retain the heritage character.

11.3.9.1.5 The Town shall work with property owners to encourage more efficient use of existing private parking areas for commercial uses and optimize the opportunity for new infill development and cohesive commercial main street development.

### **11.3.9.2 Roads, Transit and Active Transportation**

11.3.9.2.1 The Secondary Plan Area shall be developed in accordance with Section 8.1 of this Plan, except as modified by the following additional policies.

11.3.9.2.2 Schedule "H" illustrates the road pattern for the Secondary Plan Area.

11.3.9.2.3 Road extensions, as shown on Schedule "H" shall be implemented in a coordinated manner, maintaining the historic grid street layout that is integral to the structure of Downtown Whitby, walkability and vehicular circulation. Local road extensions may be public, private or primary pedestrian connections as determined by the Town.

11.3.9.2.4 Development and redevelopment, including any road improvements or reconstruction projects, shall provide, wherever possible, enhanced pedestrian, cycling and other active transportation connections to existing and planned Regional and Provincial transit routes and stations.

11.3.9.2.5 Road improvements or reconstruction projects shall consider future transit infrastructure improvements such as bus shelters, bulb-outs

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and transit signal priorities.

- 11.3.9.2.6 Transportation Demand Management Plans may be required for new development and redevelopments to assist in reducing single occupant vehicle trips.
- 11.3.9.2.7 Arterial road rights-of-way shall consider the needs, safety and comfort of pedestrians, cyclists and automotive users. Priority shall be given to ensuring that public transit facilities and amenities, such as stops, large shelters, seating, posted route schedules and information and dedicated lanes are part of the overall design of the road network over the long term.
- 11.3.9.2.8 New and reconstructed arterial roads shall be built with sidewalks on both sides and cycling provided through on-road facilities and/or off-road multi- use paths.
- 11.3.9.2.9 The location of multi-use paths and the active transportation network will be based on the Town Active Transportation Master Plans in effect. The Town will consider opportunities to join existing disconnected trails and expand multi-use paths, as well as improve wayfinding signage for on and off-road facilities.
- 11.3.9.2.10 Within existing Residential areas, the provision of sidewalks on at least one side of the street should be considered for neighbourhoods that do not provide sidewalks in order to improve accessibility and support a safe and connected pedestrian environment.
- 11.3.9.2.11 Active transportation connections across arterial roads shall be planned at appropriate walking/cycling intervals to reduce barriers between neighbourhoods, improve safety and increase accessibility for all ages and abilities.
- 11.3.9.2.12 Flex streets are portions of a public-right-of-way designed to function either wholly or partially, as desired, for pedestrian activities, and/or public events through the use of design elements including, but not limited to, bollards, flexible on-street parking configurations, pavement materials, enhanced streetscapes and/or modified curbs. Portions of Colborne Street and Brock Street within the Heritage Mixed Use and Downtown Mixed Use designations may be designed as a flex street.
- 11.3.9.2.13 The Town may consider reducing Brock Street to two lanes between Burns Street and Maple Street in order to expand the pedestrian realm providing opportunities for wider sidewalks, benches, enhanced transit stops, sidewalk cafes and street trees for shading. The reduction of lanes will require a study of traffic impacts on the broader transit network and surrounding road network.

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**11.3.9.3 Servicing**

11.3.9.3.1 The development and redevelopment of parking lots within Downtown Whitby will be based on Town Parking Master Plans that are specific to Downtown Whitby.

**11.3.10 Implementation and Interpretation**

11.3.10.1 The implementation and interpretation of this Secondary Plan shall be in accordance with Section 10 of this Plan.

11.3.10.2 Mitigation measures may need to be incorporated in new development in the Beech Street area, while existing industries remain.

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## 11.4 Brooklin Community Secondary Plan

### 11.4.1 Vision and Objectives

#### 11.4.1.1 Vision

Brooklin will grow in a manner that maintains the small-town community feel while evolving into a complete community. The unique heritage character of the downtown will be maintained and the vibrancy and pedestrian comfort of Baldwin Street will be enhanced. Additional retail and mixed-use development south of Winchester Road will allow Brooklin to have one downtown with an extension of the 'main street' character south of Winchester Road along a pedestrian promenade. While the community will grow in size and population, the growth will take place in a way that builds on and enhances the existing strengths of the community. Brooklin's new neighbourhoods will be walkable with higher density residential uses located along the arterial road spines and parks, schools and commercial areas distributed to promote a walkable destination. Transportation management will allow for a range of alternatives including active transportation along trails and cycle lanes. Residential growth and employment growth will be provided concurrently to achieve a balanced community where residents can work, live and play.

#### 11.4.1.2 Objectives

##### **Traffic management:**

- a) To reduce traffic congestion by providing a balanced road network for local residents, businesses and visitors.
- b) To eliminate heavy vehicle and through traffic from Baldwin Street through Downtown Brooklin.

##### **Downtown Brooklin Major Central Area North – a heritage downtown:**

- c) To ensure Downtown Brooklin continues to be the focal area for shopping, dining, and entertainment.
- d) To ensure Baldwin Street is a safe, comfortable and accessible street for all users.
- e) To create a vibrant and pedestrian-friendly environment along Baldwin Street through an animated streetscape and by locating buildings close to the street.
- f) To conserve the heritage attributes of the significant cultural heritage resources identified in the Brooklin Heritage Conservation District Plan.
- g) To ensure new buildings are sensitive to, and maintain the heritage character of the Downtown as described in the Brooklin Heritage Conservation District Plan.

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### **Downtown Brooklin Major Central Area South – an urban village:**

- h) To create a diverse and vibrant mixed-use urban village south of Winchester Road as an extension of the historical Downtown, which will be designed to complement and support the historical Downtown.
- i) To provide for a mix of restaurants, cafes, and retail stores at-grade and close to the sidewalk which provides visual interest, promotes retail continuity and viability, encourages walking and contributes to a safe, comfortable and vibrant pedestrian environment.
- j) To require buildings to be built up to the street line along the Pedestrian Promenade, with active storefronts in order to promote pedestrian activity.

### **Mobility with choices:**

- k) To provide a range of transportation choices including transit, cycling, walking and a diverse transportation network so that all ages and levels of mobility can comfortably and conveniently access all parts of the Municipality.
- l) To create a safe and accessible active transportation network linking destinations such as natural areas, parks, schools, recreation areas, stores, health services, employment areas and connections to southern Whitby.
- m) To create an integrated and connected multi-use trail system.

### **Healthy living:**

- n) To promote active and healthy living for all ages and abilities through the development of parks, trails, safe and walkable streets and recreational facilities.
- o) To encourage active transportation through street design such as pedestrian lighting, benches, well maintained walkways and paths and traffic calming measures.

### **Green space:**

- p) To protect significant natural areas and features.
- q) To ensure access to parks and open spaces in the planning of new residential neighbourhoods.

### **Jobs:**

- r) To establish employment lands along Highway 407 to provide for a diverse range of employment opportunities.
- s) To service the employment lands concurrent with residential lands to ensure employment growth occurs at the same time as population growth.

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**Community and culture:**

- t) To encourage community and cultural amenities and events to meet the diverse needs of the community, and to provide social meeting places.
- u) To develop infrastructure to support locations for community gardens in order to foster access to affordable and healthy food choices and provide opportunities for social connectivity.

**Housing choice:**

- v) To plan for a range of housing choices, including affordable housing to meet the needs of residents of all ages and abilities.

**Neighbourhood character and design:**

- w) To protect the character of existing mature residential neighbourhoods.
- x) To create new residential neighbourhoods, which are compact, walkable and diverse.

**11.4.2 General Development Policies**

11.4.2.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “J”. Any area shown on this map, but lying outside of this boundary is governed by the land use designations and policies of Part I of this Plan.

11.4.2.2 Any future development on lands shown on Schedule “J” as “Lands subject to Durham Region Official Plan Policy 14.13.7” are subject to the requirements of Section 9.3.2 of this Plan.

Note: Policy 11.4.2.2 has been deferred by the Region of Durham.
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11.4.2.3 Schedule “J” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.4, together with the general policies of this Plan, apply to the land use designations of the Brooklin Community Secondary Plan area as shown on Schedule “J”.

11.4.2.4 Development within the Secondary Plan area shall be:

- a. compact in form;
- b. pedestrian-oriented;
- c. supportive of active transportation options;
- d. accessible by public transit;
- e. connected;
- f. efficient in the use of land, resources and municipal services; and
- g. supportive of healthy living for persons of all ages and abilities.

11.4.2.5 The policies of the Brooklin Community Secondary Plan are intended to implement the requirements of the Part I policies regarding Intensification

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Corridors, Intensification Areas and Major Central Areas, by providing for a range of residential, commercial, and community uses at higher densities.

11.4.2.6 Development shall consider the design and built form policies of Section 6.2 of this Plan and the guidelines of the “Brooklin Urban Design and Sustainable Development Guidelines”.

11.4.2.7 The minimum greenfield area density target for new (post 2017) residential neighbourhoods and employment areas combined shall be 54 persons and jobs per hectare. The entire greenfield area in the Brooklin Community Secondary Plan, including previously developed lands, shall be planned to achieve a density of 52.5 persons and jobs per hectare.

### **11.4.3 Sustainability**

11.4.3.1 Green infrastructure and Low Impact Development techniques, such as permeable paving, infiltration trenches, rain gardens and other stormwater management techniques, shall be considered in the design of new development and implemented to the extent feasible, as determined by the Municipality in consultation with the Conservation Authority.

11.4.3.2 Land use patterns and transportation networks shall be arranged and planned to support safe and accessible transit and active transportation in an effort to reduce traffic congestion, encourage active, healthy living and to encourage a sustainable lifestyle.

11.4.3.3 The Municipality shall use a wide selection of native trees, shrubs and wildflowers along street boulevards and in parks.

11.4.3.4 The Municipality, through the review and consideration of development applications, will require proponents of new developments to address sustainability matters outlined in the Brooklin Urban Design and Sustainable Development Guidelines and Section 3.2 of this Plan. On this basis, proponents of new development may be required to prepare a Sustainability Plan that considers the elements of sustainability identified in this Plan and the Brooklin Urban Design and Sustainable Development Guidelines to demonstrate how the proposed development would advance sustainability objectives.

## **Community Structure**

### **11.4.4 Downtown Brooklin Major Central Area**

11.4.4.1 The boundary of the Downtown Brooklin Major Central Area is defined on Schedules “J” and “J1”.

11.4.4.2 The Downtown Brooklin Major Central Area is comprised of two separate but interrelated areas:



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- 1) The northern portion of the Downtown Brooklin Major Central Area comprising the historic Downtown located north of Winchester Road, and
  - 2) The southern portion of the Downtown Brooklin Major Central Area comprising a new mixed-use central area located south of Winchester Road.

These two components together shall be planned as a vibrant mixed-use core of Brooklin.

### **Downtown Brooklin Major Central Area North**

- 11.4.4.3 The historic downtown shall remain the commercial heart of the community accommodating restaurants and small-scale shops, offices and personal services and limited infill residential development.
- 11.4.4.4 The Brooklin Heritage Conservation District (HCD) overlays much of the historic Downtown component of the Downtown Brooklin Major Central Area. The built form and design policies within the HCD Plan shall be used to evaluate development applications within the HCD along with the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.4.5 Along Baldwin Street, the unique main-street shopping environment shall be enhanced and further infill development encouraged, while protecting the historic character of Downtown Brooklin in accordance with the policy directives of the Brooklin HCD Plan and the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.4.6 Council shall also encourage and support mixed-use development comprised of ground level commercial uses with residential units located above, in order to support the vitality of the Downtown Brooklin Major Central Area.
- 11.4.4.7 Behind the buildings along Baldwin Street, low rise mixed-use infill development is permitted and encouraged in accordance with the policy directives of the HCD Plan and the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.4.8 Within the historic Downtown, existing low density residential housing forms along Princess Street and Durham Street shall be conserved in accordance with the directives of the HCD Plan.
- 11.4.4.9 Notwithstanding any other provisions of this Plan to the contrary, new automobile service stations/gas bars and new drive-through service facilities are not permitted within the Downtown Brooklin Major Central Area North.

### **Downtown Brooklin Major Central Area South**

- 11.4.4.10 The southern portion of the Downtown Brooklin Major Central Area, south of Winchester Road, shall accommodate high density residential development in conformity with the density provisions of the Durham

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Regional Official Plan and Section 4.3.3.3.5.2 of this Plan as well as serve as the main commercial core in Brooklin.

- 11.4.4.11 Development in the southern portion of the Downtown Brooklin Major Central Area shall complement Brooklin’s historic Downtown and enhance its vibrancy through the development of a Pedestrian Promenade that functions as a pedestrian-oriented extension of the Baldwin Street retail “main street” in the southwest quadrant of the Downtown Brooklin Major Central Area. The Pedestrian Promenade will be designed to ensure a sense of continuity of the pedestrian-oriented streetscape of the historic downtown and may be a combination of pedestrian only promenade and/or a public or private street with retail stores built up to and facing the Pedestrian Promenade.
- 11.4.4.12 Development applications for lands within the southwest quadrant of Baldwin Street and Winchester Road, east of Ashburn Road and north of Highway 407, shall be accompanied by a Traffic Impact Study that identifies and supports a collector and local road network. The Traffic Impact Study shall also determine the appropriate connectivity of the collector road to the surrounding arterial road network, including an intersection on Winchester Road opposite Ferguson Avenue, and intersection locations, configurations and spacing to the satisfaction of the Ministry of Transportation and Town of Whitby, in consultation with the Region of Durham.
- 11.4.4.13 Development approvals within the Downtown Brooklin Major Central Area shall provide for a minimum gross leasable floor space for the retailing of goods and services of 70,000 square metres, and a maximum gross leasable floor space for the retailing of goods and services of 100,000 square metres, a portion of which will be oriented along the Pedestrian Promenade.
- 11.4.4.14 The large right-of-way in the southwest corner of the Baldwin Street/Winchester Road intersection provides an opportunity to create a significant Urban Square as the gateway to the Pedestrian Promenade. The design of the Urban Square within this right-of-way shall be explored through the Comprehensive Block Plan and shall be in accordance with the Brooklin Urban Design and Sustainable Development Guidelines and Sections 11.4.24.9 and 11.4.24.10.
- 11.4.4.15 The Downtown Brooklin Major Central Area shall also accommodate high density residential and mixed-use development as well as commercial development to support the vibrancy of the historic Downtown. A minimum of 750 additional residential units will be planned and accommodated in the southern portion of the Downtown Brooklin Major Central Area by 2031 within the High Density Residential, Medium Density Residential, Mixed-Use 3 and Major Commercial designations.
- 11.4.4.16 Notwithstanding any other provisions of this Plan to the contrary, new automobile service stations/gas bars are not permitted within the

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Downtown Brooklin Major Central Area South and new drive-through service facilities may be permitted only in the southwest quadrant of the Baldwin/Winchester intersection, interior to the site.

- 11.4.4.17 The Downtown Brooklin Major Central Area shall be developed as a pedestrian supportive environment. Creating and enhancing the pedestrian environment shall be considered through all new development in accordance with the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.4.18 A Comprehensive Block Plan, in accordance with Section 6.2.4.2.2 of this Plan, shall be required prior to the development and/or re-development within the southern portion of Downtown Brooklin Major Central Area. Within this area, separate Comprehensive Block Plans may be required for the area west of Baldwin Street and the area east of Baldwin Street.
- 11.4.4.19 In addition to the matters listed in Section 6.2.4.2.2 of this Plan, the Comprehensive Block Plans shall also address the following matters:
- a) the location and mix of uses;
  - b) how the commercial floor space and residential unit targets of Section 4.3.3.3.5.2 of this Plan and Policy 8A.2.2 b ii) of the Durham Regional Plan will be achieved and phased;
  - c) how the minimum residential densities will be achieved;
  - d) block sizes and location of local roads;
  - e) interface and relationship with adjacent employment and residential areas;
  - f) the location and design of the Pedestrian Promenade, Urban Squares and Parkettes;
  - g) commercial building interface with the Pedestrian Promenade to create a pedestrian-oriented retail “main street” and meet the ground floor animation target;
  - h) commercial building interface with the Urban Square at Baldwin Street/Winchester Road intersection to meet the ground floor animation target;
  - i) access and internal traffic circulation including appropriate intersection spacing for full-movement and right-in/right-out movements along Winchester Road;
  - j) the location of any proposed drive-through facilities such that they are internal to the site and sufficient queuing space is provided without hindering vehicular movement;
  - k) provision of adequate parking and the location of such parking; and
  - l) urban design and landscaping standards set out in the Brooklin Urban Design and Sustainable Development Guidelines.

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## **11.4.5 Intensification Corridors**

- 11.4.5.1 Portions of Baldwin Street, Winchester Road, and Columbus Road are identified as Intensification Corridors as illustrated on Schedule “B”.
- 11.4.5.2 Minimum height and density and maximum height requirements are set out in Section 4.2.7 of this Plan. The land use designations provided in the Brooklin Community Secondary Plan are intended to achieve these densities.
- 11.4.5.3 The portions of the Baldwin Street and Winchester Road Intensification Corridors located within the Downtown Brooklin Major Central Area will be guided by the policies of Section 11.4.4 for the Downtown Brooklin Major Central Area as well as the policy directives of the Brooklin Heritage Conservation District.

## **11.4.6 Residential Neighbourhoods**

- 11.4.6.1 Sensitive infill development and appropriate transition shall be required between new development and the existing development in mature residential neighbourhoods.
- 11.4.6.2 Mature residential neighbourhoods in Brooklin are generally those residential neighbourhoods north of Highway 407, south of Columbus Road and east of Ashburn Road, excluding the lands in the Downtown Brooklin Major Central Area. New homes, lots and other infill development within mature residential neighbourhoods shall meet the Strategic Objective of Section 2.3.4.2.1 and the Residential objective of Section 4.4.2.2 of Part I of this Plan.
- 11.4.6.3 New residential neighbourhoods shall contain a variety of housing, commercial, and open space land uses as illustrated on Schedule “J”.
- 11.4.6.4 Medium Density and High Density Residential development shall predominantly be located along Columbus Road and Baldwin Street north of Columbus Road to meet the minimum densities for these Intensification Corridors as well as along Anderson Street south of the Highway 407 corridor and at the intersection of collector and arterial roads.
- 11.4.6.5 In order to create transit supportive built form along arterial and collector roads, stormwater management ponds shall be discouraged within Medium Density and High Density Residential designations unless it is demonstrated that there are no other feasible alternatives as determined through the study required in Section 11.4.30.5. In such instances, plans of subdivision shall accommodate the Medium Density Residential and/or High Density Residential designation elsewhere within the plan of subdivision.
- 11.4.6.6 Local Commercial Areas are distributed throughout the new residential neighbourhoods to increase active transportation access to convenience commercial destinations.

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- 11.4.6.7 The Municipality shall require that a Comprehensive Block Plan as set out in Section 6.2.4.2.1 be prepared for new residential neighbourhoods. The boundaries of the neighbourhoods for comprehensive block planning will be determined by the Municipality and will consider the proposed boundaries for further functional servicing reports set out in the Final Watershed Report as per Section 11.4.30.3.
- 11.4.6.8 Development of the greenfield area of the Brooklin Community Secondary Plan Area shall be planned to achieve an overall housing mix of 55% single and semi-detached dwellings, 29% townhouses and other ground related multi-unit housing and 16% apartment units.
- 11.4.6.9 Within the new greenfield expansion areas, excluding the Downtown Brooklin Major Central Area, development should be planned to achieve a housing mix of 58% single and semi-detached dwellings, 30% townhouses and other ground related multi-unit housing and 12% apartment units.

#### **11.4.7 Community Central Areas**

- 11.4.7.1 High density residential uses and mixed-uses shall be accommodated in the Community Central Areas in accordance with the policies of Sections 11.4.11 and 11.4.12.
- 11.4.7.2 Each Community Central Area shall provide a minimum of 12,000 square metres and a maximum of 15,000 square metres of gross leasable floor space for the retailing of goods and services.
- 11.4.7.3 While stand-alone commercial and residential buildings are permitted within the Community Central Area, the intent is that mixed-use buildings and developments shall also be accommodated in the Community Central Area as per Section 11.4.12 and the Community Central Area shall not be developed solely for one permitted land use type.
- 11.4.7.4 A Comprehensive Block Plan is required prior to the development and/or redevelopment of each Community Central Area. The Comprehensive Block Plan shall address the matters listed in Section 6.2.4.2.2 of this Plan as well as the following matters:
- a) Establish a unified urban design plan for each Community Central Area;
  - b) Identify the primary street where retail and commercial uses will be primarily focused and which will form the focal area for pedestrian-oriented retail uses;
  - c) Demonstrate how the minimum required leasable floor space for the retailing of goods and services will be provided;
  - d) Demonstrate how residential uses will be mixed with commercial uses in the areas designated as Mixed-Use 1 – Community Central Area;

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- e) Identify the extent of stand-alone commercial and residential development along with the extent of mixed-use buildings to be developed in the initial phase of development;
  - f) Illustrate how additional mixed-use development can be phased over time and how such stand-alone development will not preclude future mixed-use intensification;
  - g) Demonstrate how the minimum required commercial space will be phased with residential development in the Community Central Area; and
  - h) Identify locations for publicly accessible open space including at least one urban square.

11.4.7.5 The Community Central Area located at the intersection of Baldwin Street North and Thicksen Road North is located within a Special Policy Area and subject to the policies of Section 11.4.31.6.

#### **11.4.8 Brooklin Heritage Conservation District Plan**

11.4.8.1 The boundaries of the Brooklin Heritage Conservation District (HCD) are shown on Schedules “J” and “J1”.

11.4.8.2 The goal of the Brooklin HCD Plan is to reinforce the village character through the conservation of cultural heritage resources, the regularization of the building setbacks, the improvement of the pedestrian environment, and the development of new, compact, sensitive infill buildings.

11.4.8.3 Views and vistas as identified in the Brooklin HCD Plan shall be preserved including those of Lynde Creek.

11.4.8.4 Pedestrian access to Lynde Creek shall be improved where possible. Any redevelopment adjacent to Lynde Creek shall include dedication of the valleyland and associated natural hazard land and the accommodation of a public trail. Trails and pedestrian and bridge crossings will require appropriate approvals to address redbelt dace habitat.

11.4.8.5 New buildings shall be designed to harmonize with the heritage character and exhibit compatible scale, massing, setback, material, roof line, vertical alignments, exterior lighting, signage and landscaping in accordance with the policies and guidelines of the Brooklin HCD Plan.

11.4.8.6 Any new buildings shall adhere to the guidelines for new construction and the guidelines for streetscapes contained in the Brooklin HCD Plan.

11.4.8.7 Adaptive re-use of cultural heritage resources shall be encouraged.

11.4.8.8 Improvements to public street rights-of-way, including paving, sidewalks, lighting, and street furniture, shall be evaluated in terms of their ability to conserve and enhance the District’s heritage character.

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- 11.4.8.9 Street tree planting should use indigenous, historically accurate and non-invasive species. Species selection shall be made in consultation with municipal staff and a certified arborist.
  - 11.4.8.10 Existing mature trees should be maintained and preserved wherever possible. An assessment of tree condition within the District shall be conducted by a certified arborist to determine tree vitality. Any decisions regarding removal of mature trees for reasons of disease, damage or effect on public safety must be made in consultation with a certified arborist.
  - 11.4.8.11 New developments within the HCD shall be subject to site plan control and the policies of Section 10.1.11. Through site plan control, it shall be demonstrated that an appropriate transition of height and density with adjacent land uses, particularly low density residential neighbourhoods, is provided.

## **Land Use Designations**

### **11.4.9 Low Density Residential**

- 11.4.9.1 Lands designated as Low Density Residential on Schedules “J” and “J1” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policies.
- 11.4.9.2 The Low Density Residential designation recognizes existing residential development, as well as future low density residential development on vacant and designated lands.
- 11.4.9.3 Limited residential infill and intensification will be permitted in mature residential neighbourhoods in accordance with Sections 4.4.3.4.2, 4.4.3.4.3 and 11.4.9.6.
- 11.4.9.4 The maximum building height shall not exceed 3 storeys except in mature residential neighbourhoods where it shall not exceed 2 storeys.
- 11.4.9.5 Notwithstanding Section 4.4.3.4.1 b), outside of mature residential neighbourhoods the minimum density shall be 25 units per net hectare and the maximum density shall be 35 units per net hectare.

#### **Design**

- 11.4.9.6 New development within mature residential neighbourhoods shall be compatible with, and fit in with the physical character of the neighbourhood. To fit in with the physical character, new development shall reflect the predominant building type, height, scale, massing, and setbacks of the block and surrounding residential neighbourhood.
- 11.4.9.7 Residential development within new residential neighbourhoods shall reflect the built form directions in the Brooklin Urban Design and Sustainable Development Guidelines.

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## **11.4.10 Medium Density Residential**

- 11.4.10.1 Lands designated as Medium Density Residential on Schedules “J” and “J1” shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following additional policies.
- 11.4.10.2 The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas.
- 11.4.10.3 Stormwater management ponds are discouraged within Medium Density Residential designations and will only be permitted where it has been demonstrated that there is no other feasible alternative as determined through the study required in Section 11.4.30.5. In such instances, plans of subdivision shall accommodate the Medium Density Residential designation elsewhere within the plan of subdivision.
- 11.4.10.4 Notwithstanding Section 4.4.3.5.1 b), within the Intensification Corridor along Columbus Road, as well as along Baldwin Street north of Columbus Road, the minimum density shall be 50 units per net hectare and the maximum density shall be 80 units per net hectare.
- 11.4.10.5 The minimum building height shall be 3 storeys abutting arterial roads outside of mature residential neighbourhoods.

### **Design**

- 11.4.10.6 Lands designated as Medium Density Residential shall be developed in accordance with the design policies of Section 6.2.3 and the additional design policies of this Section, as well as the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.10.7 Medium Density Residential developments shall provide a transition in heights and densities adjacent to Low Density Residential designations.
- 11.4.10.8 Common parking areas shall be developed underground or situated at the rear or side of the lots. Common parking areas, where provided, shall be appropriately screened by landscaping or built features with consideration given to safety and visual impact to the surrounding residential areas and roadways.

## **11.4.11 High Density Residential**

- 11.4.11.1 Lands designated as High Density Residential on Schedules “J” and “J1” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.



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- 11.4.11.2 Lands designated as High Density Residential shall be located along Intensification Corridors and in the Central Areas in order to support future transit and walkability to mixed-use nodes.
- 11.4.11.3 The minimum and maximum permitted density is set out in Section 4.4.3.6.1 except that the minimum overall density in the Downtown Brooklin Major Central Area shall be in conformity with Section 4.3.3.3.5.2, and the maximum density may be increased in the following locations through an amendment to the Zoning By-law:
- a) within Intensification Areas or Intensification Corridors as set out in Section 4.4.3.6.1 c);
  - b) within Community Central Areas outside of an Intensification Corridor to a maximum of 150 units per net hectare provided at least one floor of non-residential uses are incorporated and the matters set out in Section 4.4.3.9.2 are addressed to the satisfaction of the Municipality;
  - c) within the Downtown Brooklin Major Central Area outside of an Intensification Area or Intensification Corridor to a maximum of 300 units per net hectare provided at least one floor of non-residential uses are incorporated and the matters set out in Section 4.4.3.9.2 are addressed to the satisfaction of the Municipality; and
  - d) where lands within the Downtown Brooklin Major Central Area are outside of an Intensification Area or Intensification Corridor and do not contain non-residential uses, the density may be increased to 200 units per net hectare provided the matters set out in Section 4.4.3.9.2 are addressed to the satisfaction of the Municipality.
- 11.4.11.4 The minimum building height shall be 4 storeys, except as identified in Section 11.4.11.7. The maximum building height shall be 8 storeys except that, within a Community Central Area and within the Downtown Brooklin Major Central Area outside of the Downtown Brooklin Intensification Area and outside of the Heritage Conservation District, the maximum height shall be 12 storeys.
- 11.4.11.5 Stormwater management ponds are discouraged within High Density Residential designations and will only be permitted where it has been demonstrated that there is no other feasible alternative as determined through the study required in Section 11.4.30.5. In such instances, plans of subdivision shall accommodate the High Density Residential designation elsewhere within the plan of subdivision.

### **Design**

- 11.4.11.6 Notwithstanding any other provisions of this Plan to the contrary, on lands located within Concession 5, Part of Lot 24, identified as Block 2 Future Development/ High Density on the Draft Approved Plan of Subdivision SW-2019-01, identified by Assessment Roll number 18-09-010-037-06700-0000, the minimum building height shall be 3-storeys. In addition,

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for the purpose of calculating net residential density, the calculation shall also exclude the lands required for: setbacks from the Highway 407 right of way, sanitary servicing easement and stormwater easement.

- 11.4.11.7 Lands designated as High Density Residential shall be developed in accordance with the design policies of Section 6.2.3 and the additional design policies of this Section, as well as the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.11.8 High Density Residential developments shall provide a transition in heights and densities adjacent to Low Density Residential designations including increased setbacks, intervening low-rise, multiple unit housing forms and the use of a 45 degree angular plane from the property line abutting Low Density Residential designations. In this regard, notwithstanding Section 11.4.11.4, for lands designated as High Density Residential located outside of Central Areas, the minimum building height shall be 3 storeys on the portion of the site immediately abutting a Low Density Residential designation. The remainder of the site shall meet the minimum height requirements of Section 11.4.11.4
- 11.4.11.9 Buildings shall be sited near the street line to create a continuous streetscape, to reinforce the street edge and to promote a pedestrian scale.
- 11.4.11.10 Development shall be designed and sited to provide an animated frontage or flankage adjacent to streets and other public spaces, to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies.
- 11.4.11.11 Site planning shall emphasize the importance of landscaped areas, building entrances and active built spaces at the street line. The design and location of driveways, parking areas and access to parking garages shall minimize their impact on streetscapes.
- 11.4.11.12 Common parking areas shall be developed underground or situated at the rear or side of the lots. Where side yard parking is exposed to the street it shall be screened by landscaping or built features.
- 11.4.11.13 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes.

#### **11.4.12 Mixed-Use 1 - Community Central Area**

- 11.4.12.1 Lands designated as Mixed-Use 1 – Community Central Area on Schedule “J” shall be developed in accordance with Section 4.6, except as modified by the following additional policies.
- 11.4.12.2 The intended function of the Mixed-Use 1- Community Central Area designation is to provide a mix of residential and commercial uses in a pedestrian-oriented manner at a density which supports frequent transit service. Each property shall have a mix of two or more land uses set out

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in Section 4.6.3.1, and each Mixed-Use 1 – Community Central Area designation as a whole shall have a mix of residential and commercial use as determined through Section 11.4.7.4. The designation is also intended to provide for a range of commercial uses provided by the Community Commercial designation to support the weekly shopping needs of the surrounding residential neighbourhoods.

- 11.4.12.3 In addition to the uses permitted in Section 4.6.3.1, permitted commercial uses shall be as set out in Section 4.5.3.2.1 of this Plan except that the minimum gross leasable floor space of commercial uses within each Community Central Area shall be 12,000 square metres.
- 11.4.12.4 The minimum and maximum permitted residential and mixed-use density shall be as set out in Section 11.4.11.3.
- 11.4.12.5 The minimum and maximum permitted residential and mixed-use building height shall be as set out in Section 11.4.11.4.
- 11.4.12.6 The minimum building height for non-residential buildings shall be 2 storeys. The proportion of the second floor that is occupied by functional space shall be set out in the zoning by-law.
- 11.4.12.7 It is recognized that the mixed-use elements may occur in stages as the area develops and intensifies over the long-term. However, the intent is that the designation will be planned to accommodate a range of uses from its initial development and shall not be developed solely for one permitted land use type. The extent of mixed-use development in the initial stages and the phasing of mixed-use development over time will be illustrated in the Comprehensive Block Plan required in Section 11.4.7.4.

**Design**

- 11.4.12.8 Lands designated as Mixed-Use 1 – Community Central Area shall be developed in accordance with the design policies of Section 6.2.3.1 and the additional policies of this Section as well as the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.12.9 Consolidation and the integrated development of properties within the Mixed-Use 1 – Community Central Area shall be encouraged.
- 11.4.12.10 Buildings should be located at or close to the street line to create a continuous streetscape and massed at intersections to establish a strong street edge and to promote a pedestrian scale.
- 11.4.12.11 Development shall provide a transition in heights and densities adjacent to Low Density Residential areas including increased setbacks, intervening low-rise, multiple unit housing forms and the use of a 45 degree angular plane from the property line of Low Density Residential designations.
- 11.4.12.12 Commercial uses and buildings containing ground floor commercial uses shall be oriented to the street.

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- 11.4.12.13 As required in Section 11.4.7.4, a primary street and focal area for retail commercial space shall be identified in the Comprehensive Block Plan. Along such street(s), buildings shall provide an animated frontage with primary doors facing the street. The Brooklin Urban Design and Sustainable Development Guidelines shall set out minimum fenestration requirements, and the zoning by-law shall establish a minimum build-to line requirement. On-street parking along such street(s) may be permitted.
  - 11.4.12.14 Development shall be designed and sited to provide an animated frontage or flankage adjacent to streets and other public spaces, to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies.
  - 11.4.12.15 Principal entrances shall face the sidewalk and provide direct access onto the public sidewalk so as to create a pleasant pedestrian shopping environment. The primary windows and signage shall also face the street.
  - 11.4.12.16 Site planning shall emphasize the importance of landscaped areas, including the provision of shade structures, building entrances and active built spaces at the street line. The design and location of driveways, parking areas and access to parking garages shall minimize their impact on streetscapes.
  - 11.4.12.17 Buildings should have a consistent minimum and maximum setback to promote pedestrian scale. A generally continuous building face is recommended to establish a unified streetscape.
  - 11.4.12.18 Common parking areas shall be developed underground or situated at the rear or side of the lots. Where side yard parking is exposed to the street it shall be screened by low walls and landscaping to provide a sense of enclosure along the setback line.
  - 11.4.12.19 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes.

#### **11.4.13 Mixed-Use 2 – HCD**

- 11.4.13.1 Lands designated as Mixed-Use 2 – HCD on Schedules “J” and “J1” shall be developed in accordance with Section 4.6, except as modified by the following additional policies.
- 11.4.13.2 The intent of the Mixed-Use 2 – HCD designation is to accommodate low-rise, mixed-use development within the HCD and to accommodate commercial uses in a mixed-use format that complement the commercial development in the historic downtown and in the adjacent Major Commercial designation.
- 11.4.13.3 In addition to the uses permitted in Section 4.6.3.1, in the Mixed-Use 2 – HCD designation, the range of permitted commercial uses shall

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complement but not compete with the Heritage Commercial designation as set out in Section 11.4.16.

- 11.4.13.4 The maximum permitted density in the Mixed-Use 2 – HCD designation shall be 85 units per net hectare.
- 11.4.13.5 The minimum height in the Mixed-Use 2 – HCD designation shall be 2 storeys and the maximum height shall be 4 storeys.
- 11.4.13.6 Cultural heritage resources shall be conserved.
- 11.4.13.7 The built form, and separation distances and views between buildings shall reflect the design and built form guidelines of the HCD Plan and the Brooklin Urban Design and Sustainable Development Guidelines.

### **Design**

- 11.4.13.8 Lands designated as Mixed-Use 2 – HCD shall be developed in accordance with the design policies of Section 6.2.3.1 and the additional policies of this Section as well as the Brooklin Urban Design and Sustainable Development Guidelines and the HCD Plan as applicable.
- 11.4.13.9 Principal entrances shall face the sidewalk and provide direct access onto the public sidewalk so as to create a pleasant pedestrian-oriented environment. Buildings should have a consistent minimum and maximum setback to promote pedestrian scale. A generally continuous building face is recommended to establish a unified streetscape.
- 11.4.13.10 Residential and mixed-use development shall be designed and sited to provide an animated frontage or flankage adjacent to streets and other public spaces, to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies.
- 11.4.13.11 For commercial and mixed-use buildings, storefronts shall be located at or close to the street with active at-grade uses and with principal entrances and primary windows and signage facing the street.
- 11.4.13.12 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes and provide shade protection for pedestrians.
- 11.4.13.13 The design and location of driveways, parking areas and access to parking garages shall minimize their impact on streetscapes.
- 11.4.13.14 Common parking areas shall be situated at the rear or side of the lots. Where side yard parking is exposed to the street it shall be screened with low walls and landscaping to provide a sense of enclosure along the setback line.
- 11.4.13.15 The design of new development adjacent to cultural heritage resources, or infill, intensification and adaptive reuse developments around cultural heritage resources shall incorporate the principles of heritage

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conservation and shall be sensitive to the existing cultural heritage resources.

11.4.13.16 Where a property contains an existing dwelling, the dwelling may be converted to limited commercial use provided that such conversion is within the existing building, is compatible with surrounding uses, is in contextual harmony with the streetscape, and on-site parking is provided within the interior or rear yard area. Where a building of architectural and/or historical significance is involved, provision shall be made to ensure that the architectural features of the building are conserved.

11.4.13.17 Proposals for development in the Mixed-Use 2 – HCD designation or the conversion of existing detached dwellings to commercial use may require a site-specific Zoning By-law amendment.

#### **11.4.14 Mixed-Use 3**

11.4.14.1 Lands designated as Mixed-Use 3 on Schedules “J” and “J1” shall be developed in accordance with Section 4.6, except as modified by the following additional policies.

11.4.14.2 The intent of the Mixed-Use 3 designation is to accommodate a mix of two or more land uses on a site, as set out in Section 4.6.3.1, either within the same building or integrated as separate buildings on the lot.

11.4.14.3 In addition to the uses permitted in Section 4.6.3.1, in the Mixed-Use 3 designation, the range of permitted commercial uses shall vary depending on the location:

- a) Within the Downtown Brooklin Major Central Area outside of the HCD, the range of permitted commercial uses shall include those permitted in the Major Commercial designation as set out in Section 4.5.3.1;
- b) Outside of the Downtown Brooklin Major Central Area, the range of permitted commercial uses shall include those permitted in the Local Commercial designation as set out in Section 4.5.3.3.

11.4.14.4 The minimum permitted density in the Mixed-Use 3 designation shall be 60 units per net hectare and the maximum density shall be 85 units per net hectare.

11.4.14.5 The minimum height in the Mixed-Use 3 designation shall be 2 storeys and the maximum height shall be 4 storeys.

#### **Design**

11.4.14.6 Lands designated as Mixed-Use 3 shall be developed in accordance with the design policies of Section 6.2.3.1 and the additional policies of this Section as well as the Brooklin Urban Design and Sustainable Development Guidelines, as applicable.

11.4.14.7 Principal entrances shall face the sidewalk and provide direct access onto the public sidewalk so as to create a pleasant pedestrian-oriented

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environment. Buildings should have a consistent minimum and maximum setback to promote pedestrian scale. A generally continuous building face is recommended to establish a unified streetscape.

- 11.4.14.8 Residential and mixed-use development shall be designed and sited to provide an animated frontage or flankage adjacent to streets and other public spaces, to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies.
- 11.4.14.9 For commercial and mixed-use buildings, storefronts shall be located at or close to the street with active at-grade uses and with principal entrances and primary windows and signage facing the street.
- 11.4.14.10 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes and provide shade protection for pedestrians.
- 11.4.14.11 The design and location of driveways, parking areas and access to parking garages shall minimize their impact on streetscapes.
- 11.4.14.12 Common parking areas shall be situated at the rear or side of the lots. Where side yard parking is exposed to the street it shall be screened with low walls and landscaping to provide a sense of enclosure along the setback line.

#### **11.4.15 Major Commercial**

- 11.4.15.1 Lands designated as Major Commercial on Schedules “J” and “J1” shall be developed in accordance with Section 4.5.3.1, except as modified by the following additional policies.
- 11.4.15.2 The Major Commercial designation shall function as an extension of the commercial shopping area in the Downtown as well as an urban gateway into the historic Downtown.
- 11.4.15.3 The Major Commercial designation shall provide for the higher order shopping needs of the Brooklin community and development is encouraged to accommodate at least one department store. Development in the Major Commercial designation shall be planned to achieve the retail space targets set out in Section 11.4.4.13.
- 11.4.15.4 Lands designated as Major Commercial shall be planned to accommodate a range of uses from its initial development and not be developed solely for one permitted land use type. In addition to the planned commercial development, the designation shall accommodate residential units in stand-alone or mixed-use formats. The extent of residential and mixed-use development in the initial stages and the phasing of residential and mixed use development over time will be illustrated in the Comprehensive Block Plan required in Sections 11.4.4.18 and 11.4.4.19. It is recognized that the mixed-use elements may occur in stages as the area develops and intensifies over the long-term.

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- 11.4.15.5 The minimum and maximum permitted residential density in the Major Commercial designation shall be as set out in Section 11.4.11.3.
  - 11.4.15.6 The permitted residential and mixed-use building height in the Major Commercial designation shall be a minimum of 2 storeys and a maximum of 6 storeys within the Downtown Brooklin Intensification Area as shown on Schedule “B” and a minimum of 2 storeys and a maximum of 12 storeys in the remainder of the Major Commercial designation.
  - 11.4.15.7 The minimum building height for non-residential buildings in the Major Commercial designation shall be 2 storeys. The proportion of the second floor that is occupied by functional space shall be set out in the zoning by-law.
  - 11.4.15.8 Notwithstanding any other provisions of this Plan to the contrary, on lands designated as Major Commercial-1, the minimum building height, for non-residential buildings with a ground floor area of less than 2,000 square metres (21,500 square feet), shall be 1 storey.

### **Design**

- 11.4.15.9 Lands designated as Major Commercial shall be developed in accordance with the design policies of Section 6.2.3.1, the additional design policies of this Section, Sections 11.4.4.18 and 11.4.4.19 requiring a Comprehensive Block Plan as well as the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.15.10 The area shall be developed with a view to maximizing its attractiveness, accessibility and convenience to pedestrians as a compact downtown area providing opportunities for active transportation.
- 11.4.15.11 The lands south of Winchester Road and west of Baldwin Street shall be developed in accordance with the direction of Section 11.4.4.11, which requires a Pedestrian Promenade to be provided.
- 11.4.15.12 Permitted commercial uses shall be oriented along the Pedestrian Promenade and the Urban Square in order to create a pedestrian-oriented “main street” with buildings and storefronts located close to the public sidewalk.
- 11.4.15.13 Where “Ground Floor Animation” is depicted on Schedule “J1”, buildings shall contain ground floor commercial uses, with the principal public entrance of each store and extensive windows facing the Pedestrian Promenade and the urban square to create an active and vibrant pedestrian-oriented shopping environment.
- 11.4.15.14 Where “Ground Floor Animation” is depicted on Schedule “J1”, parking lots and loading docks shall not abut or be located between buildings and the Pedestrian Promenade or urban square.
- 11.4.15.15 Residential units shall not be permitted on the ground floor of the portion of buildings facing the Pedestrian Promenade or urban square where “Ground Floor Animation” is depicted on Schedule “J1”.



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- 11.4.15.16 When the Pedestrian Promenade is located along a public or private street, on-street parking shall be encouraged.
- 11.4.15.17 Along other streets within the Major Commercial designation, parking, driveways, lanes or aisles shall not be permitted between buildings and the public sidewalk, except that larger stores may be permitted to the rear of a site, where smaller stores are located up to the street frontage to create an active streetscape environment.
- 11.4.15.18 The location of entrances and exits to off-street parking facilities should be located so as to minimize the interference with street traffic and pedestrian circulation and should not be close to major intersections.
- 11.4.15.19 Development shall minimize the impact of off-street parking on pedestrian streetscapes by locating off-street parking at the rear or to the interior of the block.
- 11.4.15.20 High Density Residential development shall provide a transition in heights and densities adjacent to Low Density Residential Areas including increased setbacks, intervening low-rise, multiple unit housing forms and the use of a 45 degree angular plane from the property line abutting a Low Density Residential designation.
- 11.4.15.21 Residential and mixed-use development shall be designed and sited to provide an animated frontage or flankage adjacent to streets and other public spaces, to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies.
- 11.4.15.22 Projections of canopies, roof overhangs, window bays and other architectural elements are encouraged in order to create diverse and active streetscapes.
- 11.4.16 Heritage Commercial**
- 11.4.16.1 Lands designated as Heritage Commercial on Schedules “J” and “J1” shall be developed in accordance with Section 4.5.3.1, except as modified by the following additional policies.
- 11.4.16.2 The Heritage Commercial designation is intended to permit a broad range of commercial uses while respecting the historical character of the Downtown.
- 11.4.16.3 Baldwin Street shall be preserved as a primarily low-rise commercial/mixed-use main street and pedestrian use shall be reinforced. Cultural heritage resources shall be retained. Infill development shall be encouraged, but any new development shall maintain the heritage character of the Heritage Conservation District while also increasing the vibrancy and pedestrian comfort of the historic Downtown.
- 11.4.16.4 New residential units shall not be permitted on the main floor of buildings facing onto Baldwin Street.

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11.4.16.5 Large scale buildings and uses such as department stores and grocery stores shall be directed to the adjacent Major Commercial designation.

11.4.16.6 Permitted building height shall be a maximum of 3 storeys.

### **Design**

11.4.16.7 Development and redevelopment of lands designated as Heritage Commercial shall adhere to built form directives of the Brooklin Heritage Conservation District Plan.

11.4.16.8 Where possible, the width of pedestrian walkways shall be increased, particularly along Baldwin Street.

11.4.16.9 The development of mid-block entrances to pedestrian mews and pathways is encouraged.

11.4.16.10 Views and vistas of significant natural and built features shall be preserved.

11.4.16.11 Heritage Commercial areas shall reinforce the “main street” character of Baldwin Street by locating buildings and storefronts close to the public sidewalk to reinforce the street edge and with doors and extensive windows facing the public sidewalk to create an active and vibrant pedestrian shopping environment.

11.4.16.12 The principal public entrance of each building and ground floor of the buildings shall provide direct access onto the public sidewalk and the primary windows and signage shall also face the street.

11.4.16.13 No parking, driveways, lanes or aisles shall be permitted between buildings and the public sidewalk.

11.4.16.14 Off-street parking shall be located and designed to not interfere with the character of the Heritage Conservation District or impact on pedestrian streetscapes by locating off-street parking at the rear of stores and to the interior of the block.

### **11.4.17 Special Purpose Commercial**

11.4.17.1 Lands designated as Special Purpose Commercial on Schedule “J” shall be developed in accordance with Section 4.5.3.4 of this Plan.

11.4.17.2 In addition to the uses permitted in Section 4.5.3.4.1, places of worship shall also be permitted.

11.4.17.3 Notwithstanding the policies of Section 4.5.3.4, the lands at 360 Columbus Road East may be zoned to allow the continuation of the Charles H. Best Diabetes Centre and the conservation of the designated heritage building.

### **11.4.18 Local Commercial**

11.4.18.1 Lands designated as Local Commercial on Schedule “J” shall be developed in accordance with Section 4.5.3.3 of this Plan.

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#### **11.4.19 General Industrial**

11.4.19.1 Lands designated as General Industrial on Schedule “J” shall be developed in accordance with Section 4.7.3.1 of this Plan.

#### **11.4.20 Prestige Industrial**

11.4.20.1 Lands designated as Prestige Industrial on Schedule “J” shall be developed in accordance with Section 4.7.3.2 of this Plan, except as modified by the following additional policy.

11.4.20.2 Secondary uses permitted by Section 4.7.3.2.4 are encouraged to be located in nodes along arterial roads at the intersection with other arterial and collector roads as well as at interchanges with Highway 407. The size of nodes shall be delineated in the implementing zoning by-law in conformity with the maximum unit size and floor area proportions requirements set out in Section 4.7.3.2.4.

#### **11.4.21 Health Precinct Special Policy Area**

11.4.21.1 The Health Precinct Special Policy Area is an overlay designation within the Prestige Industrial designation. In addition to the policies of Section 4.7.3.2 of this Plan, the Health Precinct Special Policy Area will be governed by the policies of this Section.

11.4.21.2 The Health Precinct Special Policy Area shall be developed as a cluster of health and medical related facilities, including research and development facilities and related uses in a highly visible and accessible location in proximity to Highway 407. Such uses shall be complimentary to and compatible with the Prestige Industrial uses within and adjacent to the Health Precinct Special Policy Area.

11.4.21.3 Notwithstanding the permitted uses in Section 4.7.3.2.4, retail uses that support the primary uses in the Health Precinct Special Policy Area shall be permitted provided that they are integrated in buildings for the primary use and subject to the size restrictions of Section 4.7.3.2.4. Stand alone retail uses shall not be permitted.

11.4.21.4 The extent of uses including any supportive retail uses and the delineation of the Health Precinct Special Policy Area shall be set out in the Zoning By-law.

11.4.21.5 Prior to the development of the Health Precinct Special Policy Area, a Comprehensive Block Plan shall be prepared to the satisfaction of the Municipality which addresses the matters set out in Section 6.2.4.2.2 as well as:

- a) sets out the appropriate block pattern for the Precinct;
- b) identifies any other design, access, parking or built form requirements that are unique to a Health Precinct; and

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- c) considers compatibility of permitted uses with surrounding industrial uses.

#### **11.4.22 Business Park**

- 11.4.22.1 Lands designated as Business Park on Schedule “J” shall be developed in accordance with Section 4.7.3.2 of this Plan and in particular Sections 4.7.3.2.4, and 4.7.3.2.5, except as modified by the following additional policies.
- 11.4.22.2 Business Parks are intended to accommodate higher intensity employment uses in a campus-like layout with a high order of urban design and landscaping. This designation is intended to be clustered around the Highway 407 and Baldwin Street interchange.
- 11.4.22.3 The Business Park designation north of Highway 407 abutting the Downtown Brooklin Major Central Area shall provide for office and other intensive employment uses whose employees can support the commercial uses of the Downtown Brooklin Major Central Area.
- 11.4.22.4 Outdoor storage and dealerships for new automobiles and trucks shall not be permitted in the Business Park designation.

#### **Design**

- 11.4.22.5 The lands designated as Business Park adjacent to Highway 407 and Baldwin Street are prominent entry points into the Municipality. As such, any buildings or structures visible from Highway 407 and Baldwin Street shall be designed in recognition of their prominent visibility.
- 11.4.22.6 Buildings shall be sited close to the street right-of-way with the main entrances facing the street to create an attractive and interesting streetscape.
- 11.4.22.7 Parking and loading facilities shall not be located between the building(s) and the street, to promote a prestige appearance and encourage pedestrian activity.
- 11.4.22.8 Buildings are to be designed using techniques (i.e., architectural design, landscape treatment, building siting, etc.) to create a pedestrian scale environment at the ground level, where pedestrians’ perception of building mass and/or height is mitigated to create a comfortable, human scale interface along the street and abutting public open spaces.
- 11.4.22.9 Loading, servicing and other functional elements shall not be located adjacent to public spaces and shall be screened from view.

#### **11.4.23 Schools**

- 11.4.23.1 School sites symbolically shown on Schedule “J” shall be developed in accordance with the relevant policies of Section 4.8 of this Plan, except as modified by the following additional policies.

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11.4.23.2 Elementary schools shall have frontage on at least one collector road and with a second frontage on either a second collector road or a local road. Secondary schools shall be located at the intersection of an arterial and a collector road, wherever possible, to optimize transit utilization and active transportation.

11.4.23.3 An elementary school may be located on a Type C arterial road where no collector road alternative exists in the vicinity and if determined acceptable by the applicable school board and the Municipality.

**11.4.24 Major Open Space**

11.4.24.1 Lands designated as Major Open Space on Schedules “J” and “J1”, 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.

11.4.24.2 Parkettes, Local Parks, District Parks and Town Parks are symbolically shown on Schedules “J” and “J1” and shall be further delineated at the time of development review and approval.

11.4.24.3 District Parks may be located adjacent to the Natural Heritage System to enhance the opportunity for multi-use trail linkages.

**Parkettes**

11.4.24.4 Parkettes are to be distributed in small residential neighbourhoods where the neighbourhood has limited access to Local Parks and District Parks due to intervening arterial roads or the Natural Heritage System. The Parkettes shall be located in central locations, accessible generally within a 200-400 metre walking distance of the neighbourhood they serve to support active transportation and residents’ increased accessibility to greenspace.

11.4.24.5 New Parkettes shall generally be approximately 0.4 hectares in size but a smaller size of approximately 0.25 hectares shall be considered in the Downtown Brooklin Major Central Area.

**Urban Squares**

11.4.24.6 Publicly accessible Urban Squares on the northwest, southwest, and southeast corners of the intersection of Baldwin Street and Winchester Road shall be provided to:

- a) promote the identity of the Downtown Brooklin Major Central Area;
- b) add a visually attractive gateway feature at the corner of the Baldwin Street and Winchester Road intersection; and
- c) create a public gathering space, the larger of which can be programmed for public events to increase opportunities for social connection within the community.

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- 11.4.24.7 Urban Squares shall be provided in each Community Central Area, although not illustrated on Schedule “J”, with the location identified through the Comprehensive Block Plan.
- 11.4.24.8 Urban Squares shall be designed with edges, which are defined by buildings and other structures where not bound by roads.
- 11.4.24.9 Urban Squares shall be subject to the urban design policies of Section 6.2 of this Plan as well as the Brooklin Urban Design and Sustainable Development Guidelines.
- 11.4.24.10 The Urban Square at the southwest corner of Baldwin Street and Winchester Road is located on the wide right-of-way at that intersection and will serve as the pedestrian gateway to the Pedestrian Promenade.
- 11.4.24.11 The Urban Square is intended to provide an internal focal point for the Major Commercial designation and function as an urban park, serving the immediate neighbourhood and visitors to the Brooklin Major Central Area. The Urban Square should be easily accessible and visible to the public, contain eating amenities, hard landscaping, and natural elements, and provide passive recreation uses, programmed activities, and a display of public art. Adjacent commercial uses shall face onto and take access from the Urban Square. The existing row of mature coniferous trees shall be incorporated into the Urban Square where feasible.
- 11.4.24.12 Urban Squares shall be easily accessible and visible to the public, contain seating amenities, hard landscaping, and natural elements, and provide passive recreational uses, possible public or private programmed activities, and a display of public art. Adjacent commercial uses are encouraged to be integrated with and front upon these spaces.
- 11.4.24.13 Urban Squares may be developed in public or private ownership or a combination thereof.

#### **11.4.25 Natural Heritage System**

- 11.4.25.1 Lands designated as Natural Heritage System on Schedules “J” and “J1” 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.
- 11.4.25.2 The components of the Natural Heritage System were identified through the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016). Reference shall be made to this study when determining which natural heritage features comprised the Natural Heritage System at the time of this study and when reviewing development applications and supporting studies.
- 11.4.25.3 The extent and boundary of the Natural Heritage System is conceptual. The exact boundary shall be determined through an Environmental Impact Study (EIS) and feature staking to the satisfaction of the Municipality in

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consultation with the Conservation Authority. The boundary of the Natural Heritage System may be refined with additions and deletions without an amendment to the Plan.

11.4.25.4 The Natural Heritage System includes all known permanent and intermittent streams which are delineated on Schedule “C”. A number of the streams shown on Schedule “C” are headwater streams. The status as intermittent versus ephemeral has not been confirmed for some headwater streams. The “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016) identifies these streams as subject to further study. A Headwater Drainage Feature Assessment will be required to the satisfaction of the Municipality and the Conservation Authority, in consultation with the Ministry of Natural Resources and Forestry, prior to approval of development adjacent to those streams. The assessment shall evaluate and classify the drainage feature status based on criteria established by the Conservation Authority and shall determine if the drainage features are to be maintained. Where authorized by the Conservation Authority and the Municipality, in consultation with the Ministry of Natural Resources and Forestry, the removal of a drainage feature from the Natural Heritage System may occur without an amendment to the Plan.

11.4.25.5 A number of small isolated natural heritage features are designated as part of the Natural Heritage System on Schedule “C”. Other than any natural heritage feature that is an identified Provincially Significant Wetland, further study through an EIS is required to determine the significance of these features and the appropriateness of inclusion in the Natural Heritage System prior to approval of any development. These features that are subject to further study are identified in the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016). An EIS shall be required to determine:

- a) if the feature is considered not to be a key natural heritage feature as set out in Section 5.3.7.1 or a linkage as identified on Schedule “J”. In this case, the feature may be removed without an amendment to the Plan;
- b) if the feature is a key natural heritage feature but has limited function. In this case, the feature may be removed without an amendment to the Plan, at the discretion of the Municipality in consultation with the Conservation Authority, provided compensation is made which could include additional dedicated land and/or the construction and restoration of similar features elsewhere in the Secondary Plan Area adjacent to, or, where appropriate, within the currently designated Natural Heritage System in the Secondary Plan Area without an amendment to the Plan; and
- c) if the feature is a key natural heritage feature and must be retained in-situ. In this case, the EIS shall consider the feasibility of alternatives

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to re-connect or create linkages from the feature to the broader Natural Heritage System.

- 11.4.25.6 Where a feature or portion of a feature is removed or reduced in accordance with Sections 11.4.25.3, 11.4.25.4 and 11.4.25.5, the urban designation abutting the feature shall apply.
- 11.4.25.7 In addition to the requirements of Section 5.3.7.3, feature staking, erosion analysis, confirmation of the Natural Heritage System boundaries and determination of the appropriate extent of vegetation protection zones beyond those set out in Section 5.3.7.8 shall be required through the completion of an EIS prior to approval of development.
- 11.4.25.8 The Natural Heritage System incorporates a number of linkages as identified in the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016). These linkages are schematically shown on Schedule “J.” The EIS required for development shall identify how these linkages will be restored and enhanced through the development process. Stormwater management facilities may be located within linkages provided the EIS demonstrates that the linkage functions will be maintained, and there is no impact to adjacent natural heritage features.
- 11.4.25.9 The northern extension of Cachet Boulevard crosses one of these linkages. The EIS required for development in that area shall identify appropriate design considerations for the collector road to ensure the function of the linkage is maintained.
- 11.4.25.10 The hydro corridor south of Highway 407 also serves as an open space linkage. The Municipality shall encourage Hydro One to maintain it as a grassland area.
- 11.4.25.11 The EIS required for development adjacent to the Natural Heritage System shall also identify opportunities for restoration and enhancement of riparian habitat within the Natural Heritage System including opportunities to restore meandering channels in previously straightened watercourses.
- 11.4.25.12 Restoration and enhancement is particularly important along all stream reaches providing contributing, occupied and recovery habitat for Redside Dace. Protection of these watercourses must conform to the requirements of the Ministry of Natural Resources and Forestry and comply with the provisions of the Endangered Species Act.
- 11.4.25.13 The final location and design of all required road and servicing crossings of Redside Dace habitat shall be evaluated and designed according to the Ministry of Natural Resources and Forestry’s “Guidance for Development Activities in Redside Dace Protection Habitat” and shall be designed to:
- a) minimize the number of stream crossings to generally no more than one crossing per kilometre of stream;



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- b) minimize lengths and widths of crossings;
  - c) cross at straight sections of a stream;
  - d) be located where possible at previously disturbed areas;
  - e) minimize the width of the facility within the regulated habitat;
  - f) co-locate various infrastructure within the crossing to minimize the number of crossings;
  - g) adhere to appropriate timing windows during construction; and
  - h) incorporate effective erosion and sediment control measures.

#### **11.4.26 Natural Hazards**

- 11.4.26.1 Lands designated as Natural Hazard on Schedules “J” and Schedule “J1” 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.
- 11.4.26.2 Where detailed study in support of a draft plan of subdivision or other development application confirms that the boundary of a Natural Hazard designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazard designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply except where the lands are also located within the Natural Heritage System designation. Where more than one urban designation abuts the area removed or reduced, the abutting designations shall apply in the same proportion that abuts the area removed or reduced.

#### **Other Policy Directions**

##### **11.4.27 Gateways**

- 11.4.27.1 The intersection of Winchester Road and Baldwin Street has the opportunity to provide a significant Gateway to the community. The northwest, southwest, and southeast corners of this intersection will be designed to create comfortable Urban Squares as gateways to the Downtown and to the new commercial areas south of Winchester Road.
- 11.4.27.2 The intersection of Highway 7/Winchester Road and Cochrane Street is also identified as a Gateway in the Official Plan.
- 11.4.27.3 Generally, Gateways shall be designed in accordance with Section 6.2.3.7 of this Plan and include distinctive streetscape features and public art pieces in order to contribute to community image and identity.

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## **11.4.28 Parking**

- 11.4.28.1 The Municipality may consider cash-in-lieu of parking where it can be demonstrated that the full parking requirement cannot be provided on-site or in an alternate location. In such cases, the Municipality and the Developer shall enter into an agreement providing for such payment and setting out the basis upon which it was calculated pursuant to the provisions of the Planning Act. Within the Heritage Commercial designation, cash-in-lieu of parking will be encouraged for non-residential development in consideration of the limited opportunities for on-site parking and the intent to retain the heritage character of the designation.
- 11.4.28.2 The Municipality shall prepare a short and long-term parking strategy for Downtown Brooklin to accommodate the need for an increased number of parking spaces as commercial development occurs. Such a strategy will consider the use of surface parking and parking structures to accommodate parking needs.
- 11.4.28.3 The Municipality shall work with property owners to encourage more efficient use of present private parking areas for existing commercial development and optimize the opportunity for new infill development and cohesive commercial main street development.

## **11.4.29 Roads and Active Transportation**

- 11.4.29.1 The Secondary Plan Area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following additional policies, as well as the recommendations of the Brooklin Transportation Master Plan.
- 11.4.29.2 While the arterial roads shown on Schedule "D" are intended primarily to allow for the ease of motor vehicle traffic throughout the Region and the Municipality, regard shall be had in their design to the other public interest objectives established by this Plan, which require that higher density development be established along arterial roads in a pedestrian-oriented and transit-supportive environment.
- 11.4.29.3 In this regard, arterial road rights-of-way shall consider the needs, safety and comfort of the pedestrians, cyclists and automotive users. In addition, priority shall be given to ensuring that public transit facilities, such as stops, shelters and dedicated lanes are all part of the overall design of the arterial road network over the long term.
- 11.4.29.4 New and reconstructed arterial roads shall be built with sidewalks on both sides and cycling provided through on-road facilities and/or off road multi-use paths. The location of multi-use paths will be determined based on connectivity to active transportation routes, accessibility and connectivity to public transit stops, and maximizing safety and use.
- 11.4.29.5 Collector and local roads shall be designed in a grid system, where possible, to disperse traffic and lower volumes on each road in this area.

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- 11.4.29.6 The Municipality shall require the construction of roundabouts in appropriate locations. Roundabouts will be considered for implementation in the following situations:
- a) at proposed intersections where traffic signals or all-way stop control is warranted or expected to be warranted in the near future;
  - b) at existing intersections with identified capacity issues or safety issues;
  - c) where identified as a component of a large-scale road improvement plan or new development plan; or
  - d) on road construction projects where major rehabilitation and/or road widening is occurring.
- 11.4.29.7 An active transportation network which connects destinations within and beyond the neighbourhood such as schools, parks, the downtown, commercial areas and employment areas shall be planned and identified in the Municipality's Active Transportation Plan. In this regard, an active transportation network plan shall be prepared for each Comprehensive Block Plan and implemented through the development approvals process.
- 11.4.29.8 The active transportation network may be provided within road rights-of-way as well as on trails within the Natural Heritage System. Active transportation connections across barriers (natural and infrastructure) shall be planned at appropriate walking/cycling intervals to reduce barriers between neighbourhoods and increase accessibility for all ages and abilities.
- 11.4.29.9 Plans of subdivision shall be designed to optimize access to transit through active transportation, promote efficient and convenient transit stop locations, and facilitate the efficient operation of transit vehicles.
- 11.4.29.10 Reduced road and right-of-way widths may be considered if active transportation connections and improved transit are provided to move people through the community and shall be supported by an engineering study which demonstrates that all of the required elements can be accommodated within the proposed reduced width.
- 11.4.29.11 Subject to the resolution of an alternative route for Highway 7/12 and an environmental assessment, Baldwin Street and Thickson Road may be realigned south of Brawley Road in accordance with the policies of Section 11.4.31.6. The environmental assessment shall consider alternatives to the alignment of Thickson Road including, as an alternative, the avoidance of the small cluster of houses along Old Thickson Road.
- 11.4.29.12 All collector and local roads shall also be planned to include a vibrant and healthy tree canopy that will provide shade and enhance and establish a vibrant urban environment. In this regard, a Tree Canopy Plan shall be prepared for each plan of subdivision. In order to maximize the amount of tree planting, the co-location of utilities is encouraged.

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11.4.29.13 All new local roads shall consider sidewalks on both sides and set back from the curb, to support a safe and connected pedestrian environment. Exceptions may be considered in Low Density Residential areas on short streets and crescents, which do not lead to trails, schools or parks and provided accessibility requirements are met.

### **11.4.30 Servicing**

11.4.30.1 The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16 except as modified by the following additional policies.

11.4.30.2 Prior to any development occurring north of Columbus Road, west of Ashburn Road; south of Winchester Road, west of the Lynde Creek; and south of Highway 407, east of the Lynde Creek, a Final Watershed Report shall be completed which addresses such matters as drainage, stormwater management (water quality and quantity), erosion, flooding and ground water. Specifically, the Final Watershed Report shall identify and direct resolutions to each of the mitigation options contained in Section 5 of the Report on Watershed Planning, Hazard Lands and Stormwater Management (Candevcon & Stonybrook Consulting, September 2016) to the satisfaction of the Town and Conservation Authority. The Final Watershed Report shall also address Low Impact Development techniques and assess the ability to capture minimum rainfall events.

11.4.30.3 The Final Watershed Report shall identify quadrants/sub-areas/neighbourhoods where more detailed functional servicing reports and stormwater management plans will be completed on a quadrant/sub-area/neighbourhood basis in support of development applications. The boundary of the quadrants/sub-areas/neighbourhoods shall reflect, where possible, the boundaries of the Comprehensive Block Plans required in Section 11.4.6.7.

11.4.30.4 A Functional Servicing Report comprehensively addressing stormwater management and municipal servicing shall be prepared for each quadrant/sub-area/neighbourhood as identified in Section 11.4.30.3 and shall address any other requirements of the Final Watershed Report.

11.4.30.5 The stormwater management plan component of the Functional Servicing Report shall locate stormwater management ponds inboard from arterial and collector roads where feasible in order to create transit supportive built form along arterial and collector roads. The stormwater management plans shall explore how grading and infrastructure can be designed to accommodate the inboard location of these ponds.

11.4.30.6 The Functional Servicing Report shall demonstrate how post-development flows are controlled to pre-development flow rates for the 2 through 100-year return event storms. Additional controls beyond this will be required

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where the Conservation Authority has determined that flood control measures are required to avoid unacceptable downstream impacts resulting from development of the Brooklin Community Secondary Plan area.

11.4.30.7 Prior to any development occurring north of Columbus Road, west of Ashburn Road; south of Winchester Road, west of the Lynde Creek; and south of Winchester Road, east of the Lynde Creek, an Infrastructure Staging Plan shall be completed to the satisfaction of the Municipality and Region, which identifies the Regional infrastructure and Town facilities which are needed for each quadrant/sub-area/Neighbourhood to be developed.

11.4.30.8 Applications for draft plan of subdivision along arterial roads shall also require submission of design solutions to achieve an active streetscape while mitigating noise impacts to adjacent residential development.

### **11.4.31 Phasing of Development**

11.4.31.1 It is the intent of this Plan to encourage the timely provision of infrastructure as urban development occurs.

11.4.31.2 It is also the intent of this Plan that industrial lands north and south of Highway 407 are serviced in conjunction with residential and commercial lands. In particular, the industrial lands south of Highway 407, west of Baldwin Street, shall be serviced as part of the extension of services to the residential lands west of Ashburn Road except for the lands immediately west of Ashburn Road that can be serviced by the extensions of local water and sanitary infrastructure.

11.4.31.3 On this basis, the identification of infrastructure upgrades and service delivery requirements shall be carried out prior to any development occurring. This long-range planning should take the full build out of the Secondary Plan area into account and attempt to rationalize how long it will take for the area to be developed. External factors should also be considered, most notably the capacity of the transportation network located within, adjacent to and in the vicinity of the Secondary Plan area.

11.4.31.4 It is recognized that it is at times difficult to anticipate the timing of private development and on this basis, flexibility is required to respond to changing circumstances in a manner that does not affect the basic intent of the overall phasing plan for the Secondary Plan area and the financial plans and studies that support the phasing plan. Therefore, it is not the intent of this policy to require the establishment of a rigid set of criteria to guide development. Rather, the intent of the policy is to provide a general understanding of how and when infrastructure is to be upgraded and when service delivery is to be enhanced.

11.4.31.5 In order to ensure that the cost of new development will not have an adverse impact on the financial capability of the Municipality and the

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Region and to ensure that timely residential development and industrial/commercial development coincides with and supports required infrastructure development, including the building of roads, schools, parks and the introduction of increased transit service and facilities, an increase in public servicing levels such as fire and police and the timely development of water and wastewater servicing infrastructure, and the provision of telecommunications/communications infrastructure, development in the Brooklin Community Secondary Plan area shall only proceed when:

- a) an Infrastructure Staging Plan for the Secondary Plan is completed according to Section 11.4.30.7;
- b) a Comprehensive Block Plan(s) is completed for new residential neighbourhoods as set out in Sections 6.2.4.2.1 and 11.4.6.7 which addresses phasing of roads, school sites, parks, transit service and public service facilities within that neighbourhood;
- c) a Financial Plan for the Secondary Plan area that establishes the basis for the phasing, and the funding of new infrastructure of development and infrastructure has been approved by Whitby Council;
- d) the Municipality has in full force and effect, and not subject to appeal, a Development Charges By-law enacted under the Development Charges Act, 1997 or any successor legislation identifying and imposing charges applicable to the lands in the Secondary Plan area;
- e) certain benefitting landowners within the Secondary Plan area have entered, or will enter, into an agreement or agreements amongst themselves to address the distribution of all costs of development including those which may not be recoverable by the Municipality under the Development Charges Act, 1997, or any successor legislation, particularly the provision of community and infrastructure facilities such as parks, roads, road improvements, external services, storm water management facilities, public/private utilities and schools; and
- f) in order to implement paragraph e) above, the Municipality may include conditions of Draft Plan Approval that may require the benefitting landowners to enter into agreements with other benefitting landowners with respect to the provision of servicing. If a benefitting landowner chooses not to enter into such agreements, no development shall be permitted until it has been demonstrated that the benefitting landowner has entered into required agreements with other affected landowners with respect to the provision of services and other infrastructure.

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11.4.31.6 Upon completion of an environmental assessment to determine the final alignment of Baldwin Street North and Thickson Road North, and the intersection location, adjustments may be made to the arrangement of land use designations within the “Special Policy Area” identified on Schedule “J”, without amendment, provided the general distribution of the Mixed Use, Medium Density and High Density Residential land use designations within the Community Central Area is maintained. Development applications within the Special Policy Area may be approved prior to the conclusion of the environmental assessment process to determine the road alignments and intersection location, however such approvals shall not prejudice the environmental assessment process. Conditional development approvals and holding provision(s) as part of zoning by-law amendments shall recognize the need for any potential modifications to the development plans necessary to accommodate the final approved alignment, prior to final approval of development plans.

### **11.4.32 Implementation and Interpretation**

11.4.32.1 The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.4.32.2 Applications for residential development and other sensitive uses with 300 metres of industrial uses may be required to prepare noise, air quality, vibration and other relevant land use compatibility studies to ensure that potential impacts on new residential development can be appropriately mitigated.

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## 11.5 Brock/Taunton Major Central Area Secondary Plan

### 11.5.1 Goal

- 11.5.1.1 To provide for the development of a prominent, intensive, multi-functional Major Central Area that provides a focal point of mixed use activities including major commercial, office, institutional, residential, recreational and entertainment activities, and respects the hazard lands and environmentally sensitive areas associated with Lynde Creek.

### 11.5.2 Objectives

- 11.5.2.1 To encourage the creation of a dynamic, vibrant area with a strong sense of identity, which provides a wide range of activities for residents and visitors.
- 11.5.2.2 To provide for a full range of retail and personal service uses to serve the needs of the residents.
- 11.5.2.3 To encourage the creation of mixed use developments which provide a suitable integration of uses within the Major Central Area and provide a variety of employment and residential opportunities.
- 11.5.2.4 To provide a range of housing types to accommodate a variety of household sizes and incomes, that support the other land uses in the Major Central Area and are developed at densities which are transit supportive.
- 11.5.2.5 To respect and protect the natural environmental features within the area.
- 11.5.2.6 To provide an appropriate balance between the traffic functions of the arterial roads and the need for active transportation and transit in the Major Central Area.
- 11.5.2.7 To create an area which is pedestrian and bicyclist friendly and ensures their comfort, safety and convenience.
- 11.5.2.8 To establish an urban design framework for development in the Major Central Area.

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### **11.5.3 General Development Policies**

- 11.5.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “K”. Any area shown on this map but lying outside of this boundary is governed by the policies of Part 1 of this Plan.
- 11.5.3.2 Schedule “K” provides the detailed land use designations for both the Major Central Area and the larger Secondary Plan area. The more detailed policies of Section 11.5, together with the general policies of this Plan, apply to the land use designations of the Secondary Plan area as shown on Schedule “K”.
- 11.5.3.3 Development within the Major Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan and the Durham Regional Official Plan, and in particular the overall density and long term floor space index targets in Section 4.3.3.3.4.2.
- 11.5.3.4 Development within the Major Central Area shall be: integrated in a compact form; pedestrian-oriented; accessible by public transit; and promote efficient and effective use of land resources and municipal services.
- 11.5.3.5 The highest intensity of land uses shall be within the Major Commercial and Mixed Use designations in the vicinity of the intersection of Brock Street and Taunton Road, and Garden Street and Taunton Road East. There shall be a transition of densities towards the boundaries of the Major Central Area. New development will occur in an orderly manner which is consistent with the efficient and effective use and provision of municipal services and with the policies of this Plan.
- 11.5.3.6 Throughout the development approval process, the municipality will encourage the use and implementation of urban design in accordance with Section 6.2, with specific regard to development adjacent to the arterial roads and the tributary of the Lynde Creek.
- 11.5.3.7 New automobile service stations and gas bars shall not be permitted within this Major Central Area.

### **11.5.4 Major Commercial**

- 11.5.4.1 Lands designated as Major Commercial on Schedule “K” shall be developed in accordance with the policies of Section 4.5.3.1 except as modified by the following additional policies.
- 11.5.4.2 Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to Section 4.5.3.7 and Section 4.3.3.3.4.2. Proposals for residential development shall be required to submit a detailed Noise Impact Study which evaluates the potential adverse effects on such residential uses from adjacent land uses and arterial roads. The study will demonstrate how appropriate noise levels for residential development can be achieved, including the

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identification of any required mitigation measures.

- 11.5.4.3 New non-residential buildings greater than 500 square metres, shall have a minimum building height of 2 storeys and a maximum building height of 18 storeys.

New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.

All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street South, Brock Street North or Taunton Road East and West.

- 11.5.4.4 Development shall accommodate continuous connections for transit, pedestrian and vehicular traffic throughout the Major Commercial designations.

- 11.5.4.5 Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density on lands designated as Major Commercial-1 is 555 units per net hectare. For the purposes of this calculation, net residential hectare shall include all private laneways.

- 11.5.4.6 Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4 Part Lot 26, municipally known as 70 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29800-0000, the additional use of a commercial self-storage facility may be permitted as an exception, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.

- 11.5.4.7 Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4, Part Lot 26, municipally known as 20 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29725-0000, the additional use of a commercial self-storage facility may be permitted, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.

In addition, a lot for the commercial self-storage facility may be created without frontage on an open public road provided there are necessary easements respecting such matters as appropriate shared access across parcels to/from a public road, vehicular and pedestrian circulation, and municipal servicing.

## **11.5.5 Mixed Use**

- 11.5.5.1 Lands designated as Mixed-Use on Schedule “K” shall be developed in accordance with policies of Section 4.6 except as modified by the following additional policies.

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11.5.5.2 Development within the Mixed Use designation shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.

The residential component of a mixed use development may be located either within the same building as the permitted non-residential use or, in separate buildings on the same site with permitted non-residential uses, as part of an integrated development plan. Where the residential and non-residential uses are not proposed within the same building, the development shall demonstrate the means by which integration of residential and non-residential uses shall occur, prior to rezoning. Single-purpose land uses within the Mixed Use designation shall not be permitted.

11.5.5.3 Recreational, institutional and community uses in accordance with Section 4.4.3.1 a) of this Plan, may also be permitted.

11.5.5.4 Development and redevelopment in the Mixed Use designation shall take into consideration the Urban Design policies established in Section 11.5.12 and Section 6.2 of this Plan.

11.5.5.5 New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.

All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street, Brock Street or Taunton Road.

New non-residential buildings greater than 500 square metres in gross floor area shall have a minimum building height of 2 storeys.

11.5.5.6 Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including such matters as: co-ordination of access points; internal traffic circulation; parking; pedestrian connections, and integrated landscaping.

11.5.5.7 Additional policies have been developed for specific areas designated Mixed Use as illustrated on Schedule "K". Development shall proceed in accordance with the following:

11.5.5.7.1 Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.

11.5.5.7.2 There shall be a transition of densities with the highest densities occurring closest to the Brock Street and Taunton Road intersection.

11.5.5.7.3 The gross leasable floor area assignment for retail and personal service uses within Mixed Use Area at the south east quadrant of Brock Street South and Taunton Road East shall generally be 5,300 square metres. Additional floor space will also be permitted for business and corporate offices which are

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located within the upper floors of a mixed use development.

11.5.5.7.4 Commercial uses and buildings shall be encouraged to be situated in close proximity to Brock Street North and Taunton Road East.

11.5.5.7.5 Development of Mixed Use shall be required to include medium and/or high density residential uses, in accordance with Sections 11.5.5.2.

### **11.5.6 Institutional/Corporate Office**

11.5.6.1 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.

11.5.6.2 In addition to the uses permitted in Section 11.5.6.1, residential uses are also permitted within mixed use buildings that have a minimum height of 6 storeys and a maximum height of 10 storeys.

11.5.6.3 For the purposes of this designation, corporate offices are defined as offices which provide business headquarters or main office functions but do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres of gross leasable area.

### **11.5.7 Residential**

11.5.7.1 A range of tenure types and built forms of residential development shall be encouraged to serve a variety of housing needs within the Major Central Area.

11.5.7.2 Lands designated as Low Density Residential on Schedule “K” shall be developed in accordance with Section 4.4.3.4 and are located outside of the Major Central Area.

11.5.7.3 Lands designated as Medium Density Residential on Schedule “K” shall be developed in accordance with Section 4.4.3.5.

11.5.7.4 Lands designated as High Density Residential shall be developed in accordance with Section 4.4.3.6 and 4.3.3.3.4 of this Plan.

11.5.7.5 Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Sections 4.4.3.1 b) and 4.4.3.1 c) of this Plan, shall not be permitted within Residential designations in this Secondary Plan.

### **11.5.8 Institutional**

11.5.8.1 A variety of Institutional uses currently exist within the Major Central Area. Institutional uses, including schools, places of worship, community centres,

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libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.

- 11.5.8.2 Integrated access points and circulation routes with adjacent uses shall be encouraged.

### **11.5.9 Major Open Space**

- 11.5.9.1 Lands designated Major Open Space shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.

- 11.5.9.2 Natural Heritage System and Natural Hazards, shown on Schedule “C”, comprise of a portion of the Major Open Space corridor along the Lynde Creek tributary.

### **11.5.10 Parks**

- 11.5.10.1 Parkettes and Urban Squares are shown symbolically on Schedule “K” and shall be developed in accordance with the relevant policies of Sections 4.9.3.22.

### **11.5.11 Transportation**

- 11.5.11.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of Sections 8.1 and 6.2 in particular Section 6.2.3.13 and 6.2.3.14 except as modified by the following policies.

- 11.5.11.2 Taunton Road is a Type “A” arterial road which is intended to provide cross regional transportation. This road also provides the main east-west transportation connection and individual property access within the Major Central Area.

- 11.5.11.3 Brock Street North/Baldwin Street South is a Type “B” arterial road which is intended to provide the main north-south transportation connection through the Major Central Area.

- 11.5.11.4 In order to respect the designated road functions of the arterial roads and to provide opportunities for access to intensified uses within the Major Central Area, individual property access to the arterial roads may be restricted and may be required to be coordinated with other developments in order to ensure adequate vehicular and pedestrian safety. The Town of Whitby and the Region of Durham shall determine these requirements during the development approval process.

- 11.5.11.5 A vehicular and pedestrian movement shall be designed to reduce conflict between pedestrians and vehicular traffic, and between residential and non-residential vehicular traffic.

- 11.5.11.6 The use of traffic control measures may be required in the future to address

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the impacts of through traffic, or locally generated non-residential traffic, on local streets within the Residential designations shown on Schedule “K”.

- 11.5.11.7 Future public transit routes and facilities shall serve the Major Central Area and be designed to provide optimum service to the various land uses within the Major Central Area. Transit facilities may be required in the Major Commercial designation and all land uses shall make provision for transit connections, where necessary.
- 11.5.11.8 Safe and convenient pedestrian circulation systems shall be provided within all areas of the Major Central Area. Within developed areas, the pedestrian system shall include sidewalks and walkways which shall be well lit and hard surfaced. Within open space areas, the pedestrian system will be designed in accordance with the environmental character of the area. Appropriate pedestrian road crossing locations shall be provided. Landscaping and buffering of the pedestrian system shall be encouraged and shall be addressed through the development approval process where appropriate.
- 11.5.11.9 Active transportation shall be encouraged in and through the Secondary Plan area. The integration of active transportation facilities shall be addressed through the development approval process, where appropriate.
- 11.5.11.10 In addition to the matters listed in Section 4.4.3.12.2, the Municipality may also consider reduced parking requirements after detailed study for all developments, where justified in terms of need, to the satisfaction of the Municipality where specific land uses share a common site and have non-coincident peak parking requirements.

It is the long-term intent of this Plan that the majority of the parking spaces in the Central Area be included within structured parking garages or underground. In this regard, a long term parking strategy for the area which takes into account the phasing of development should be prepared.

## **11.5.12 Urban Design**

- 11.5.12.1 The provisions of Section 6.2 and 4.3.3.7 of this Plan shall apply to all development within the Major Central Area.
- 11.5.12.2 Proposals for development and redevelopment, adjacent to arterial roads, shall be evaluated by the relevant urban design provisions of Section 6.2 and the following urban design criteria:
- a. A coordinated streetscape theme, where appropriate, within both the public and private realms in order to enhance the identity of the Major Central Area;
  - b. The provision of enhanced entrance landscaping treatments within the Major Commercial and Mixed Use designations;
  - c. The location and arrangement of built form, including reduced

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- setbacks, where appropriate, shall be used in close proximity to the street edge in order to promote the image of the area as a high intensity node and to provide a more pedestrian-friendly and lively street environment;
- d. Primary access shall be coordinated between adjacent land parcels to minimize pedestrian and vehicular conflicts; and
  - e. Appropriate sidewalk connections shall be incorporated within land parcels and to the right of way, where appropriate, to maximize opportunities for pedestrian movement.
- 11.5.12.3 More intensive land uses and tall buildings shall be encouraged to be adjacent to arterial roads, wherever appropriate with a transition of densities and building heights from these arterial roads.
- 11.5.12.4 Off street parking and service areas shall be encouraged to locate at the side or rear of buildings, where feasible, in order to promote an attractive streetscape and reduce the visual impact of large surface parking lots.
- Underground or decked parking or other similar parking solutions shall be encouraged and the treatment of such structures shall be consistent with the building materials and landscaping used elsewhere on the site. Sufficient setbacks for enhanced landscaping where parking is located adjacent to an arterial or collector road shall be provided, which does not limit or impair pedestrian or vehicular sightlines.
- 11.5.12.5 Commercial service areas shall be encouraged to locate away from residential areas and shall not be visible from arterial roads. Service areas shall be screened with a combination of fencing and/or landscaping.
- 11.5.12.6 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.
- 11.5.12.7 Landscaping and planting shall be provided in accordance with Section 6.2.3.15.1 and also include the following:
- a. Define pedestrian and vehicular routes;
  - b. Establish and define a uniform and coordinated street edge; and
  - c. Reinforce the prominence and enhance focal points with enhanced landscaping within the Major Central Area.
- 11.5.12.8 Landscaping plans shall include native local species, where appropriate.



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**11.5.13 Implementation and Interpretation**

- 11.5.13.1 The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.
- 11.5.13.2 Notwithstanding Section 10.2.1.2 of this Plan, minor deviations to the floor space allocations of this Secondary Plan may be permitted without amendment to this Plan, where such deviations do not affect the general intent and purpose of this Plan and where supported by a valid planning rationale, to the satisfaction of the Town of Whitby.

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## **11.6 Taunton North Community Secondary Plan**

### **11.6.1 Goal**

- 11.6.1.1 To provide for the comprehensive development of a safe, healthy and attractive residential and industrial community that meets the needs of current and future residents and businesses.
- 11.6.1.2 To ensure that all decisions are based on an “Environment First” principle which preserves, protects and enhances the significant environmental features, functions and linkages.

### **11.6.2 Objectives**

- 11.6.2.1 To employ an ecosystem approach in planning to ensure all of the components of the ecosystem which are air, water, land and living organisms are considered as a whole and that balanced decisions are made with an understanding of the environmental, community and economic implications. Balance may not occur on each individual property and protection of the natural environment will be given more weight in certain areas.
- 11.6.2.2 To work with public and private sector interests to preserve, protect and enhance the significant environmental features, functions and linkages including valley and stream corridors, hydrogeological functions, water quality and quantity, groundwater recharge, headwater functions, riparian vegetation, fish habitat, forest and tree cover, species at risk and endangered species, wetlands and important terrestrial functions within the community.
- 11.6.2.3 To create a safe, livable, and healthy community that has a sense of community identity.
- 11.6.2.4 To encourage innovative and alternative forms of development that respond to and enhance the environmental attributes of the area.
- 11.6.2.5 To encourage, to the extent possible, an urban form that is efficient and cost effective for servicing, storm water, transportation and public transit systems and is sensitive to environmental conditions.
- 11.6.2.6 To provide safe, comfortable and convenient opportunities for pedestrian, cycling and other similar active transportation movements through streets, paths and greenways such as utility corridors throughout the community and to provide a connection from the Lynde Creek to the Whitby/Oshawa boundary.
- 11.6.2.7 To encourage a high standard of urban design to ensure the creation of an attractive community.
- 11.6.2.8 To provide parks, open space, linkages and recreational opportunities that

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meet the needs of the community, respect the environment and provide opportunities for social connectivity.

11.6.2.9 To encourage the provision of a variety of housing forms which provide choices and address the economic and social needs of all facets of the population.

11.6.2.10 To provide for business opportunities that benefit the community, provide employment opportunities, take advantage of existing and future transportation linkages and are sensitive to environmental conditions.

### **11.6.3 General Development Policies**

11.6.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “L”. Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of this Plan.

11.6.3.2 Schedule “L” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.6, together with the policies of Part I of this Plan, apply to the land use designations of the Taunton North Community Secondary Plan area as shown on Schedule “L”.

11.6.3.3 Schedule “M” identifies area within which an Environmental Impact Study (EIS) shall be required prior to any development or development approvals being permitted to occur. For the purposes of this Secondary Plan, the term development as it relates to Schedule “M” is defined to include the construction of any building or structure which requires vegetation removal or installation of services. Policies outlining the EIS requirements are found in Section 11.6.4.

11.6.3.4 Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.6.3.5 Prior to any development or redevelopment within the Secondary Plan area, an archaeological survey may be required in accordance with Section 6.1.4, and Policy 2.3.4 and Table ‘E8’ of the Durham Regional Official Plan.

11.6.3.6 Known former waste disposal sites are identified on Schedule “L”. The policies of Section 5.3.11 shall apply to those lands within 500 metres of identified former waste disposal sites

11.6.3.7 Lands identified as School sites on Schedule “L” shall be developed in accordance with the policies of Section 4.8.

Schools are symbolically shown and the exact location shall be determined through the draft plan of subdivision or site plan approval process and may

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be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

Where a designated school site is not required, the site may be developed in accordance with the underlying designation without amendment to this Plan.

#### **11.6.4 Environmental Management**

11.6.4.1 Development and redevelopment shall be subject to the appropriate policies of Section 5.3 of the Official Plan, except as modified by the following additional policies.

11.6.4.2 All owners in the Secondary Plan area shall be encouraged to protect, preserve, and enhance to the greatest extent possible, the significant natural heritage of their land.

Development and redevelopment will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.

11.6.4.3 Core woodlands identified on Schedule 'M' shall be protected and maintained in a natural state subject to the policies of this Plan. All owners are encouraged to promote restoration of forest edges and interior gaps through either active planting or passive natural succession processes, in consultation with the Central Lake Ontario Conservation Authority.

11.6.4.4 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.

11.6.4.5 Schedule "M" identifies those lands that are required to prepare a full or scoped Environmental Impact Study (EIS) prior to any development or redevelopment approvals being permitted to occur.

If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address the environmental conditions identified.

For the purposes of this Secondary Plan, the terms "development" and "redevelopment", as it relates to Schedule "M", are defined to include the construction of any building or structure which requires regarding, vegetation removal or installation of services.

A full EIS is intended to apply to all those lands that are designated Natural Hazards or Natural Heritage System and to all lands within approximately 50 metres of those designations. A scoped EIS is intended to apply to those lands that have been identified as having a high or moderate groundwater

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resource or lands within approximately 50 metres of such lands. The Municipality in consultation with the Central Lake Ontario Conservation Authority shall be responsible for the interpretation of the limits of the boundaries as shown on Schedule "M" and the need for preparation of an EIS.

11.6.4.6 EIS shall be prepared in accordance with the policies of Section 5.4.2 of this Plan, except as modified by the following additional policies.

- 11.6.4.6.1 In addition to the requirements of Section 5.4.2.4, components of a full EIS shall generally include, but are not necessarily limited to:
- a. a detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions, biological setting and Natural Hazard lands;
  - b. a characterization of existing on-site and adjacent natural heritage features and functions, including the roles of vegetation, surface water and groundwater in maintaining the natural heritage area and an assessment of the contribution of the study area to those adjacent functions;
  - c. a detailed description of the proposed development or land use activities including servicing and grading plans and building envelopes where appropriate;
  - d. a prediction of the potential direct, indirect and cumulative effects of the proposed development on the environment compared with the overall environmental objectives;
  - e. preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices;
  - f. an identification and evaluation of options to avoid or mitigate impacts, including recommendations for establishing buffers/setbacks, erosion and sediment control, surface and sub-surface drainage, and habitat restoration/enhancement;
  - g. a strategy for implementing the recommended mitigation measures;
  - h. a summary of predicted net effect following mitigation/rehabilitation compared with overall environmental objectives;

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- i. recommendations to be applied to the Construction Management Plan and an evaluation of the need for a post construction monitoring program; and
  - j. recommendations on information to be incorporated into the environmental education/awareness program, to be provided to the homeowners, as appropriate.
- 11.6.4.6.2 In addition to the requirements of Section 5.4.2.4, components of a scoped EIS shall generally include, but are not necessarily limited to:
- a. details regarding maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems.
  - b. preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices.
  - c. construction and post-construction monitoring program and recommendations on information to be incorporated into the environmental education/awareness program.
  - d. recommendations on information to be incorporated into an environmental education/awareness program, to be provide to the homeowners, as appropriate.
- 11.6.4.7 Where the EIS recommends that minor modifications can be made to the boundary of the Natural Hazards or Natural Heritage System and the Municipality, in consultation with the Conservation Authority approves that recommendation, then the boundary can be refined without further amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained.
- 11.6.4.8 A Construction Management Plan shall be required for all lands requiring an EIS. The Construction Management Plan shall be prepared in accordance with Section 5.4.3.2 of this Plan.
- 11.6.4.9 The Construction Management Plan may identify any special construction and servicing techniques utilized where necessary to prevent the alteration of existing groundwater conditions and to address disturbance of the natural environment during construction. Sewer materials and construction methods shall be designed to minimize the impact on water table conditions.
- 11.6.4.10 Impacts of future road and utility crossings on stream and valley corridors shall be minimized to the greatest extent possible through the use of siting,

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design and construction techniques. Precise alignments of new roads will be determined by appropriate studies, such as, but not limited to environmental assessment studies.

- 11.6.4.11 In accordance with the Durham Regional Official Plan and Section 4.9.3 of this Plan, an open space/wildlife corridor has been identified along the Trans Northern Oil Pipeline. Strengthening of the corridor adjacent to the pipeline shall be encouraged through such measures as naturalization or restoration of adjacent lands and buffering from adjacent land uses where appropriate.

## **11.6.5 Natural Hazards**

- 11.6.5.1 Lands designated as Natural Hazards on Schedule 'L' comprise, in part of, lands associated with the Lynde and Pringle Creek valleys, and shall be developed in accordance with the policies of Section 5.3.10 of this Plan, except as modified by the following additional policies.
- 11.6.5.2 Natural Hazards are lands that have inherent environmental hazards requiring the preservation, conservation and enhancement of the natural environment. Lands having a Natural Hazard designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Natural Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. Within the Natural Hazards designation, protection, enhancement and restoration of the vegetation, groundwater, surface water quality and quantity, species at risk and endangered species, fish habitat and wetlands will be given the highest priority.
- 11.6.5.3 Permitted uses on lands designated as Natural Hazards 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 Environmental Impact Study (EIS) in accordance with the policies of Section 11.6.4.
- 11.6.5.4 The extent and exact limit of the Natural Hazards designation shall be defined in the Zoning By-law, in consultation with the Municipality and the Central Lake Ontario Conservation Authority. The boundary shall be determined through the development approval process in accordance with the recommendations of the EIS, prepared in accordance with Section 11.6.4, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.
- 11.6.5.5 Natural Hazards as designated on schedule 'L' are encouraged to be transferred to public ownership through the development approval process.



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## 11.6.6 Natural Heritage System

11.6.6.1 Lands designated Natural Heritage System shall be developed in accordance with the policies of Section 5.3.7 of this Plan, except as modified by the following additional policies. These lands have high environmental sensitivity and are composed of lands which are generally part of large and contiguous core woodlands but may include openings in the forest cover that are within or adjacent to the forest block. The core woodlands contain a variety of vegetation communities and harbour many locally and regionally significant plant species. The forest provides habitat for regionally rare and provincially rare and vulnerable wildlife. It also provides habitat and local and regional movement corridors for a variety of species. The size of the core woodlands provides the opportunity for area sensitive wildlife and forest interior breeding bird species. Much of this area lies on the Lake Iroquois beach and is characterized by a high water table which makes this area a major groundwater recharge and discharge resource. The area provides baseflow to the Lynde and Pringle Creeks and the vegetation cover assists in providing temperature control for the surface and groundwater runoff. Together with the Natural Hazard lands, the Natural Heritage System forms a contiguous corridor of land which create north/south and east/west environmental linkages which are critical to the long term sustainability of the environmental health of the Town.

11.6.6.2 Permitted uses on lands designated as Natural Heritage System will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation uses such as trails may also be permitted provided such uses are compatible with environmental conditions.

Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record may be permitted subject to an Environmental Impact Study as defined in Section 11.6.4 of this Plan and subject to the approval of the Municipality and the Conservation Authority. Further subdivision or severance of land within this designation is not permitted without amendment to this Plan.

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.

11.6.6.3 The extent and exact limit of the Natural Heritage System shall be defined in the Zoning By-law, in consultation with the Central Lake Ontario Conservation Authority. The boundary shall be determined through the findings of the EIS and the development approval process, in accordance with the recommendations of the EIS, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.

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- 11.6.6.4 In accordance with Section 5.3.7.14, where any feature in the Natural Heritage System is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking development approvals on the affected lands.
- 11.6.6.5 Where lands designated as Natural Heritage System are under private ownership, it shall not be construed that such areas are free and open to the public nor that they will be acquired by the municipality or other public agency.
- However, during the development approval process, the dedication of Natural Heritage System lands to the municipality or the provision of an Environmental Easement across some or all of the lands shall be encouraged. Where the lands have been dedicated to the municipality or other public agency, they shall be maintained in their natural state.
- 11.6.6.6 Where new development is proposed on a site, those lands which are Natural Heritage System lands shall not be acceptable as part of the parkland dedication requirements under the Planning Act.

## **11.6.7 Major Open Space**

- 11.6.7.1 Lands designated as Major Open Space 1 shall be developed in accordance with the policies of Section 4.9 of this Plan.
- 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 of development on adjacent environmentally sensitive lands.
- 11.6.7.2 Lands designated as Major Open Space 2 have been identified as having 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 lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore such lands to their former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required.

If it is demonstrated to the satisfaction of the Municipality, Region of Durham, and the Conservation Authority that these lands can be safely utilized, then the applicable permitted uses and provisions of Section 4.9 of this Plan shall

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apply.

- 11.6.7.3 Lands designated as Major Open Space 3 shall be developed in accordance with the policies of Section 4.9 of this Plan.

In accordance with Section 10.1.6.5, legally 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 11.6.4 of this Plan and provided the uses have no adverse effect on the existing uses of the surrounding lands or the implementation of this Plan.

## **11.6.8 Residential**

- 11.6.8.1 The predominant use of land in areas designated as Residential shall be for residential purposes. Additional uses that are compatible with residential uses by their activity, scale and design and which serve the residential area shall also be permitted in accordance with Section 4.4.3.1.
- 11.6.8.2 The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.
- 11.6.8.3 Alternative and innovative housing forms and development design techniques which allow for greater protection or enhancement of the environmental conditions shall be encouraged.
- 11.6.8.4 The school and park symbols that are shown in the Residential designations are not intended to control the precise location of the land uses that they represent. The exact location will be determined at the time of development application. Where a designated school site is not required, the site may be developed in accordance with the underlying residential designation without amendment to this Plan.
- 11.6.8.5 All residential development shall be encouraged to provide attractive, coordinated streetscapes that enhance the identity of the area and reflect the environmental goals of this Plan.
- 11.6.8.6 Residential development may be required to prepare an EIS in accordance with Section 11.6.4 of this Plan and to address other matters as identified within this Plan prior to development or redevelopment being permitted to proceed. If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.
- 11.6.8.7 The development of new medium and high density residential units shall be encouraged to contribute to the affordable housing targets in the Municipality.

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11.6.8.8 Medium and High Density Residential development shall address the requirements of Sections 4.4.3.9.2 and 4.4.3.9.4 of this Plan.

**11.6.8.9 Low Density Residential**

11.6.8.9.1 Lands designated as Low Density Residential 1, 2, 3, 4, 5, 6 and 7 on Schedule “L” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following policies.

11.6.8.9.2 Lands designated as Low Density Residential 2 shall only permit single detached dwellings on existing lots of record.<sup>8</sup> Further intensification of this area shall not be permitted and preservation of the character of the existing residential development located within the Robmar subdivision shall be encouraged. If municipal services are provided to this area, then Council may review this policy.

11.6.8.9.3 Lands that are designated Low Density Residential 3 are currently used for agricultural and open space purposes. It is not the intent of this Plan to discourage the continuation of these uses but to recognize long term potential land uses for this area. The uses permitted in Section 4.4.3.4 of this Plan shall apply to all land designated Low Density Residential 3. Lands designated as Low Density Residential 3 shall also permit the additional uses permitted in the Major Open Space designation under Section 4.9.3.5.

Notwithstanding Section 4.4.3.4 the maximum density shall be up to 15 dwelling units per net residential hectare.

Additional buffering and enhancement adjacent to the open space corridor along the Trans Northern Pipeline shall be required.

11.6.8.9.4 On lands designated Low Density Residential 4, the maximum density shall be 15 dwelling units per net hectare. For the purposes of this calculation, the net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Regional Works Department. An EIS is required and shall be prepared in accordance with Section 11.6.8.6 and shall also address the sensitive groundwater recharge functions of this area.

11.6.8.9.5 On lands designated as Low Density Residential 5 the permitted use shall be single detached dwellings with a maximum net density of 15 dwelling units per net hectare and / or block townhouses and other forms of multiple dwellings, arranged in clusters with a maximum density of 40 dwelling units per net hectare.

For purposes of this calculation, net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Town of Whitby.

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- 11.6.8.9.6 On lands designated Low Density Residential 6, a full EIS is required. Increased building heights along the Taunton Road Intensification Corridor may be considered in accordance with Section 4.2.7.
- 11.6.8.9.7 On lands designated Low Density Residential 7, further intensification may be considered subject to the applicable intensification policies of Section 4.2 and other relevant policies of this Plan.
- 11.6.8.10 Medium Density Residential**
- 11.6.8.10.1 Lands designated as Medium Density Residential 1, 2 and 3 shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following additional policies.
- 11.6.8.10.2 Lands that are designated Medium Density Residential 3 are adjacent to Natural Hazard and Natural Heritage System and have major groundwater constraints. The form of development will be encouraged to respond to the environmental sensitivities of the area. The permitted uses include street and block townhouses, cluster bungalows, other forms of multiple dwellings and retirement homes not exceeding a height of four storeys; and, in limited amounts, semi-detached and small lot single detached units. Notwithstanding Section 4.4.3.5, the minimum permitted density shall be 20 units per net hectare and the maximum permitted density shall be 65 units per net hectare.
- 11.6.8.10.3 Lands that are designated Medium Density Residential 4 are adjacent to Natural Heritage System lands which include significant woodlots and Provincially Significant Wetlands. Lands designated as Medium Density Residential 4 permit street, block and stacked townhouses and other forms of multiple dwellings not exceeding a maximum height of 3 storeys and a maximum permitted net residential density of up to 80 units per net hectare. For the purpose of this calculation, net residential density excludes private roads and laneways.
- 11.6.8.11 High Density Residential**
- 11.6.8.11.1 Lands designated as High Density Residential shall be developed in accordance with the policies of Section 4.4.3.6.
- 11.6.9 Special Purpose Commercial**
- 11.6.9.1 The permitted uses for lands designated as Special Purpose Commercial shall be in accordance with the policies of Section 4.5.3.4.
- 11.6.10 General Industrial**
- 11.6.10.1 The permitted uses for lands designated as General Industrial shall be in accordance with the policies of Section 4.7.3.1.

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11.6.10.2 Development or redevelopment adjacent to lands designated as Natural Hazards or Natural Heritage System shall be required to carry out an EIS in accordance with Section 11.6.4 of this Plan, shall incorporate appropriate buffers and landscape treatments adjacent to those lands, and shall also address the requirements in Sections 11.6.15.9 and 11.6.15.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established that protect, maintain and enhance adjacent environmentally sensitive areas.

11.6.10.3 New development, expansion of existing development or redevelopment on lands designated as General Industrial, adjacent to Major Open Space 3 lands or existing residential uses shall be sensitive to existing residential and commercial uses and shall provide appropriate buffers as determined by the Municipality in consultation with the Central Lake Ontario Conservation Authority.

### **11.6.11 Parks**

11.6.11.1 Lands identified as a District Park, Local Park, and Parkette shown on Schedule “L” to this Plan shall be developed in accordance with the policies of Section 4.9.3.22.

Parks are symbolically shown and the exact location and size 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.

11.6.11.2 Connections between parks and open space lands which are under public ownership or for which access arrangements have been made shall be encouraged where environmentally appropriate.

### **11.6.12 Special Policy Area**

11.6.12.1 Lands that are designated as Special Policy Area have 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 or redevelopment being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. If it is demonstrated to the satisfaction of the Municipality that these lands can be safely developed, then the land use designation as shown on Schedule “A” of this Plan and the corresponding provisions of this Plan shall apply.

Where the land use designation on Schedule “A” is Residential then the provisions of the Low Density Residential designation shall apply. All other

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provisions of this Secondary Plan including Section 11.6.4 shall apply to the lands designated Special Policy Area.

### **11.6.13 Urban Design**

- 11.6.13.1 The relevant provisions of Section 6.2 of this Plan shall apply to all lands within this Secondary Plan.
- 11.6.13.2 Rear yards for residential lots adjacent to arterial roads are to be avoided, wherever possible.
- 11.6.13.3 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

### **11.6.14 Transportation**

- 11.6.14.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following policies. The location of arterial and collector roads are shown on Schedule “L” as well as Schedule “D” of this Plan.
- 11.6.14.2 In determining the location of roads, consideration shall be given to minimizing the impact on the natural environment. Consideration should also be given to the alignment of connections on both sides of arterial roads to control the number of intersections on the arterial road networks and to provide continuity for any future transit service. Where it is undesirable to align roads, then they should be sufficiently offset, and adequate spacing between intersections shall be provided wherever possible on arterial roads.
- 11.6.14.3 The location and distribution of land uses shall also be designed to be transit supportive.
- 11.6.14.4 Safe and convenient active transportation systems shall be provided within the Secondary Plan area in accordance with Section 8.1.3.7 of this Plan.  
  
Connections between residential, industrial, commercial and community and recreational facilities shall be provided, where appropriate.
- 11.6.14.5 Within developed areas, the pedestrian system shall include sidewalks and walkways that are well lit and hard surfaced, where appropriate.
- 11.6.14.6 Within the open space areas, the pedestrian system will be designed in accordance with the environmental character of the area.  
  
Connections between sidewalks and the pedestrian systems within the open space system shall be encouraged. Appropriate pedestrian crossings shall be provided and landscaping and buffering of the pedestrian system shall be encouraged.

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- 11.6.14.7 A direct pedestrian connection between the Lynde Creek valley system and the City of Oshawa boundary may be provided within the Taunton North Community.
- 11.6.14.8 Cycling use shall be encouraged in and through the Secondary Plan area and adequate cycling facilities shall be encouraged. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process.
- 11.6.15 Servicing**
- 11.6.15.1 The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.
- 11.6.15.2 Adequate looping of watermains within pressure zones shall be incorporated into development plans in accordance with the Region of Durham's design criteria and engineering principles.
- 11.6.15.3 Development of municipal services in areas with a high water table shall provide appropriate design and construction techniques to address potential negative impacts on the groundwater regime. The design may include a restriction on the density of development. These restrictions shall be determined through the subdivision approval process and in accordance with the provisions of an Environmental Impact Study carried out in accordance with Section 11.6.4 of this Plan. In addition, the specific construction techniques shall be addressed in the Construction Management Plan as identified in Section 11.6.4 of this Plan.
- 11.6.15.4 Applications for development shall be required to employ appropriate stormwater management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Lynde Creek Master Drainage Plan, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.
- 11.6.15.5 The Municipality, in consultation with the Conservation Authority shall require the use of Best Management Practices based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the conditions of the receiving watercourses. In particular, the storm water management facilities for development within the Lake Iroquois Beach area, and within areas of high water table and/or groundwater recharge functions shall address these criteria in conjunction with the criteria in Section 11.6.4 of this Plan.
- 11.6.15.6 On-site stormwater quantity and quality controls shall be encouraged for specific types of commercial, institutional and industrial uses.



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11.6.15.7 Stormwater management facilities may be permitted in any land use designation on Schedule “L” except for the Natural Heritage System designation, subject to any required approvals from the Municipality in consultation with the Conservation Authority.

**11.6.16 Implementation and Interpretation**

11.6.16.1 The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.6.16.2 The lot lines shown on Schedules ‘L’ and ‘M’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

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## **11.7 Oak Ridges Moraine Secondary Plan**

### **11.7.1 Goal**

11.7.1.1 To protect the ecological and hydrological features and functions of the Oak Ridges Moraine.

### **11.7.2 Objectives**

11.7.2.1 To protect the ecological and hydrological integrity of the Oak Ridges Moraine Area.

11.7.2.2 To ensure that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted.

11.7.2.3 To maintain, improve and where possible, restore the health, diversity, size and connectivity of significant natural heritage features, hydrologically sensitive features and related ecological functions.

11.7.2.4 To maintain natural stream form and flow characteristics and the integrity and quality of watercourses.

11.7.2.5 To maintain the quantity and quality of groundwater and surface water, and maintain groundwater recharge.

11.7.2.6 To ensure that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations.

11.7.2.7 To provide for land and resource uses and development that is compatible with the other objectives of the Official Plan.

11.7.2.8 To encourage all landowners to practice good stewardship and enhance natural features and functions on the Oak Ridges Moraine wherever possible.

11.7.2.9 To provide for appropriate public recreational access to the Oak Ridges Moraine Area.

11.7.2.10 To guide and provide direction on which, where, and when uses are permitted and under what conditions the uses may be specified in the implementing Zoning By-law.

11.7.2.11 To establish a process whereby certain uses, building, and structures may be permitted adjacent to Key Natural Heritage Features and Hydrologically Sensitive Features.

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### 11.7.3 General Development Policies

11.7.3.1 The **Oak Ridges Moraine Conservation Act** and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The applicable provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.

11.7.3.2 The Oak Ridges Moraine Secondary Plan southern boundary, within the Town of Whitby is shown on Schedules “A”, “C”, “E” and Appendix “1” of the Town of Whitby Official Plan. The southern boundary of the Oak Ridges Moraine coincides with the boundary defined in the Oak Ridges Moraine Conservation Plan.

The boundary of the Oak Ridges Moraine has been established by the Province by Ontario Regulation 01/02 and can only be changed by the Province. However, in the case of a discrepancy between the 245 metre contour elevation and the boundary shown on the mapping, a licensed Ontario Land Surveyor shall be consulted, at the proponent’s cost, to identify those lands above the 245 metre (Ontario Geodetic Datum) contour elevation for the purposes of establishing more accurate zone boundaries. An application to amend the Zoning By-law may be permitted to refine the boundaries.

11.7.3.3 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “N”, “O”, “P”, and “Q”. Any area shown on this map, but lying outside of this boundary is governed by the policies of Part I of this Plan.

11.7.3.4 Nothing in this Secondary Plan or the Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was legally used for that purpose on November 15, 2001 and continues to be used for that purpose.

11.7.3.5 Nothing in this Secondary Plan applies to prevent the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8(2) of the **Building Code Act**, 1992 on or before November 15, 2001 providing the permit has not been revoked under subsection 8 (10) of the **Building Code Act**, 1992, and the building or structure when erected is used and continues to be used for the purpose for which it was erected.

11.7.3.6 Nothing in this Secondary Plan applies to prevent the reconstruction of any building or structure that legally existed on November 15, 2001, provided the ground floor area of the reconstructed building or structure is within the outside limits of the building or structure that existed on November 15, 2001 and provided the use of the building or structure, once reconstructed, will be the same as, the use of the building or structure on November 15, 2001 and

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there is no intensification of the use.

11.7.3.7 Nothing in this Secondary Plan applies to prevent the conversion of a legally existing use to a similar use. An application to amend the Zoning By-law to permit any other use not identified in the by-law will be required and will only be approved if it can be demonstrated that the conversion will bring the use into closer conformity with the requirements of the Official Plan and will not adversely affect the ecological integrity of the Oak Ridges Moraine.

11.7.3.8 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:

- a. the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and
- b. the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.

If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section 11.7.5 of this Plan.

For the purposes of this subsection, institutional uses includes, without limitation, existing place of worship, existing community centres and existing fire halls.

11.7.3.9 Nothing in this Plan shall prevent the erection of an accessory building or structure provided it:

- a. is accessory to a principal use that is permitted on the property;
- b. is located in close proximity to the main building or structure on the lot; and
- c. complies with Section 11.7.5, 11.7.9.4 and 11.7.9.5 of this Plan.

Notwithstanding any other policy in this Plan to the contrary, deemed to be hazardous, unless specific permission is obtained from the Conservation Authority.

11.7.3.10 Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:

- a. the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-

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law;

- b. the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and
- c. the development complies with Section 11.7.5 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.

11.7.3.11 Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that:

- i. there will be no change in use; and
- ii. the expansion will not adversely affect the ecological integrity of the Plan Area.

If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine, any **Planning Act** or **Condominium Act** application to expand the building, structure or use or to convert the existing use to a similar use may be considered provided the approval, if granted, will bring the use into closer conformity with the requirements of the Official Plan

11.7.3.12 Notwithstanding any other policy in this Plan to the contrary, in accordance with the Durham Regional Official Plan, granny flats/garden suites within the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'N' - Oak Ridges Moraine Secondary Plan.

## **11.7.4 Land Use Designations**

11.7.4.1 Only applications for development, redevelopment, and site alteration that conform to the Official Plan will be considered within the Oak Ridges Moraine Secondary Plan Area. The following land use categories, as shown on Schedule "N", govern the use of land within the Oak Ridges Moraine. All development, redevelopment, and site alteration shall conform to the purposes and objectives of the applicable land use designation as set out in the Oak Ridges Moraine Conservation Plan.

### **11.7.4.2 Oak Ridges Moraine Natural Linkage Area**

11.7.4.2.1 The Oak Ridges Moraine Natural Linkage Area as shown on Schedule "N" applies to lands identified as being part of a Provincially Significant open space corridor that stretches along the length of the Oak Ridges Moraine. The purpose of the Oak Ridges Moraine Linkage Area is to maintain, and where possible improve or restore, the ecological integrity of the Moraine, and where possible, to improve or restore the regional-scale open space linkages between Key Natural Heritage Features, Hydrologically Sensitive Features, Landform Conservation Areas, river valleys and stream corridors.

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- 11.7.4.2.2 Only those uses permitted in the land use designations, as specified in Sections 11.7.4.3 and 11.7.4.5, shall be permitted save and except, agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.
- 11.7.4.2.3 Every **Planning Act** or **Condominium Act** application or site alteration shall be supported by information which identifies the planning, design and construction practices that will ensure that no buildings or other site alterations will impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands.
- 11.7.4.2.4 The use of lands shall be in accordance with the relevant policies of this Secondary Plan, including Subsections 11.7.5 to 11.7.9 inclusive.
- 11.7.4.3 Oak Ridges Moraine Agriculture**
- 11.7.4.3.1 Any development, redevelopment or site alteration shall be subject to the policies of Section 4.10 in addition to the underlying land uses permitted in Section 11.7.4.5. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.
- 11.7.4.3.2 New or expanding mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the Part 1 policies, including Section 4.12 of the Whitby Official Plan and the relevant sections of the Durham Regional Official Plan and shall be further subject to the policies of Section 11.7.7.
- 11.7.4.3.3 The following accessory uses to agricultural uses are permitted, but are not limited to:
- a. construction of buildings and structures that are farm-related and required for a farm operation;
  - b. roadside sale of produce from a farm operation;
  - c. development of a second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling:
    - i) is required to house help that is needed on the farm operation on a seasonal or full time basis;
    - ii) does not require a consent under Section 50 or 53 of the **Planning Act**; and
    - iii) will not adversely affect the ecological integrity of the Oak Ridges Moraine.
  - d) uses accessory to the agricultural uses shall be developed in accordance with the relevant policies of this Secondary Plan, including Subsections 11.7.4 to 11.7.9 inclusive.

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#### **11.7.4.4 Oak Ridges Moraine Rural Settlement**

11.7.4.4.1 The Oak Ridges Moraine Rural Settlement designation includes the Hamlets of Ashburn, Myrtle and Myrtle Station as shown on Schedule “N”.

Any development, redevelopment or site alteration in Hamlets on the Oak Ridges Moraine shall be subject to the policies of Section 4.11.3 and the policies of this Secondary Plan.

11.7.4.4.2 The permitted uses for lands designated as Oak Ridges Moraine Rural Settlement shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area in accordance with the policies of this Secondary Plan.

11.7.4.4.3 Community uses include, but are not limited to, parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs.

11.7.4.4.4 The Municipality shall encourage and, where possible, may require that new development in the Hamlet complement the architectural character of that Hamlet in terms of a variety of height, siting and design.

11.7.4.4.5 Notwithstanding any other policy in this Plan to the contrary, residential development that is located within the Oak Ridges Moraine Rural Settlement designation, are exempt from Site Plan Control, provided such development or redevelopment is not:

- i) located no closer than 30 metres from the boundary of the Environmental Protection designation;
- ii) located within a Natural Heritage System or Natural Hazard indication as shown on Schedule “C”;
- iii) designated under the Ontario Heritage Act; and
- iv) a structure that is a garden suite.

#### **11.7.4.4.6 Limited Commercial, Industrial and Institutional within Oak Ridges Moraine Rural Settlement designation**

11.7.4.4.6.1 New or expanding small scale commercial, industrial and institutional uses shall only be permitted if:

- i) such uses do not require large scale modification of terrain or vegetation, and do not require large scale buildings and structures; and
- ii) the buildings and structures will be planned, designed and constructed so as not to adversely affect the character of the hamlet or the ecological and hydrological integrity of the Oak Ridges Moraine.



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11.7.4.4.6.2 Notwithstanding any other policy in this Plan to the contrary, within the Hamlet of Ashburn, the following properties identified as:

- a) the lands identified by Assessment Roll No. 18-09-010-043-04000-0000, municipally known as 8990 Ashburn Rd;
- b) the portion of land adjacent the former Wilson House Hotel, on the lands identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd;
- c) the portion of land adjacent Myrtle Road West outside of the Natural Heritage System on Schedule 'C' – Environmental Management, on land identified by Assessment Roll No. 18-09-010-043-37310-0000, municipally known as 600 Myrtle Rd W,

may permit commercial and are intended for limited retail and personal service uses, automobile service stations, public garages and farm implement dealerships. The specific commercial uses permitted on a particular property shall be specified in the Zoning By-law.

11.7.4.4.6.3 Notwithstanding Section 11.7.4.4.6.2, on the property located at the north-east corner of Myrtle Road and Ashburn Road, identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd, the former Wilson House Hotel building may also be zoned to permit a commercial use within the existing building if it is designated as a heritage structure under Part IV of the Ontario Heritage Act.

#### **11.7.4.5 Oak Ridges Moraine Environmental Protection**

11.7.4.5.1 Lands within the Oak Ridges Moraine Environmental Protection designation are those lands identified as key natural heritage features or hydrologically sensitive features on Schedules "N" and "O" of the Official Plan.

11.7.4.5.2 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 11.7.8 of this Plan); and
- vi) Uses accessory to the uses set out above.

11.7.4.5.3 Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited

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to the following:

- i) Non-motorized trail uses;
- ii) Natural heritage appreciation;
- iii) Unserviced camping on public and institutional land; and
- iv) Accessory uses.

11.7.4.5.4 Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Oak Ridges Moraine will be kept to a minimum by:

- i) keeping disturbed areas to a minimum; and
- ii) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.

## **11.7.5 Development Criteria**

### **11.7.5.1 Key Natural Heritage and Hydrologically Sensitive Features**

11.7.5.1.1 Key natural heritage features relate to wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, significant valley lands, significant woodlands, and significant wildlife habitat. Hydrologically sensitive features relate to permanent and intermittent streams, wetlands, and seepage areas and springs.

The general location of key natural heritage features and hydrologically sensitive features are shown on Schedule "O". Schedule "O" does not include seepage areas and springs. These features shall either be identified on a site-by-site basis or through the appropriate study such as a natural heritage evaluation prior to undertaking any development or site alteration on the Oak Ridges Moraine.

Minor changes and refinements to Schedule "O" based on updated information from the Province or as a result of a natural heritage evaluation and/or hydrological evaluation will not require an amendment to this Plan.

11.7.5.1.2 Development, redevelopment and site alteration shall be prohibited within key natural heritage features and hydrologically sensitive features and their related minimum vegetation protection zone as identified by Table 1. Notwithstanding, forest, fish and wildlife management, conservation and flood or erosion control projects, transportation, infrastructure, utilities, and low intensity recreational uses may be permitted.

11.7.5.1.3 New agricultural uses and/or agriculturally related uses including accessory uses shall not be permitted within a key natural heritage feature and/or a hydrologically sensitive feature and their associated minimum vegetation protection zone.

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11.7.5.1.4 An application for development or redevelopment requiring approval under the **Planning Act** and **Condominium Act** or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature and/or hydrologically sensitive feature, but outside the feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation and/or hydrological evaluation.

11.7.5.1.5 Where lands require a natural heritage evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A natural heritage evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage features and its connectivity with other key natural heritage features;
- iii) in the case of an application relating to land in an Oak Ridges Moraine Natural Linkage Area, Oak Ridges Moraine Environmental Protection or Oak Ridges Moraine Agriculture Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;
- iv) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient to protect the natural heritage features within it and their associated functions, and if not, specify whether a larger minimum vegetation protection zone is necessary and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
- v) where a minimum vegetation protection zone is not specified in Table 1, determine whether such a minimum vegetation protection zone is required and if so, provide the appropriate dimensions to protect, improve or restore the key natural heritage feature and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
- vi) in the case of key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans.

11.7.5.1.6 Where lands require a hydrological evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage

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evaluation to the satisfaction of the Municipality.

A hydrological evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore, the health, diversity and size of the hydrologically sensitive feature;
- iii) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

11.7.5.1.7 In determining the minimum vegetation protection zone for permanent and intermittent streams and seepage areas and springs, a key natural heritage evaluation shall include an analysis of land use, soil type, slope and vegetation type using criteria established by the Province to the satisfaction of the Municipality.

11.7.5.1.8 Schedule 'O' does not identify significant portions of the habitat of endangered, rare and threatened species, significant valleylands, significant wildlife habitat and seepage areas and springs. These features shall either be identified on a site-by-site basis or through the completion of an appropriate study such as a watershed plan or natural heritage evaluation, prior to undertaking any development or site alteration within the Oak Ridges Moraine.

**Table 1: Key Natural Heritage Features and Hydrologically Sensitive Features  
Minimum Areas of Influence and Minimum Vegetation Protection Zones**

<b>Column 1 Item #</b>	<b>Column 2 Feature</b>	<b>Column 3 Minimum Area of Influence</b>	<b>Column 4 Minimum Vegetation Protection Zone</b>
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.7.5.1.5 if a natural heritage evaluation is required
2.	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.7.5.1.5
3.	Fish Habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.7.5.1.5 if a natural heritage evaluation is required
4.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to Section 11.7.5.1.5 if a natural heritage evaluation is required
5.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subsection to Section 11.7.5.1.5 if a natural heritage evaluation is required
6.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.7.5.1.5
7.	Permanent and Intermittent streams	All land within 120 metres of meander belt	All lands within 30 metres of meander belt, subject to Section 11.7.5.1.5 and subsection 11.7.5.1.8 if a hydrological evaluation is required
8.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Sections 11.7.5.1.5 and subsection 11.7.5.1.8 if a hydrological evaluation is required

<b>Column 1 Item #</b>	<b>Column 2 Feature</b>	<b>Column 3 Minimum Area of Influence</b>	<b>Column 4 Minimum Vegetation Protection Zone</b>
9.	Sand barrens, Savannahs and Tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.7.5.1.5 if natural heritage evaluation is required.

### **11.7.5.2 Watershed and Subwatershed Plans**

11.7.5.2.1 Any major development or redevelopment proposed in the Secondary Plan Area shall be in accordance with watershed and subwatershed plans prepared by the Region of Durham.

11.7.5.2.2 Notwithstanding any other provision of this Plan, Major development is prohibited after April 23, 2007 unless:

- i) the appropriate watershed plan, including the water budget and conservation plan, has been completed to the satisfaction of Ministry of Municipal Affairs and Housing;
- ii) the proposed major development conforms to the Watershed Plan; and
- iii) it can be demonstrated that water supply required for the proposed major development is sustainable in accordance with the appropriate water budget and conservation plan

11.7.5.2.3 Notwithstanding any other provision of this Plan, applications for major development made before April 22, 2007 shall not be approved unless;

- i) the Region of Durham has confirmed compliance with Section 11.7.7.2 (iii) of the Town of Whitby Official Plan; or
- ii) the applicant identifies any hydrologically sensitive features and related hydrological functions on the site and how they will be protected; and
- iii) the applicant demonstrates that an adequate water supply is available for the development without compromising the ecological integrity of the Oak Ridges Moraine; and
- iv) the applicant provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that models groundwater and surface flow systems, identifies the availability, quantity and quality of water sources and identifies water conservation measures.

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- 11.7.5.2.4 Development, redevelopment and site alteration are prohibited if the total percentage of the area of the sub-watershed that has impervious surfaces exceeds 10% or any lower percentage of the applicable watershed plan.
- 11.7.5.2.5 In considering applications for development or site alteration with respect to land in a sub-watershed Council shall take into account the desirability of ensuring at least 30% of the area of the sub-watershed has self-sustaining vegetation.
- 11.7.5.2.6 Applications that exceed 10% impervious surface and provide less than 30% self-sustaining vegetation shall be forwarded to the Region of Durham for confirmation of the sub-watershed policies identified in Section 11.7.5.2.
- 11.7.5.2.7 The Town shall incorporate through an official plan amendment the applicable objectives and requirements of completed watershed and subwatershed plans undertaken by the Region of Durham as well as the results of related environmental studies and monitoring into planning documents as appropriate.

### **11.7.5.3 Areas of High Aquifer Vulnerability Policies**

- 11.7.5.3.1 Aquifer vulnerability refers to the susceptibility of the groundwater aquifer to contamination from both human and natural sources. Areas of High Aquifer Vulnerability are shown on Schedule “P”.
- 11.7.5.3.2 Council shall consider impacts on Areas of High Aquifer Vulnerability when new development, redevelopment or site alteration is proposed. The following uses are prohibited on the lands identified as High Aquifer Vulnerability on Schedule “P”:
- i) generation and storage of hazardous waste or liquid industrial waste;
  - ii) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
  - iii) underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and
  - iv) storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

### **11.7.5.4 Landform Conservation Area Policies**

- 11.7.5.4.1 Landform Conservation Areas are areas consisting of steep slopes and representative landforms that shall be protected for their contribution to the ecological integrity and hydrological function of the Moraine. Landform Conservation Areas (Categories 1 and 2) are shown on Schedule “Q”.
- 11.7.5.4.2 Council shall consider impacts on landform conservation areas when new development or site alteration is proposed.

11.7.5.4.3 A **Planning Act** or **Condominium Act** application for development or site alteration on lands identified as a Landform Conservation Area - Category 1 or 2 with the exception of mineral aggregate operations shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum including:

- i) maintaining significant landform features such as steep slopes, kames, ravines and ridges in their natural undisturbed form;
- ii) limiting the portion of the net developable area of the site in accordance with the following:

Criteria	Category 1	Category 2
Maximum net developable area of the site that is disturbed	25%	50%
Maximum net developable area of the site with impervious surfaces	15%	20%

11.7.5.4.4 A **Planning Act** or **Condominium Act** application for major development with the exception of mineral aggregate operations with respect to land in a Landform Conservation Area shall be accompanied by Landform Conservation Plan, to the satisfaction of the municipality, that include, but not limited to:

- i) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;
- ii) analysis of the site by slope type;
- iii) significant landform features such as kames, ravines and ridges; and
- iv) all water bodies including intermittent streams and ponds.

11.7.5.4.5 The landform conservation plan shall also include a development strategy, to the satisfaction of the municipality, that identifies appropriate planning, design and construction practices to minimize disruption to landform character including but not limited to:

- i) retention of significant landform features in an open, undisturbed form;
- ii) road alignment and building placement to minimum grading requirements;
- iii) concentration of development on portions of the site that are not significant;



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- iv) use of innovative building design to minimize grading requirements;  
and
  - v) use of selective grading techniques.

11.7.5.4.6 A **Planning Act** or **Condominium Act** application for development or site alteration with the exception of mineral aggregate operations that does not constitute major development in a Landform Conservation Area shall be accompanied by a site plan, to the satisfaction of the municipality, that includes, but is not limited to:

- i) identifies the areas within which all building, grading and related construction will occur; and
- ii) demonstrates that buildings and structures will be located within the areas referred to in clause i) so as to minimize the amount of site alteration required.

11.7.5.4.7 Site Plan Control will be used to limit grading and the alteration of the natural landscape to implement the policies of this Section of the Plan.

## **11.7.6 Lot Creation Policies**

11.7.6.1 Notwithstanding any provision of this Plan, a lot may be created subject to the policies of this Plan and under the following conditions, where applicable:

- a. Severance, from a rural lot, of a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total. This policy applies, whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- b. Severances of 40 hectare parcels or greater may be permitted only if the subject properties have previously merged in title and the severance follows the original lot lines or original half lot lines and the retained portion has an area of at least 40 hectares.
- c. Allowing land acquisition for transportation, infrastructure and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- d. The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.
- e. Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.

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- f. Severance from each other the parts of a lot that are devoted to different uses, but only if uses are legally established at the time of the application for severance.

11.7.6.2 A lot may be created subject to the policies Section 11.7.6.1 and under the following conditions:

- a. Only residential infilling and lot creation shall be permitted within the hamlet boundaries of Ashburn, Myrtle and Myrtle Station. An expansion of these hamlet boundaries shall not be permitted.
- b. A lot may only be created if there is enough net developable area on both the severed lot and the retained lot to accommodate the proposed uses, buildings, structures and accessory uses without encroachment into key natural heritage features or hydrologically sensitive features shown on Schedule "O" or as identified within an approved natural heritage evaluation or hydrological evaluation.
- c. When a lot is created, Council shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features or hydrologically sensitive features on the lot.
- d. New lots shall not be created within or partially within a minimum vegetation protection zone of a key natural heritage feature and/or a hydrologically sensitive feature.
- e. New estate residential subdivisions shall not be permitted within the Oak Ridges Moraine.
- f. A lot shall not be permitted that would extend or promote strip development.
  - a) Any application to create new lots must include a report demonstrating that the application is in conformity with the requirements of the Oak Ridges Moraine Secondary Plan.

## **11.7.7 Mineral Aggregate Operations and Wayside Pits**

11.7.7.1 In addition to the policies of Section 4.12 – Aggregates of the Official Plan, the policies of Section 11.7.7 shall apply to lands within the Oak Ridges Moraine Secondary Plan Area.

11.7.7.2 Applications for mineral aggregate operations or wayside pits shall not be approved unless the applicant demonstrates that:

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- i) the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
  - ii) the health, diversity, size and connectivity of key natural heritage features on the site or on adjacent land, will be maintained and, where possible, improved or restored;
  - iii) there will be no extraction within 1.5 metres of the water table within the Natural Linkage Area designation;
  - iv) the extraction of mineral aggregates from the site will be completed as quickly as possible within the Natural Linkage Area designation; and
  - v) the entire site will be rehabilitated as quickly as possible, and in the case of a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level and in all other cases, by establishing or restoring natural self-sustaining vegetation.

11.7.7.3 In order to maintain connectivity, when a mineral aggregate operation or wayside pit is located in the Natural Linkage Area designation, there shall at all times be an excluded area which may contain both undisturbed land and land whose rehabilitation is complete that:

- i) is at least 1.25 kilometres wide;
- ii) lies outside the active or unrehabilitated portions of the area being used; and
- iii) connects parts of the Natural Linkage Area designation outside of the mineral aggregate operation or wayside pit.

11.7.7.4 Notwithstanding Section 11.7.5.2, an application for mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved provided:

- i) the key natural heritage feature is occupied by young plantations or early successional habitat; and
- ii) the applicant demonstrates to the satisfaction of the Municipality that:
  - the long-term ecological integrity of the site will be maintained, or where possible improved or restored;
  - the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; and
  - the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

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11.7.7.5 An application for mineral aggregate operation or wayside pit in a Landform Conservation Area shall not be approved unless the applicant demonstrates to the satisfaction of the municipality and that:

- i) the area from which the mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent lands; and
- ii) the long-term ecological integrity of the subject lands will be maintained, or where possible improved or restored.

11.7.7.6 The Town of Whitby shall work cooperatively with the aggregate industry to develop and implement comprehensive rehabilitation plans for the parts of the Oak Ridges Moraine that are affected by mineral aggregate operations.

11.7.7.7 Mineral aggregate operations are exempt from the requirements of Section 11.7.5.2.

## **11.7.8 Transportation, Infrastructure and Utilities**

11.7.8.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of the Oak Ridges Moraine Conservation Plan and Section 8.1 and 8.2 of this Plan, except as modified or clarified by the following policies.

11.7.8.2 Transportation, infrastructure and utility uses are only permitted within the Oak Ridges Moraine if the appropriate study has been undertaken, to the satisfaction of the municipality, and demonstrated both need and that there is no reasonable alternative to the undertaking.

An undertaking for a transportation, infrastructure or utility use is required to demonstrate that the requirements of this Secondary Plan and the Oak Ridges Moraine Conservation Plan for protecting the ecological and hydrological integrity of the Moraine have been fulfilled.

11.7.8.3 Transportation, infrastructure and utilities uses are defined to include:

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and

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h) rights of way required for the facilities listed in clauses (a) to (g).

11.7.8.4 An application for a transportation, infrastructure or utilities use shall not be approved unless:

- a) the need for the project has been demonstrated and there is no reasonable alternative, to the satisfaction of the municipality; and
- b) the applicant demonstrates, to the satisfaction of the municipality that the following requirements will be satisfied, to the greatest extent possible while also meeting all applicable safety standards:
  - i) The area of construction disturbance will be kept to a minimum;
  - ii) Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible;
  - iii) The project will allow for wildlife movement;
  - iv) Lighting will be focused downwards; and
  - v) The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum.

11.7.8.5 Except as permitted in Sections 11.7.8.4 and 11.7.8.6, with respect to land in a key natural heritage feature or a hydrologically sensitive feature, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited.

11.7.8.6 Transportation, infrastructure, and utilities uses may be permitted to cross a key natural feature or hydrologically sensitive feature if the applicant demonstrates, to the satisfaction of the municipality that:

- a) the need for the project has been demonstrated and there is no reasonable alternative;
- b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum;
- c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages.
- d) the landscape design will be adapted to the circumstances for the site and use native plant species as much as possible, especially along rights of way; and
- e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health,

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diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.

- f) service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater to a minimum.

### **11.7.8.7 Stormwater Management**

11.7.8.7.1 Every application for development, redevelopment or site alteration shall demonstrate planning, design and construction practices, to the satisfaction of the municipality, to protect water resources will be used, including:

- a) keeping the removal of vegetation, grading and soil compaction to a minimum;
- b) keeping all sediment that is eroded during construction within the site;
- c) seeding or sodding exposed soils as soon as possible after construction; and
- d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

11.7.8.7.2 In considering an application for development, redevelopment or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads.

11.7.8.7.3 Municipal development standards shall incorporate planning, design and construction practices that will:

- 1. reduce the portions of lots and sites that have impervious surfaces; and
- 2. provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.

11.7.8.7.4 Sections 11.7.8.7.1 to 11.7.8.7.3 (inclusive) do not apply to applications for mineral aggregate operations.

11.7.8.7.5 For the purposes of stormwater management, the minimum standard for water quality is that 80 percent of suspended solids shall be removed from stormwater runoff as a long-term average.

11.7.8.7.6 Notwithstanding any other provisions in this plan to the contrary, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.

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11.7.8.7.7 An application for major development shall be accompanied by a Stormwater Management Plan.

#### **11.7.8.7.8 Stormwater Management Plans**

11.7.8.7.8.1 The objectives of a stormwater management plan are to:

- a) maintain groundwater quality and flow and stream base flow;
- b) protect water quality;
- c) protect aquatic species and their habitat;
- d) prevent increases in stream channel erosion; and
- e) prevent any increase in flood risk.

11.7.8.7.8.2 A stormwater management plan shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation:

- a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;
- b) conveyance controls such as grassed swales; and
- c) end-of-pipe controls such as wet ponds at the final discharge stage.

11.7.8.7.8.3 A Stormwater Management Plan shall be prepared in accordance with the applicable watershed plan, if one exists.

11.7.8.7.8.4 Notwithstanding any other provisions in this plan to the contrary, new rapid infiltration basins and new rapid infiltration columns are prohibited.

#### **11.7.8.8 Sewage and Water Services**

11.7.8.8.1 An application for major development shall be accompanied by a sewage and water system plan that demonstrates, to the satisfaction of the municipality:

- a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;
- b) that the quantity and quality of groundwater and surface water will be maintained;
- c) that stream baseflows will be maintained;
- d) that the project will comply with the applicable watershed plan and water budget and conservation plan; and
- e) that the water use projected for the development will be sustainable.

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Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

### **11.7.9 Implementation and Interpretation**

11.7.9.1 The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.7.9.2 The lot lines shown on Schedules 'N', 'O', 'P' and 'Q' are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

11.7.9.3 All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of the Oak Ridges Moraine Conservation Plan, Part 1 and this Secondary Plan.

#### **11.7.9.4 Zoning By-law and Minor Variances**

11.7.9.4.1 Lands within the Rural Settlement designation shall be placed within the appropriate zone in the Zoning By-law to provide for a range of residential uses and small scale commercial and industrial uses that meet the needs of the rural area.

11.7.9.4.2 All key natural heritage features and hydrologically sensitive features shall be placed within an appropriate zone in the Zoning By-law.

11.7.9.4.3 The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small-scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:

- a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;
- b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and
- c) the development will not have an adverse impact on the ecological



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integrity of the Oak Ridges Moraine.

The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.7.5 of this Secondary Plan.

- 11.7.9.4.4 A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act, 2001** and regulations thereunder.
- 11.7.9.4.5 A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.

**11.7.9.5 Site Plan Control**

- 11.7.9.5.1 Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.

Notwithstanding this Policy, where the lands are situated on the Oak Ridges Moraine, site plan control shall be in accordance with the relevant policies of the Oak Ridges Moraine Conservation Plan, and Subsection 10.1.11 of this Plan.

- 11.7.9.5.2 Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.

**11.7.9.6 Definitions**

- 11.7.9.6.1 The definitions contained in the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02 shall apply in the Oak Ridges Moraine Secondary Plan Area in addition to the definitions of Section 10.2.2 of the Official Plan (where questions of interpretation arise, regard shall be had to the Oak Ridges Moraine Conservation Plan itself).

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## **11.8 West Whitby Secondary Plan**

### **11.8.1 Goals and Objectives**

#### **11.8.1.1 Natural Heritage**

##### **11.8.1.1.1 Goal**

11.8.1.1.1.1 To protect and enhance significant natural heritage features and ecological functions in the Secondary Plan area and beyond, having regard to the approved Lynde Creek Watershed Plan prepared by the Central Lake Ontario Conservation Authority.

##### **11.8.1.1.2 Objectives**

11.8.1.1.2.1 To protect significant natural heritage and hydrologic features and their associated ecological functions.

11.8.1.1.2.2 To require that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis.

11.8.1.1.2.3 To recognize that a healthy community is made up of an interconnected system of open spaces and natural heritage features.

11.8.1.1.2.4 To promote the retention of natural heritage features so that they can be enjoyed by future generations and serve as a legacy of the community's desire to protect their role and function.

11.8.1.1.2.5 To minimize negative changes to the water quality and hydrological and hydrogeological characteristics of watercourses, lakes, aquifers and wetlands.

11.8.1.1.2.6 To prohibit the loss or fragmentation of Provincially Significant Wetlands and significant habitat of endangered and threatened species.

11.8.1.1.2.7 To promote land use decisions that incorporate water conservation measures and the efficient use of water resources on a watershed and sub-watershed basis.

11.8.1.1.2.8 To encourage the establishment of a greenspace network that links environmental and recreational resources both within and beyond the boundaries of the Secondary Plan area as part of the development of a Town-wide Natural Heritage Strategy.

11.8.1.1.2.9 To encourage the development of a safe, convenient, affordable, efficient and energy-conserving transportation system that minimizes impacts on the natural environment.

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11.8.1.1.2.10 To encourage the protection of valley lands and other environmentally sensitive areas.

## **11.8.1.2 Urban Character**

### **11.8.1.2.1 Goal**

11.8.1.2.1.1 To support the development of an urban area that is diverse, liveable, safe, thriving and attractive.

### **11.8.1.2.2 Objectives**

11.8.1.2.2.1 To ensure that all new urban development has a positive contribution on urban life in the Town.

11.8.1.2.2.2 To ensure that all urban streets are defined by buildings and public spaces wherever possible and appropriate.

11.8.1.2.2.3 To require a high quality of site and building design for all forms of development within the Secondary Plan area.

11.8.1.2.2.4 To exercise appropriate municipal development control in order to achieve a consistently high standard of site, building and landscape design.

11.8.1.2.2.5 To ensure that neighbourhoods are compact, pedestrian-friendly with the mix of housing types, community facilities, commercial centres and open spaces.

11.8.1.2.2.6 To ensure that a system of trails and bike paths are integrated with new development throughout the Secondary Plan area.

11.8.1.2.2.7 To foster a sense of civic identity and pride through a high standard of urban design in all future developments that considers:

- a) the appropriate integration of public and private spaces;
- b) a high degree of visual diversity, interest and aesthetic quality;
- c) a well-defined public realm, including an interconnected open space network;
- d) the sensitive integration of new development with existing development; and,
- e) a transit-supportive and pedestrian-oriented development pattern.

## **11.8.1.3 Economic Development**

### **11.8.1.3.1 Goal**

11.8.1.3.1.1 To provide opportunities for between 5,000 and 7,000 jobs in locations that

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take advantage of the Provincial highway network and which serve to highlight Whitby's location as a place to do business.

### **11.8.1.3.2 Objectives**

- 11.8.1.3.2.1 To ensure that the quality and character of life in the Town is sustained and improved in context of the Greater Golden Horseshoe and the global economy.
- 11.8.1.3.2.2 To facilitate opportunities to provide a range of goods and services to the public within Whitby through the use of a flexible policy regime that encourages a mix of land uses with a strong pedestrian focus.
- 11.8.1.3.2.3 To establish, maintain and enhance industrial, commercial, institutional and community areas that provide a range of job opportunities geared specifically to meet the needs of residents of the Town and the wider area.
- 11.8.1.3.2.4 To ensure that a sufficient supply of serviced employment generating lands is available for development at all times.

### **11.8.1.4 Infrastructure**

#### **11.8.1.4.1 Goal**

- 11.8.1.4.1.1 To ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities, roads, and telecommunications/communication facilities meet the needs of present and future residents and businesses in an efficient, environmentally-sensitive, cost effective and timely manner.

#### **11.8.1.4.2 Objectives**

- 11.8.1.4.2.1 To ensure that consideration is given to the economics of providing services to the Town as part of the review of any development proposal.
- 11.8.1.4.2.2 To ensure that the development pattern is efficient and does not lead to a decline in the level of municipal services.
- 11.8.1.4.2.3 To ensure that all necessary infrastructure required to serve the Secondary Plan area is built prior to, or coincident with, urban development.
- 11.8.1.4.2.4 To establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including trains, automobiles, trucks, public transit, cycling and walking for both people and goods movement.
- 11.8.1.4.2.5 To establish a street pattern within new development areas that is based on a permeable grid pattern of arterial, collector and local roads.

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11.8.1.4.2.6 To ensure that there are mechanisms in place that provides for the equitable sharing of infrastructure development costs amongst the benefitting landowners in the Secondary Plan area.

### **11.8.1.5 Housing**

#### **11.8.1.5.1 Goal**

11.8.1.5.1.1 To ensure that an adequate supply of land and housing choices are available for present and future residents in the Secondary Plan area.

#### **11.8.1.5.2 Objectives**

11.8.1.5.2.1 To encourage and support opportunities for mixed-use development in appropriate locations that assist in the achievement of residential intensification and affordable housing.

11.8.1.5.2.2 To ensure that a full range of housing opportunities are available throughout the Secondary Plan area and that no one type of housing is concentrated in one area, unless specifically anticipated by this Plan.

### **11.8.2 Land Use Designations**

Schedule 'R' provides detailed land use designation for the Secondary Plan area. The land use designations include Low Density Residential, Medium Density Residential, High Density Residential, Mixed Use One, Mixed Use Two, Special Purpose Commercial, Prestige Industrial, Major Open Space and Environmental Protection Area. In instances where the policies and designations contained in Section 11.8 vary with the policies within Section 4 of this Plan, the more specific and detailed policies of Section 11.8 shall prevail, provided the overall intent of the Official Plan is maintained.

#### **11.8.2.1 Mixed Use One**

##### **11.8.2.1.1 Goal**

11.8.2.1.1.1 To provide community commercial uses and higher density uses in a mixed use setting in the Secondary Plan area.

##### **11.8.2.1.2 Objectives**

11.8.2.1.2.1 To establish the Mixed Use One designation as a major activity area in the Secondary Plan area.

11.8.2.1.2.2 To provide a focus for the development of major retail uses in the Secondary Plan area.

11.8.2.1.2.3 To provide for a mix of residential and non-residential uses in a pedestrian-oriented manner.

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- 11.8.2.1.2.4 To provide for the establishment of a pedestrian, cycling and transit- first community, where dependence on the private automobile is minimized.
- 11.8.2.1.2.5 To provide for a diverse range of retail, service, community, institutional, cultural and recreational uses to serve the Town and the Region.
- 11.8.2.1.3 The lands designated Mixed Use One are located within a Community Central Area as described in Section 4.3.3.5 of this Plan.
- 11.8.2.1.4 The minimum residential density for the Mixed Use One designation is 45 units per net hectare.
- 11.8.2.1.5 The uses permitted on lands designated Mixed Use One are listed in Section 4.5.3.2 of this Plan, with the exception that residential uses in freestanding buildings, and supermarkets are also permitted.
- 11.8.2.1.6 It is the intent of this Plan that the lands designated Mixed Use One are the focus of major retail uses and higher density residential uses in a mixed-use setting. All major retail uses shall be located on the north side of Rossland Road and the maximum gross leasable floor area permitted for all retail uses combined in the Mixed Use One designation is 15,000 square metres.
- 11.8.2.1.7 The establishment of a higher-order supermarket serving a large trade area is a key component of the Rossland/Coronation Community Central Area. Given the intent of this Plan to establish the Mixed Use One area as the focus of activity in the Secondary Plan Study Area, the establishment of a higher-order supermarket serving a large trade area is a key component of the land use plan for the area.
- 11.8.2.1.8 Lands designated Mixed Use One on the south side of Rossland Road within the Mixed Use One designation shall include residential uses. Commercial development that is of a neighbourhood scale may also be permitted provided it is integrated with residential uses on the south side of Rossland Road.
- 11.8.2.1.9 It is intended that a pedestrian-oriented environment be established that is integrated with surrounding lands and in particular with the Prestige Industrial lands located to the west.
- 11.8.2.1.10 Prior to any development occurring on the lands designated Mixed Use One north of Rossland Road and within the Mixed Use One designation, an Urban Design Plan shall be prepared to the satisfaction of the Town. The Urban Design Plan shall consider all matters listed in Section 6.2 of this Plan and additionally include:
- a) a detailed overall land use plan, identifying the location of all of the proposed uses and in particular the location of higher density residential uses;
  - b) a detailed phasing plan that describes the sequencing of

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development and the timing of any infrastructure improvements;

- c) a plan showing the location of any future public lands that may be dedicated to the Town as part of the approval process;
- d) the proposed built-form of the development including type, height, and architectural treatments;
- e) the location of appropriate access points onto the abutting road network;
- f) the location of pedestrian, bicycle, vehicular and service circulation and access and parking areas in the context of the overall parking management strategy; and,
- g) Urban Design Guidelines, proposed streetscape components and the location of proposed landscaping.

- 11.8.2.1.11 In preparing the Urban Design Plan set out in sub-section 11.8.2.1.10, the determination of how residential and other non- residential development will be integrated in the Mixed Use One designation is required, as set out in Section 4.6.3.2 of this Plan. In this regard, phasing options shall be considered, with these options relating the amount of commercial development permitted at any one time to the amount of residential development that has occurred within the Mixed Use One designation.
- 11.8.2.1.12 The development of urban squares is required to be a key component of development in the Mixed Use One designation. Urban squares shall be subject to the policies of Sections 6.2.3.10 and 4.9.3.22.3 in the Official Plan. These spaces are intended to provide an internal focal point for the area and function as a public gathering area serving the immediate neighbourhood and visitors to the area. These spaces should be easily accessible and visible to the public, contain seating amenities, hard landscaping, and natural elements, and provide passive recreational uses, possible public or private programmed activities, and a display of public art. Adjacent commercial uses are encouraged to be integrated with and front upon these spaces. Urban squares may be developed in public or private ownership or a combination thereof.
- 11.8.2.1.13 A pedestrian linkage across the CP rail-line shall be required to link the lands designated Mixed Use One with lands located to the north. This linkage should provide pedestrians/cyclists with easy access to the uses in the Mixed Use One designation.
- 11.8.2.1.14 The minimum height of any new residential building shall be 3 storeys and the maximum height shall be 12 storeys. Buildings that are between 8 and 12 storeys shall be directed to the area in the vicinity of the future Rossland Road/Coronation Road intersection, which is identified as a “Gateway Area” on Schedule ‘R’ and will serve as a gateway into the Mixed Use One designation from the west. The minimum height for non-residential buildings



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shall be two storeys.

- 11.8.2.1.15 Buildings should be located on or close to the street line and massed at intersections to establish a strong street edge. In cases where buildings that have a height of 8 storeys or more are proposed adjacent to the streetline, the upper storeys of a building should be sited on podiums having a minimum height of 3 storeys and a maximum height of 5 storeys, with such podiums being located at or near the street line. In order to break up the mass of the podium along a street edge, the lengths of podium should be minimized.
- 11.8.2.1.16 It is the long-term intent of this Plan that the majority of the parking spaces in the Mixed Use One designation be included within structured parking garages or underground. In this regard, the Urban Design Plan required by sub-section 11.8.2.1.10 shall establish a long term parking strategy for the area which takes into account the phasing of development.
- 11.8.2.1.17 Notwithstanding any other provisions of this Plan to the contrary, for lands located within part of Lot 32, Concession 2, municipally known as 840 Rossland Road West, and identified by Assessment Roll No. 18-09-020-004-10805, the maximum permitted residential density is 280 units per net hectare. For the purpose of this calculation, net residential density includes private roads and laneways. In addition, a minimum of 900 square metres of non-residential floorspace shall be required on the ground floor of mixed use building(s) fronting on Rossland Road West.

## **11.8.2.2 Mixed Use Two**

### **11.8.2.2.1 Goal**

- 11.8.2.2.1.1 To provide for medium density residential uses and small-scale retail and personal service uses that are integrated on sites and/or within buildings with residential uses in a manner that is designed to be transit-supportive and pedestrian-oriented.

### **11.8.2.2.2 Objectives**

- 11.8.2.2.2.1 To provide opportunities for a mix of land uses at key intersections in the Secondary Plan area.
- 11.8.2.2.2.2 To reduce the need to use the motor vehicle to obtain convenience type merchandise and local services.
- 11.8.2.2.2.3 To provide opportunities for the establishment of focal points at the neighbourhood level.
- 11.8.2.2.3 The permitted uses on lands designated Mixed Use Two are listed in Section 4.5.3.3 of this Plan, and subject to the remaining policies of this Section.

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#### 11.8.2.2.4 Dundas Street and Taunton Road

The long term overall density target as established by the Region of Durham Official Plan is 60 residential units per gross hectare and the overall long-term floor space index target is 2.5. Sufficient depth for appropriate block development shall be provided along Regional Corridors and applicants shall demonstrate how more intensive development and increased densities can be accommodated over the long term. Given that these targets are to be measured across the entire Regional Corridor where possible, some areas will have higher densities and other areas will have lower densities. In the case of the Mixed Use Two designation on Dundas Street and Taunton Road, the minimum residential density is 60 units per net hectare, the minimum height is 3 storeys and the maximum height is 8 storeys. The minimum building height for non-residential buildings shall be 2 storeys. Buildings of up to 12 storeys may be considered depending on the land use context.

#### 11.8.2.2.5 Coronation Road (existing and new)

The minimum residential density is 45 units per net hectare up to a maximum of 70 units per net hectare. The minimum building height shall be 2 storeys and the maximum building height shall not exceed 4 storeys.

#### 11.8.2.2.6 Lands designated Mixed Use Two are encouraged to develop with a wide variety of building forms, generally low to mid-rise in height, but with higher buildings depending on location. A smaller scale of commercial use is anticipated with emphasis on good building/street relationships. The following design and built-form criteria shall be applied in Mixed Use Two areas:

- a) buildings should be located on or close to the street line to reinforce a strong street edge;
- b) front yard parking shall not be encouraged and larger parking areas shall be set back an appropriate distance from the street edge to ensure that the majority of the street edge is occupied by buildings;
- c) a strong street edge landscape treatment should be provided to contribute to the streetscape; and
- d) well-delineated pedestrian walkways should be provided between the street and main entrances.

#### 11.8.2.2.7 The policies of Section 6.2 of this Plan apply.

#### 11.8.2.2.8 Non-residential uses shall be integrated with residential uses in the Mixed Use Two designation. Single purpose commercial areas shall not be established. In this regard, the following provisions apply:

- a) The Special Mixed Use Two Policy Areas focused on major

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intersections on Taunton Road and Dundas Street and identified on Schedule 'R' are considered to be Local Commercial and Convenience Commercial areas as set out in Section 4.5.3.3 of this Plan. Up to 3,500 square metres of gross leasable retail and personal service floor space may be permitted within each of the four areas identified, regardless of the number of properties within each area. As an exception to the Mixed Use Two designation for the lands at the north-east corner of Taunton Road and New Coronation Road, up to 7,560 square metres of gross leasable retail and personal service floor space may be permitted regardless of the number of properties within this designation;

- b) Prior to any development occurring within each of the four Special Mixed Use Two areas, an Urban Design Plan shall be prepared to the satisfaction of the Town. The Urban Design Plan shall consider all matters listed in Section 6.2 of this Plan and additionally include:
- i) a detailed overall land use plan, identifying the location of all of the proposed uses and in particular the location of residential uses;
  - ii) a detailed phasing plan that describes the sequencing of development and the timing of any infrastructure improvements;
  - iii) a plan showing the location of any future public lands that may be dedicated to the Town as part of the approval process;
  - iv) the proposed built-form of the development including type, height, and architectural treatments;
  - v) the location of appropriate access points onto the abutting road network;
  - vi) the location of pedestrian, bicycle, vehicular and service circulation and access and parking areas in the context of the overall parking management strategy; and,
  - vii) Urban Design Guidelines, proposed streetscape components and the location of proposed landscaping.
- c) In preparing the Urban Design Plan set out in paragraph b), the determination of how residential and other non-residential development will be integrated is required in accordance with Section 4.6.3.2 of this Plan for areas identified as Local Commercial areas in accordance with Section 11.8.2.2.8 a). In this regard, phasing options shall be considered, with these

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options potentially relating the amount of non-residential development permitted at any one time in each of the areas identified in Section 11.8.2.2.8 a) to the amount of residential development that is proposed within the same area; and

- d) Other Mixed Use Two areas not identified as Special Mixed Use Two on Schedule 'R' and as set out in Section 11.8.2.2.8 are considered to be Convenience Commercial Areas as set out in Section 4.5.3.3 of this Plan. Residential uses shall be integrated within convenience commercial uses, within the same building or on the same site.

### **11.8.2.3 High Density Residential**

11.8.2.3.1 The policies of the High Density Residential designation in Section 4.4.3.6 of this Plan apply, except as modified by this section of the Secondary Plan.

11.8.2.3.2 The long term overall density target as established by the Region of Durham Official Plan is 60 residential units per gross hectare and the overall long-term floor space index target is 2.5 within the High Density Residential designations adjacent to Dundas Street and Taunton Road. Sufficient depth for appropriate block development shall be provided along Regional Corridors and applicants shall demonstrate how more intensive development and increased densities can be accommodated over the long term. Given that these targets are to be measured across the entire Regional Corridor where possible, some areas will have higher densities and other areas will have lower densities. In the case of the High Density Residential designation on Dundas Street and Taunton Road, the minimum residential density is 75 units per net hectare and the maximum residential density is 150 units per net hectare, the minimum height is 3 storeys and the maximum height is 12 storeys. Taller buildings should be located adjacent to Taunton Road where possible.

11.8.2.3.3 Buildings should be located on or close to the street line and massed at intersections to establish a strong street edge. In cases where buildings that have a height of 8 storeys or more are proposed, the upper storeys of a building should be sited on podiums having a minimum height of 3 storeys and a maximum height of 5 storeys, with such podiums being located at or near the street line. In order to break up the mass of the podium along a street edge, the lengths of podium should be minimized.

### **11.8.2.4 Medium Density Residential**

11.8.2.4.1 The policies of the Medium Density Residential designation in Section 4.4.3.5 of this Plan apply, except as modified by this section of the Secondary Plan.

11.8.2.4.2 The minimum residential density is 40 units per net hectare. The minimum building height shall be 2 storeys and the maximum building height shall not exceed 4 storeys.

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11.8.2.4.3 Notwithstanding 11.8.2.4.2 above, the long term overall density target is 60 residential units per gross hectare and the overall long-term floor space index target is 2.5 within the Medium Density Residential designations adjacent to Dundas Street and Taunton Road. Sufficient depth for appropriate block development shall be provided along Regional Corridors and applicants shall demonstrate how more intensive development and increased densities can be accommodated over the long term. Given that these targets are to be measured across the entire Regional Corridor where possible, some areas will have higher densities and other areas will have lower densities. In the case of the Medium Density Residential designation on Dundas Street and Taunton Road, the minimum residential density is 45 units per net hectare, the minimum height is 3 storeys and the maximum height is 8 storeys. Buildings that have a height of up to 12 storeys may be considered depending on the land use context.

11.8.2.4.4 The planned built-form characteristics for this designation encourage the development of a wide variety of building forms, generally mid-rise in height. The following design and built-form criteria shall be applied in Medium Density Residential areas:

- a) buildings should be located on or close to the street line to reinforce a strong street edge;
- b) parking area shall generally not be located between buildings and the streetlines. Notwithstanding the above, front yard parking associated with street townhouse development is permitted in appropriate locations; and
- c) landscape treatments should be provided to contribute to the development of a walkable and safe pedestrian environment.

### **11.8.2.5 Low Density Residential**

11.8.2.5.1 The policies of the Low Density Residential designation in Section 4.4.3.4 of this Plan apply, except as modified by this section of the Secondary Plan.

11.8.2.5.2 The maximum building height shall not generally exceed 3 storeys.

11.8.2.5.3 The minimum density is 25 units per net hectare.

### **11.8.2.6 Prestige Industrial**

11.8.2.6.1 The policies of the Prestige Industrial designation in Section 4.7.3.2 of this Plan apply, except as modified by this section of the Secondary Plan.

11.8.2.6.2 In addition to the permitted uses within the Prestige Industrial designation, the following Business Park uses shall also be permitted: research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, light assembly and manufacturing

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operations for the production and/or distribution of high-value and high-technology products.

- 11.8.2.6.3 The following secondary uses may be permitted in the Prestige Industrial designation:
- a) limited ancillary, commercial and personal service uses such as take-out or full-service restaurants, financial institutions and commercial fitness centres;
  - b) commercial or trade school facilities; and,
  - c) hotels and associated convention/banquet facilities.
- 11.8.2.6.4 The height of any buildings or structures within the Prestige Industrial designation shall not exceed 12 storeys in Gateway Areas and 4 storeys outside of Gateway Areas. The implementing Zoning By-law shall establish reduced building height maximums in the vicinity of residential areas to ensure built-form compatibility with low-rise residential development. Any buildings with permitted ancillary commercial and personal service uses shall have a minimum height of 2 storeys. In addition, the minimum height of any building in Gateway Areas shall be 2 storeys.
- 11.8.2.6.5 The implementing Zoning By-law shall control the location of open storage and uses which may have adverse effects on sensitive land uses within an appropriate distance of the residential areas.
- 11.8.2.6.6 The maximum gross floor area permitted for limited or ancillary commercial and personal service uses is 500 square metres. The number of such uses on a lot shall be restricted in the Zoning By-law to ensure that these uses are ancillary to Prestige Industrial uses and do not detract from the planned function of the Prestige Industrial designation.
- 11.8.2.6.7 The development of office buildings that have a gross leasable floor area of 10,000 square metres or greater is not permitted. Notwithstanding the above, office development that has a gross leasable floor area of 10,000 square metres or greater that is located on the same lot as a related use permitted in Section 11.8.2.6 of this Plan is permitted.
- 11.8.2.6.8 Lands within the Prestige Industrial designation in the immediate vicinity of Taunton Road, Rossland Road and Dundas Street and shown as Gateway Areas on Schedule 'R' are intended to function as gateway areas into the Town of Whitby. The objective of the Plan in these areas is to:
- a) establish visually attractive points of entry into the Town;
  - b) draw the travelling public off Highway 401/407 allowing an introduction to the Town of Whitby and its attractions and amenities beyond the Prestige Industrial area; and,

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- c) provide a location for services that are important to the support of the primary employment function of the Prestige Industrial area.

11.8.2.6.9 An Urban Design Plan for Gateway Areas shall be prepared prior to development occurring to achieve the above objectives.

11.8.2.6.10 The existing single detached dwellings on the west side of Halls Road north of Dundas Street will be recognized in the implementing Zoning By-law as permitted uses and can continue to be so used into the future. The implementing Zoning By-law may permit employment type uses in the single detached dwellings as an interim use. Over the long term, the integration of these lots with the remainder of the Prestige Industrial area shall be encouraged.

11.8.2.6.11 Notwithstanding any other provisions of this Plan to the contrary, for lands legally known as Block 270, Plan 40M-2647, identified by Assessment Roll number 18-09-020-001-33563-0000, the additional use of a multi-storey, commercial self-storage facility and flex office building, and accessory single-storey, commercial self-storage facility may be permitted, as an exception, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.

In addition, a lot for the additional use(s) noted above may be created without frontage on an open public road provided there are necessary easements respecting such matters as appropriate shared access across parcels to/from a public road, vehicular and pedestrian circulation, and municipal servicing.

11.8.2.6.12 Notwithstanding any other provisions of this Plan to the contrary, for the lands legally known as Part Block 271, Plan 40M-2647, Parts 2 and 3 on Registered Plan 40R31585, identified by Assessment Roll number 18-09-020-00133999-0000, the maximum permitted building height shall be up to 6 storeys.

### **11.8.2.7 Special Purpose Commercial**

11.8.2.7.1 The policies of Section 4.5.3.4 of this Plan apply.

### **11.8.2.8 Environmental Protection Area**

11.8.2.8.1 The policies of Section 5 of this Plan apply except as modified by the policies of this section of the Secondary Plan.

11.8.2.8.2 Lands within the Environmental Protection Area designation include: hazard land/floodplain, valley lands, woodlands on the Iroquois Beach Aquifer, mature woodlands that are associated with wetlands and/or streams, and wetlands, including all Provincially Significant Wetlands. The Environmental Protection Area designation is focused primarily on the east and west branches of Lynde Creek which extend from the Oak Ridges Moraine in the north to Lake Ontario.

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11.8.2.8.3 Where appropriate, Council shall consult with the Region of Durham and the Central Lake Ontario Conservation Authority to encourage the use of conservation easements to protect private lands within the Environmental Protection Area designation.

#### **11.8.2.8.4 Environmental Impact Studies**

11.8.2.8.4.1 Full Environmental Impact Studies will be required for applications for development within 50 metres of very high sensitivity areas (Natural Heritage Features) and for applications for development within 120 metres of a Provincially Significant Wetland. A full Environmental Impact Study (EIS) may be required for lands outside of 50 metres of a Natural Heritage Feature, and up to 120 metres of a Natural Heritage Feature, to be determined in consultation with the Town and Central Lake Ontario Conservation Authority. The details of the EIS shall be dependent on the features within and adjacent to the proposed development.

11.8.2.8.4.2 An EIS must be prepared by a qualified professional(s) in the appropriate field(s) of expertise (e.g., ecology, hydrogeology and/or environmental planning) and must be submitted to the Town as part of the development application. The 2010 AECOM Environmental Study can be used by Town staff as a guide to determine what issues need to be addressed and the level of detail of the EIS. The Town will consult with Central Lake Ontario Conservation Authority, Ministry of Natural Resources or other appropriate agencies in a review capacity or for additional guidance with respect to key issues. The Provincial Natural Heritage Reference Manual in current effect, approved Watershed Plans and Fisheries Management Plans as prepared by the Conservation Authority should also be consulted when establishing appropriate buffers for natural environment features.

11.8.2.8.4.3 An EIS will identify and assess the potential impact of a proposed development on the ecologic and hydrogeologic features and functions, including groundwater recharge, within the proposed development area. The EIS will include a detailed water balance to demonstrate that pre- and post-development infiltration can be maintained and recommendations on buffers adjacent to sensitive areas and preservation, maintenance, and enhancement of woodlot, wetland and natural linkage corridors are provided.

The scope of the EIS will depend on the nature of the specific development, the function and significance of the natural environment features that may be affected and the nature of the predicted impacts.

11.8.2.8.4.4 Generally, the components of a full EIS will include:

- a) a detailed description of the development proposal;
- b) a detailed description of the study area including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions and biological setting;



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- c) site specific sub-surface investigations to confirm soil conditions, groundwater recharge and the elevation of the high water table;
  - d) establishment of elevation(s) of foundation drains, if applicable, in order to protect groundwater levels/building basements (i.e. in some cases, particularly in depressional areas of the beach sand plain, it may be necessary to raise footings drains above the water table);
  - e) assessment of flora, fauna and habitat;
  - f) assessment of how vegetation, groundwater and surface water systems support and maintain the natural heritage features and functions;
  - g) assessment of the predicted direct, indirect and cumulative impacts of the development proposal on the natural heritage features and functions;
  - h) mitigative measures and recommendations to avert negative impacts from the development such as buffer/setback areas, design considerations and/or restoration/enhancement of natural features;
  - i) a plan for implementing mitigative measures;
  - j) a summary of the predicted impacts upon implementation of mitigation compared to the overall objectives; and,
  - k) recommendations on the need for a construction/post-construction monitoring program.

11.8.2.8.4.5 A scoped EIS shall be conducted for all other development applications where a full EIS is not required. These include areas that are considered less sensitive, from a natural heritage standpoint, to development, such as the cleared areas on the beach sands as well as the low recharge areas in the till and silt and clay soils and areas identified with high water table or fill soils. The primary issues with development on these lands are typically related to hydrogeology rather than ecological considerations. The primary intent of these studies is to maintain recharge.

11.8.2.8.4.6 A scoped EIS will include many of the basic components of the full EIS, although some of the components, particularly with respect to ecological features, may not be applicable. The scoped EIS will require a detailed pre and post-development water balance to mitigate potential recharge losses. The study would also include sub-surface investigations to determine the soil conditions, depth to the water table, groundwater flow patterns, soil hydraulic conductivity and flow rates, discharge to surface water courses and

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recommendations for mitigative measures, as required.

11.8.2.8.4.7 Through the EIS process, site-specific hydrogeological conditions should be confirmed and appropriate mitigative measures recommended to protect and maintain the hydrogeological regime of the groundwater resources, particularly for development proposals within the Iroquois Beach deposits, where appropriate. A number of technologies and initiatives appropriate to the specific soil conditions can be considered within the West Whitby Secondary Plan area as part of the review of a **Planning Act** application.

11.8.2.8.4.8 A water balance shall be included in all EIS documents. One of the objectives of any development should be to maintain post-development infiltration conditions in order to preserve groundwater function and linkages to natural features (e.g., fish habitat, wetlands), where appropriate. Mitigative measures should be presented with the goal of balancing pre- and post-development recharge conditions.

11.8.2.8.4.9 As the maintenance of recharge within the Iroquois Beach area is particularly significant in light of its contribution of groundwater resources and baseflow to local tributaries, the recommended mitigation measures should be addressed through review of development applications.

11.8.2.8.4.10 Where an EIS recommends that minor modifications can be made to the boundary of the Environmental Protection Area designation and the Town, in consultation with the Conservation Authority approves that recommendation, then the boundary can be refined without further Amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained. Notwithstanding the above, where an EIS indicates that the removal of the pond feature located on the north side of Taunton Road is supported, an Amendment to the Official Plan will not be required to provide for development in accordance with the policies of the Medium Density Residential designation.

### **11.8.2.9 Major Open Space**

11.8.2.9.1 The policies of Section 4.9 of this Plan apply.

### **11.8.2.10 Almond Village Special Policy Area**

11.8.2.10.1 It is the goal of the Almond Village Special Policy Area to:

- a) permit land uses that maintain the unique character of Almond Village; and,
- b) ensure that land uses planned on adjacent lands also respect the unique stable residential neighbourhood character.

11.8.2.10.2 Permitted uses in the Almond Village Special Policy Area designation are

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single detached dwellings on existing lots, accessory buildings and structures, and home occupations in accordance with Section 4.4.3.1d) of this Plan.

11.8.2.10.3 Severances to create new lots within the Almond Village Special Policy Area are not permitted unless a Neighbourhood Study has been completed and a full public consultation process has been undertaken.

11.8.2.10.4 It is the long-term intent of this Plan that municipal sewer and water services be provided to Almond Village. Other infrastructure upgrades such as sidewalks and storm sewers are also to be planned where appropriate and installation shall be coordinated with the construction of sewer and water services. The Region of Durham is encouraged to size trunk sewers and watermains for the eventual servicing of this area, as required.

### **11.8.3 Phasing of Development**

11.8.3.1 It is the intent of this Plan to encourage the timely provision of infrastructure as urban development occurs. On this basis, the identification of infrastructure upgrades and service delivery requirements shall be carried out prior to any development occurring. This long range planning should take the full build out of the Secondary Plan area into account and attempt to rationalize how long it will take for the area to be developed. External factors should also be considered, most notably the capacity of Regional roads located within, adjacent to and in the vicinity of the Secondary Plan area.

11.8.3.2 It is recognized that it is at times difficult to anticipate the timing of private development and on this basis, flexibility is required to respond to changing circumstances in a manner that does not affect the basic intent of the overall phasing plan for the Secondary Plan area and the financial plans and studies that support the phasing plan. Therefore, it is not the intent of this policy to require the establishment of a rigid set of criteria to guide development. Rather, the intent of the policy is to provide a general understanding of how and when infrastructure is to be upgraded and when service delivery is to be enhanced.

11.8.3.3 In order to ensure that the cost of new development will not have an adverse impact on the financial capability of the Town and the Region and to ensure that timely residential development and industrial/commercial development coincides with and supports required infrastructure development, including the building of roads, schools, parks and the introduction of increased transit service and facilities, an increase in public servicing levels such as fire and police and the timely development of water and wastewater servicing infrastructure, and the provision of telecommunications/ communications infrastructure, development in the West Whitby Secondary Plan area shall only proceed when:

- c) a Financial Plan for the Secondary Plan area that establishes the basis for the phasing, and the funding of new infrastructure of development and infrastructure has been approved by Whitby

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Council;

- d) the Town has in full force and effect, and not subject to appeal, a Development Charges By-law enacted under the **Development Charges Act**, 1997 or any successor legislation identifying and imposing charges applicable to the lands in the Secondary Plan area;
- e) certain benefitting landowners within the Secondary Plan area have entered, or will enter, into an agreement or agreements amongst themselves to address the distribution of all costs of development including those which may not be recoverable by the Town under the **Development Charges Act**, 1997, or any successor legislation, particularly the provision of community and infrastructure facilities such as parks, roads, road improvements, external services, storm water management facilities, public/private utilities and schools;
- f) benefitting landowners within the Secondary Plan area that benefit from the extension of services along Coronation Road from the south have entered into an agreement or agreements or have made other satisfactory arrangements with the Town for the provision of funds or the provision of services or both and have entered into an agreement with the Region with respect to the provision of Regional roads, transit, sewer and water infrastructure; and,
- g) in order to implement paragraphs c) and d) above, the Town may include conditions of Draft Plan Approval that may require the benefitting landowners to enter into agreements with other benefitting landowners with respect to the provision of servicing. If a benefitting landowner chooses not to enter into such agreements, no development shall be permitted until it has been demonstrated that the benefitting landowner has entered into required agreements with other affected landowners with respect to the provision of services and other infrastructure.

#### 11.8.3.4 **Seaton-Durham Cost Sharing Agreement and Capital Funding of Regional Infrastructure**

As a pre-condition to the urban designation of the West Whitby Secondary Plan area, the Durham Contributing Landowners, including certain landowners within the West Whitby Secondary Plan Area, signed Minutes of Settlement that required, amongst other things, that a Seaton-Durham Cost Sharing Agreement be entered into respecting the payment and sharing of Oversized Water and Sewer Works to service the Federal lands in Pickering. In addition, as a pre-condition to the urban designation of the West Whitby Secondary Plan area, Durham Contributing Landowners in the West Whitby Secondary Plan area, made a commitment to pay, on November 4, 2017, the West Whitby Secondary Plan area's proportionate share of a \$20,000,000 payment to the Region, to be used by the Region

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toward the capital funding of Regional infrastructure.

Prior to the approval of any draft plan of subdivision or zoning by-law amendment respecting any Durham Contributing Landowners' lands within the West Whitby Secondary Plan area, the Seaton-Durham Cost Sharing Agreement shall be executed. Furthermore, registration of a plan of subdivision respecting any Durham Contributing Landowners' lands in the West Whitby Secondary Plan area shall not be permitted unless the Durham Contributing Landowner is in good standing under the Seaton-Durham Cost Sharing Agreement. To this end, conditions of draft plan approval on Durham Contributing Landowners' land shall require that the Region be advised by the Seaton-Durham Trustee that the subject Durham Contributing Landowner has paid all amounts and is in good standing under the Seaton-Durham Cost Sharing Agreement.

#### **11.8.4. Parks, Open Space and Schools**

11.8.4.1 The establishment of new parks and open space areas in West Whitby is subject to Section 4.9 of this Plan. In addition new parkland in the Secondary Plan area should:

- a) have as much street frontage as possible and be open to view on as many sides as possible to maximize visibility from adjacent streets and promote safety;
- b) maximize public safety through park block size, visibility, configuration and location of park fixtures and facilities;
- c) have direct and safe pedestrian access from adjacent residential areas or adjacent greenlands where appropriate;
- d) be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access, parking and buffers to active recreational facilities;
- e) incorporate natural heritage features wherever possible into the design of the parkland;
- f) be integrated into the fabric of the adjacent neighbourhood by promoting open space or walkway linkages to adjacent facilities, neighbourhoods and natural features;
- g) be connected, wherever possible, to trail systems, cycling routes, walkways, natural heritage corridors, utility corridors and drainage systems;
- h) encourage linking and consolidation of parks to provide a continuous system of open space areas, where possible; and,
- i) encourage the development of trails on private open space lands where appropriate.

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- 11.8.4.2 The school and park symbols that are shown in the residential designations are not intended to control the precise location of the land uses that they represent. The exact location will be determined through the development approvals process.
- 11.8.4.3 Where a designated school site is not required, the site may be developed in accordance with the underlying residential designation without amendment to this Plan.
- 11.8.4.4 Notwithstanding Section 5.3.10.8, Council may consider the dedication of lands for park purposes for the development of sports fields on open field areas located outside of the natural heritage feature but within the Hazard Land designation as shown on Schedule "A", in consultation with the Central Lake Ontario Conservation Authority. Any associated buildings or structures for this park shall be located outside of the Hazard Land designation.

## **11.8.5 Urban Design**

- 11.8.5.1 The policies of Section 6.2 of this Plan, apply, except as modified by this section of the Secondary Plan:
- a) streetscape features and sustainable design elements located within public rights-of-way, such as lighting fixtures, directional and street signs, parking meters, transit shelters, above ground infrastructure and street furniture shall be complementary to the streetscape and located in an integrated manner, so as to avoid visual clutter;
  - b) the design of all buildings shall have regard to pedestrian safety and direct street access. Buildings should be massed to recognize pedestrian scale and provide an appropriate street wall height at the street line and be architecturally articulated to provide visual variety and interest, yet be sensitive to high wind speeds, and long periods of shadowing. Generally, building articulation features such as canopies, cornice lines and varying façade materials should be used to reinforce a pedestrian scale;
  - c) buildings shall be encouraged to present their principal building façades with an appropriate building design and openings to the public street. The design of corner buildings shall take into account the exposure of the building to multiple street frontages and high public exposure; as well as incorporate elements such as increased height, fenestration and roof features, and well-articulated entrances;
  - d) buildings located at major vista terminations in their urban setting, or on view corridors within the development site, shall be given special treatment through the use of massing and building articulation strategies, such as added height, special

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roof treatments, and use of special cladding materials;

- e) the protrusion of garages on residential buildings into the front yard, beyond the main front building wall, shall be discouraged. In addition, the width of private driveways accessing private garages shall be controlled to ensure that there is an appropriate relationship between pavement and landscaping in the yards where the driveway is located. Such a relationship shall also take into account the desire to maximize the infiltration of rainwater into the ground and minimize the amount of rainwater that is to be directed to stormwater management facilities;
- f) when a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook, shadowing and high wind speeds. Massing strategies such as stepping down towards buildings of lower height should be employed to minimize impacts. Site Plan applications may be required to submit wind and/or shadow studies to address such potential conditions;
- g) freestanding buildings for commercial, retail, restaurants and personal service uses, as well as office and medium and high density residential uses, shall be located at the street edge where possible, to encourage their use by pedestrians;
- h) buildings on corner lots shall be located in close proximity to the street rights of way. Corner lots should emphasize their important urban presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition;
- i) the location of parking is a major determinant for the layout of a development that is pedestrian-friendly and transit-supportive. Where appropriate, the Town shall encourage the provision of surface parking areas in locations not visible from the public street, and if they are visible, they shall be screened from view from the street;
- j) where surface parking areas are situated adjacent to a public street in the front yard, their layout should be subdivided into smaller areas to avoid large monotonous asphalt surfaces. In these cases, a certain percentage of the frontage should be reserved for landscaping between the buildings and the street line; and,
- k) personal safety for individuals for new development shall be promoted by including the provision of:

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- i) appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space area;
  - ii) unobstructed views into parks and open spaces from adjoining streets;
  - iii) design and siting of new buildings shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space.
  - iv) views into and out of publicly-accessible buildings shall be encouraged; and,
  - v) landscaping that maintains views for safety and surveillance.

## **11.8.6 Transportation**

11.8.6.1 While the Arterial Roads shown on Schedule 'R' are intended primarily to allow for the ease of motor vehicle traffic throughout the Region and the Town, regard shall be had in their design to the other public interest objectives established by this Plan, which require that higher density development be established along Arterial Roads in a pedestrian-oriented and transit-supportive environment.

In this regard, Arterial Roads must be designed in a manner that provides for other modes of non-motorized travel and the pedestrian. In addition, priority shall be given to ensuring that public transit facilities, such as stops, shelters and dedicated lanes are all part of the overall design of the arterial road network over the long term.

11.8.6.2 Within the Mixed Use One designation focused on Rossland Road, it is the intent of this Plan that a pedestrian-oriented public realm be established to promote a safe, walkable and vibrant urban environment. Traffic calming measures shall be considered on collector and local roads and a grid system of these roads shall be considered to disperse traffic and lower volumes on each road in this area.

11.8.6.3 Coronation Road (old and new alignments), Twin Streams Road and Bonacord Avenue shall be designed in a manner that ensures that no more than approximately 60% of the planned right-of-way is devoted to the automobile.

In this regard, a minimum of approximately 40% of the planned right-of-way shall be devoted to pedestrian and non-motorized modes of travel and landscaping.

These roads shall also be planned to include a tree canopy that will provide



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shade and enhance and establish a vibrant urban environment. In this regard, a Tree Canopy Plan shall be prepared for each of these roads and the trees shall be planted as soon as feasible to ensure that a canopy is established in the shorter term.

- 11.8.6.4 Given anticipated densities and the built form, all local roads shall generally include sidewalks on both sides. Exceptions may be considered in Low Density Residential areas, provided accessibility requirements are met. Each of the local roads shall also be the site of street trees that are planted in a manner that provides for the establishment of a vibrant and healthy tree canopy. In order to maximize the amount of tree planting, the co-location of utilities is encouraged.
- 11.8.6.5 Burns Street has been shown on Schedule 'R' to go around a Provincially Significant Wetland located south of Dundas Street. All options respecting the location of Burns Street shall be investigated and if the preferred option differs from the option shown on Schedule 'R', an Amendment to this Plan shall not be required. The extension of Burns Street is generally and conceptually shown to connect to Dundas Street. All options regarding the extension of Burns Streets to Dundas Street shall be subject to further study, and an Amendment to this Plan shall not be required.

## **11.8.7 Floodplains**

- 11.8.7.1 New development or site alteration shall not be permitted within floodplains.
- 11.8.7.2 In order to implement the objectives of this Plan, the implementing Zoning By-law shall place all floodplain lands in an appropriate Environmental Zone. Uses permitted in this Environmental Zone shall be limited to agricultural operations that existed on the date the implementing Zoning By-law is passed by Council and open space uses, excluding those uses that necessitate tree cutting. No buildings or structures, with the exception of essential structural works required for flood and/or erosion or sediment control, shall be permitted in this Zone.
- 11.8.7.3 Notwithstanding 11.8.7.2 above, any alteration of the existing channel of a watercourse shall require the approval of the Central Lake Ontario Conservation Authority in accordance with applicable statutes and its Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.
- 11.8.7.4 A Flood Policy Area has been identified on Schedule 'R' to this Plan. Based on work completed in support of the West Whitby Secondary Plan, an opportunity exists to reduce the size of the floodplain as a consequence of the upgrading of infrastructure in the area. It shall be the responsibility of the landowners involved to complete the work required and secure the appropriate approvals. Once approvals are secured and the works completed to the satisfaction of the Town of Whitby and the Central Lake Ontario Conservation Authority, development may occur on these lands in accordance with the applicable land use designation.





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## **Schedules “F” to “R” (Secondary Plans)**

Please visit [Whitby.ca/OfficialPlan](https://Whitby.ca/OfficialPlan) to view the following schedules:

**Schedule “F” – Port Whitby Community**

**Schedule “G” – Lynde Shores**

**Schedule “H” – Downtown Whitby – Land Use**

**Schedule “I” – Downtown Whitby – Building Height**

**Schedule “J” – Brooklin**

**Schedule “J1” – Downtown Brooklin Major Central Area**

**Schedule “K” – Brock/Taunton Major Central Area**

**Schedule “L” – Taunton North Community – Land Use**

**Schedule “M” – Taunton North Community - Environment**

**Schedule “N” – Oak Ridges Moraine – Land Use**

**Schedule “O” – Oak Ridges Moraine – Key Natural Heritage and Hydrologically Sensitive Features**

**Schedule “P” – Oak Ridges Moraine Aquifer Vulnerability**

**Schedule “Q” – Oak Ridges Moraine Landform Conservation Areas**

**Schedule “R” – West Whitby**

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# Appendix

Please visit [Whitby.ca/OfficialPlan](https://Whitby.ca/OfficialPlan) to view the following Appendices:

**Appendix 1 – Technical Mapping of Environmental Elements (North and South)**

**Appendix 2 – Water Resources (North and South)**