



planning for commercial uses

draft
policy discussion paper

November 2011

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note:

This draft policy discussion paper has been prepared to provide context, stimulate discussion and allow for comment by council, agencies and the public.

A draft direction in a policy discussion paper is a proposal to modify or enhance existing official plan content or propose new official plan content. The draft directions do not necessarily represent the position of the Town of Whitby or changes that may be considered to the official plan.

author:

This policy discussion paper has been prepared for the Town of Whitby by Meridian Planning Consultants with the assistance of GLPi.



GLPi

1.0 INTRODUCTION

An Official Plan is a general land use guide which is intended to provide Council with the basis for making decisions on development applications, changes in land use and community improvements. As set out in the Overview Paper, the Whitby Official Plan Review was initiated in 2007 and in addition to considering changes to Provincial and Regional policy as is required by the *Planning Act*, the Official Plan Review process provides the Town of Whitby with an opportunity to:

1. Re-inforce a number of key policies in the current Official Plan that have worked well and supported desirable development in the right places;
2. Incorporate new policies in the Official Plan that reflect society's desire to foster and encourage the establishment of both a healthy and complete community in Whitby; and,
3. Incorporate new policies on sustainable development that strike a balance between competing environmental, social and economic interests in order to ensure a high quality of life for future generations in Whitby.

The overall intent of the above has at its core the desire to enhance the quality of life for Whitby residents and establishing a very desirable community where residents can live, work and play. It is on this basis that the 'opportunities' identified above are the principal goals of the current Whitby Official Plan Review.

This Policy Paper is about planning for commercial uses, which for the purposes of this paper includes the commercial uses provided by land uses in the Town's industrial and commercial land use designations.

Ensuring that Whitby residents are appropriately served by convenient, accessible and well-located retail and service-commercial uses is also a key component of both a healthy and complete community. The businesses and organizations responsible for providing these goods and services are an integral part of any community. These uses help define the quality of life in an area, and are often important decision factors that households use in determining where they choose to live. The overall intent of this component of the Policy Paper is to determine whether the Town's commercial policies are consistent with and conform to Provincial and Regional policies and that the policies themselves provide for the types of commercial development that is necessary in Whitby. Given that many of the retail uses in the Town are located on major roads, and given that many of these roads are also targeted for intensification, this Policy Paper also discusses how the policy framework that applies to these uses will need to change so that they are consistent with the built form vision established for many of these roads by the Region of Durham Official Plan and the Town of Whitby Intensification Strategy.

At the conclusion of the discussion on commercial uses, a series of Official Plan directions are recommended. These directions are intended to provide the basis for the

modifying of existing Official Plan policy and preparing new Official Plan policy in future phases of the Work Program. The actual wording of any proposed policy enhancement is not being recommended in this Policy Paper. Instead, the intent is to establish the Direction first, in the context of this Policy Discussion Paper, that would be relied upon in later phases of the Work Program that involve the development of policy.

The above review of the commercial policy framework in the Town of Whitby Official Plan will take Section 1.1.1 of the Provincial Policy Statement into account. This section indicates, *“healthy, liveable and safe communities are sustained by accommodating an appropriate mix of employment (including industrial, commercial and institutional uses) to meet long term needs”*.

2.0 PLANNING FOR COMMERCIAL USES IN THE TOWN OF WHITBY

Ensuring that Whitby residents are appropriately served by convenient, accessible and well-located retail and service-commercial uses is a key component of both a healthy and complete community. The businesses and organizations responsible for providing these goods and services are an integral part of any community. These uses help define the quality of life in an area, and are often important decision factors that households use in determining where they choose to live.

The overall intent of this component of the Policy Paper is to determine whether the Town's commercial policies are consistent with and conform to Provincial and Regional policies and that the policies themselves provide for the types of commercial development that are necessary in Whitby. Given that many of the retail uses in the Town are located on major roads, and given that many of these roads are also targeted for intensification, this Policy Paper also discusses how the policy framework that applies to these uses will need to change so that they are consistent with the built form vision established for many of these roads by the Region of Durham Official Plan and the Town of Whitby Intensification Strategy.

2.1 FACTORS THAT HAVE AN IMPACT ON COMMERCIAL POLICY IN WHITBY

2.1.1 Provincial Policy Framework

Section 1.1.1 b) of the Provincial Policy Statement (PPS) indicates that *“healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs.”* The intent of this section is to ensure that all of the ingredients required to

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establish and maintain a liveable community are present and planned for. It is noted that Section 1.1.1 b) of the PPS includes commercial uses under the heading of employment.

Section 1.1.2 of the PPS indicates that sufficient land shall be made available to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to twenty years. The Growth Plan for the Greater Golden Horseshoe (GGH) also supports this overall Provincial intent, with its focus on establishing and maintaining complete communities.

In 2008 the Province released a study entitled “Planning for Employment in the GGH”. The purpose of the study was intended to stimulate discussion and to clarify the Province’s policy intentions with respect to protecting employment in the GGH. The paper includes a number of important “strategic proposals” related to the ways and means that the province and municipalities may work together to establish more robust policies and guidelines to plan for, and protect employment (and commercial) lands for future generations.

It is noted in this paper that the document to be relied upon in projecting land needs is the 1995 document produced by the Province entitled Projection Methodology Guideline: A Guide To Projecting Population, Housing Need, Employment and Related Land Requirements. This paper divides employment uses into three categories - Major Office, Employment Land Employment and Population Related Employment.

The **Population Related Employment (PRE)** category is the focus of this Policy Paper and it includes uses that clearly serve the population along with the needs of the travelling public. Examples of these uses include supermarkets, grocery stores, banks, automotive sales and service, real estate offices, insurance brokers, pharmacies, medical clinics, restaurants, dry cleaners, daycares, convenience stores, appliance stores, large retail warehouses as well as large regional shopping centres. In PRE classified areas, the principle use is retail and other commercial uses that are oriented toward personal services, although there may be residential permissions.

2.1.2 Regional Policy Perspective

Similar to the Province, the Region of Durham encourages the creation of healthy and complete, sustainable communities within livable urban environments. To support this development, the Region establishes a target ratio of jobs to population of 50% (1 job for every 2 persons. According to Section 3.3.2 of the Plan, *“Regional Council shall ensure that at least a 5-year supply of serviced lands in Regional and Local Centres and Employment Areas be maintained at all times to meet market needs, taking into account anticipated demand, the need to balance population growth with employment opportunities, the ease of servicing and the financial resources of the Region”*. These policies will need to be recognized within the Town’s Official Plan.

Recognizing the need for a diversification of the economic base, Section 3.2.3 of the Official Plan states *“Regional Council shall facilitate the expansion and diversification of the economic base of the Region to create a balance between the various employment opportunities generated from Employment Areas, major office development and other sources of employment serving the needs of the Region’s residents”*. It is employment from the ‘other sources’ that are the main focus of this Policy paper.

Within its Official Plan, the Region recognizes Urban Growth Centres and Regional Centres in Urban Areas as the focal points of urban development in the Region. Three Regional Centres are proposed within the Town of Whitby. These Centres are located in the vicinity of Dundas Street and Brock Street, Taunton Road and Brock Street, and Winchester Road and Baldwin Street. According to Policy 8.3.6, *“commercial uses shall be concentrated in locations that are supportive of the function of Regional and Local Centres and Corridors, in accordance with the policies of this Plan”*.

According to Section 8A.1.1

“Centres shall be developed as the main concentration of commercial, residential, cultural and government functions in a well designed and intensive land use form, within Urban Areas”. The Official Plan further states that “generally the size of each Centre is based upon its function as described in Policy 8A.2.2, the population of the area it serves, and the accessibility to Centres of equal or larger scale. The expansion of any Centre shall not be permitted if it is likely to cause an undue economic decline in another centre. No single Centre shall include a concentration of the retail functions of a size that would preclude the development of another designated Centre of equal scale”.

The above policy indicates that major retail uses are permitted in the Centres, provided the scale the development does not have an impact on the ability of another Centre to achieve the same level of development and/or perform the same function. Given that there are three Regional Centres in Whitby, this policy will need to be considered on a go forward basis.

The Official Plan contains additional policies regarding Regional and Local Centres. Specifically, Section 8A.2.2 of the Plan requires Regional Centres to:

- i) shall be planned and developed in accordance with Policy 8A.1.2 as the main concentrations of urban activities, but generally at a smaller scale than Urban Growth Centres, providing a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses. Generally, Regional Centres shall function as places of symbolic and physical interest for the residents, and shall provide identity to the area municipalities within which they are located;*

- ii) *shall support an overall, long-term density target of at least 75 residential units per gross hectare and a floor space index of 2.5, within the Lake Ontario Shoreline Urban Areas. The built form should be an appropriate mix of high-rise and mid-rise development, as determined by area municipalities.*

The above policies specifically permit 'major retail' uses in Regional Centres. Major retail uses are defined by the Region's Official Plan as "large scale, retail operations and commercial facilities having a gross leasable area of 2,000 sq. m. or greater."

With respect to Local Centres designated in area municipal official plans, these areas are to be planned and developed in accordance with the following:

- i) *Urban Centres shall be planned and developed similar to, but generally smaller in scale than, the Regional Centres in order to serve large segments of Urban Areas through the provision of uses which complement those offered within the Regional Centres. Urban Centres shall support an overall, long-term density target of at least 30 residential units per gross hectare and a floor space index of 2.0. The built form should be a wide variety, generally mid-rise in height, with some lower and higher buildings, as determined by area municipalities;*
- ii) *Community Centres shall be planned and developed similar to, but generally smaller in scale than, the Urban Centres and shall serve small segments of Urban Areas through the provision of uses which complement those offered within the Urban Centres; and*
- iii) *Neighbourhood Centres shall be planned and developed similar to, but generally smaller in scale than, the Community Centres and shall serve the day-to-day needs of the residents of the surrounding neighbourhood. In addition to the policies for Regional Centres, the Plan also supports mixed-use development along regional corridors.*

The above policies permit the same uses as permitted in a Regional Centre, however the scale of these uses is intended to be limited in comparison.

In addition to within Regional Centres, Section 8B.2.1 indicates that "limited office development and limited retailing of goods and services are also permitted in appropriate locations, as components of mixed use developments within the Living Area designation, provided that Local Centres are designated in the area municipal official plan, and the functions and characteristics of such Centres are not adversely affected". Subject to the inclusion of appropriate provisions and designations in the Town's Official

Plan, Section 8B.2.2 of the Regional Plan would also permit the following in Living Areas:

- a) *Local Centres and Corridors, in accordance with the provisions of Sub-Section 8A; and*
- b) *Major retail uses; and*
- c) *Employment Area uses which are not obnoxious in nature.*

It is noted that major retail uses, by virtue of the above policy, are permitted in the Local Centres.

In addition to the above, Section 8A.2.15 of the Region's Official Plan states "*notwithstanding any provisions of this Plan to the contrary, area municipalities may recognize Special Purpose Commercial Areas and may include specific provisions in area municipal official plans and zoning by-laws to distinguish the function of these areas*". There is no definition of 'Special Purpose Commercial' in the Region's Official Plan. A number of these Special Purpose Commercial Areas exist within the Town and are currently recognized in the Town's Official Plan. Special Purpose Commercial uses are discussed in Section 3.4 of this Policy Paper. As part of the Official Plan review, the Town will need to consider whether they wish to maintain these designations or place them in another commercial designation.

It is recognized that a number of existing shopping centres are located within Whitby. According to Section 8.3.7 of the Regional Official Plan, "*existing shopping centres shall be encouraged to redevelop with a full array of compatible uses, particularly residential uses, in accordance with any other relevant provisions of this Plan*". It is not clear why the Region used the term 'shopping centres' given that the terms 'major retail' and 'special purpose commercial' are also used.

The Region's Official Plan also contains policies with respect to transportation that will ultimately impact commercial development in the Town of Whitby. According to Section 11.3.8:

"in support of existing and future transit services, development adjacent to Transportation Hubs, Commuter Stations and Transit Spines designated on Schedule 'C' – Map 'C3', Transit Priority Network, shall provide for:

- a) *complementary higher density and mixed uses at an appropriate scale and context in accordance with Policy 8A.2.2 for Transportation Hubs and Commuter Stations and Policy 8A.2.9, where transit spines are within Regional Corridors;*
- 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 pedestrian and cycling facilities; and*

- d) *limited surface parking and the potential redevelopment of existing surface parking.*

For the purposes of this Policy, development adjacent to a Transportation Hub or Commuter Station generally means an area within an approximate 500 metre radius of the station, representing about a 10-minute walk. The extent and delineation of the boundaries and land-use designations to implement the intent of this policy shall be detailed in area municipal official plans.

In the Town of Whitby, the Brock Street/Baldwin Street corridor and Thicksen Road south of Highway 407 are the north/south transit spines in the Town, as identified by the Region. The east/west transit spines are Victoria Street, Highway 2 (Dundas Street), Rossland Road, Taunton Road, Conlin Road (east of Thicksen) and Carnwith Drive east of Baldwin Street in Brooklin. It just so happens that almost all of these roads are also the sites of most of the commercial development in the Town of Whitby. Section 11.3.19 also contains policies that should also be considered when preparing commercial policies for the Town's Official Plan. According to this Section "*Highway 2 and Simcoe Street are the most significant transit corridors within the Region linking each of the designated Transportation Hubs. These corridors should be developed to their fullest potential in accordance with Sub- Section 8A of this Plan.*"

3.0 ANALYSIS

The intent of this section is to discuss how the policies particularly in the Region's Official Plan impact on Official Plan policy in Whitby.

3.1 COMMERCIAL LAND USE DESIGNATION FRAMEWORK

The intent of this section is to review the current land use designation framework and make recommendations on whether and how it may need to be changed. The current framework is based firstly on the identification of Central Areas and then the application of specific land use designations.

3.1.1 Central Areas

Section 4.3 of the in-force Official Plan establishes five Major Central Areas, three Community Central Areas and a number of Local Central Areas as set out below:

Major Central Areas:

- Downtown Whitby;
- Dundas East;
- Rossland Road/Garden Street;
- Brock Street/Taunton Road; and,
- Downtown Brooklin.

Community Central Areas:

- Gordon Street/Victoria Street;
- Thickson Road/Taunton Road; and,
- Dundas Street/McQuay Boulevard.

The Central Areas described above are intended to be “*the main focal points (of the Town) and provide opportunities for a wide and mixed range of activities, interest and identity for residents and visitors to the Municipality,*” according to the in-force Official Plan. It is further indicated that one of the goals of the Town is to “*integrate the historic and traditional retail and personal service functions of central areas with other activities such as leisure, entertainment, culture and heritage, housing, employment and social activities.*”

Section 4.3.3.7 of the Whitby Official Plan indicates that Secondary Plans shall be prepared or updated for all Major Central Areas and Community Central Areas to implement the intent of the Official Plan. In this regard, Secondary Plans have been prepared for the downtown Whitby Major Central Area, the Rossland/Garden Major Central Area and the Brock/Taunton Major Central Area. Policies for the Brooklin Major Central Area are included within the Brooklin Secondary Plan. A Secondary Plan has not been prepared for the Dundas East Major Central Area, although a boundary for the Central Area has been identified. A Secondary Plan has also been prepared for the Thickson/Taunton Community Central Area. Policies for the Gordon Street/Victoria Street Community Central Area are contained within Lynde Shores Secondary Plan. A Secondary Plan has not been prepared for the Dundas Street (McQuay Boulevard) Community Central Area.

Section 4.3.3.8 specifically identifies the Dundas Street East Central Area and the adjacent Special Purpose Commercial Area north of Dundas Street as a single function commercial area. The policy further indicates that the municipality will undertake “*studies to identify development and redevelopment opportunities to introduce new residential, cultural and community uses, and approved pedestrian systems and landscaped streets throughout the area.*” This section would appear to support the policy framework established since then through OPA 90 (discussed below).

In September 2010, Whitby Council adopted Official Plan Amendment 90 (OPA 90) to the Official Plan. The intent of this Amendment was to include policies dealing with intensification in accordance with the Provincial Policy Statement (PPS), the Growth Plan and the Region of Durham Official Plan. OPA 90 established a new Section 4.13 in the Official Plan that deals with intensification areas in the Official Plan. Six separate intensification areas were identified and these areas are:

- **Downtown Whitby;**
- **Brock/Taunton;**

- **Baldwin/Winchester;**
- **Dundas East;**
- **Port Whitby/Whitby GO; and,**
- **Brock/Rossland.**

The above intensification areas are also considered to be Central Areas by the current Official Plan. As a consequence of the above, OPA 90 amended a number of policies in Section 4.3 dealing with Central Areas. Specifically, Item 11 of OPA 90 deleted the goals for Central Areas set out in Sections 4.3.1.1 and 4.3.1.2 and replaced these goals with one new goal which indicated the following:

“To provide Central Areas of Regional, municipal, community and local scale that provide commercial, office, retail, institutional, personal services and residential development that is in-keeping with the planned function of the Central Areas.”

It is noted that residential uses are now anticipated to be a component of Central Area development in all Central Areas. The introduction of residential uses into those parts of the Central Areas that are primarily commercial in nature will have an impact on those uses and will change the character of these areas over time.

A series of new objectives was also added to Section 4.3.2 by OPA 90, and Section 4.3.3.2 dealing with Major Central Areas was deleted and replaced. The effect of deleting Section 4.3.3.2 is that the number of Major Central Areas has been reduced to include only those three Central Areas that are identified as Regional Centres by the Region of Durham Official Plan. A further effect is that the floor space caps for each of the five Major Central Areas in the current Official Plan were also deleted. The new policy included within the Official Plan by OPA 90 also indicates the following:

“It is the intent of this Plan that Major Central Areas be planned and developed as the main concentration of urban activities in the Town where a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment, and major office uses are provided major central areas are identified conceptually on Schedule B3 and are intended to function as an identifier of where major concentrations of activity are anticipated. The policies of relevant Secondary Plans and the policies applying to intensification areas and corridors in Section 4.13 of this Plan articulate how development with the identified major central areas will occur.”

A new category of Central Areas was also created by OPA 90 – Urban Centres to implement the terminology included within the Region of Durham Official Plan as amended by ROPA 128. An Urban Centre is the first of three types of Centres that are now identified as Local Centres by the Region of Durham Official Plan. The other two types of Centres are Community Centres and Neighbourhood Centres. Both Dundas East and Rossland/Garden are identified as Urban Centres by OPA 90 and they are

intended to be planned and developed similar to, but generally smaller in scale than Regional Centres (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.

Section 4.3.3.3 which dealt with Community Central areas was renumbered as Section 4.3.3.4 and the floor space caps within the Official Plan were also deleted by OPA 90. The same areas previously identified as Community Central Areas continue to be so identified through OPA 90.

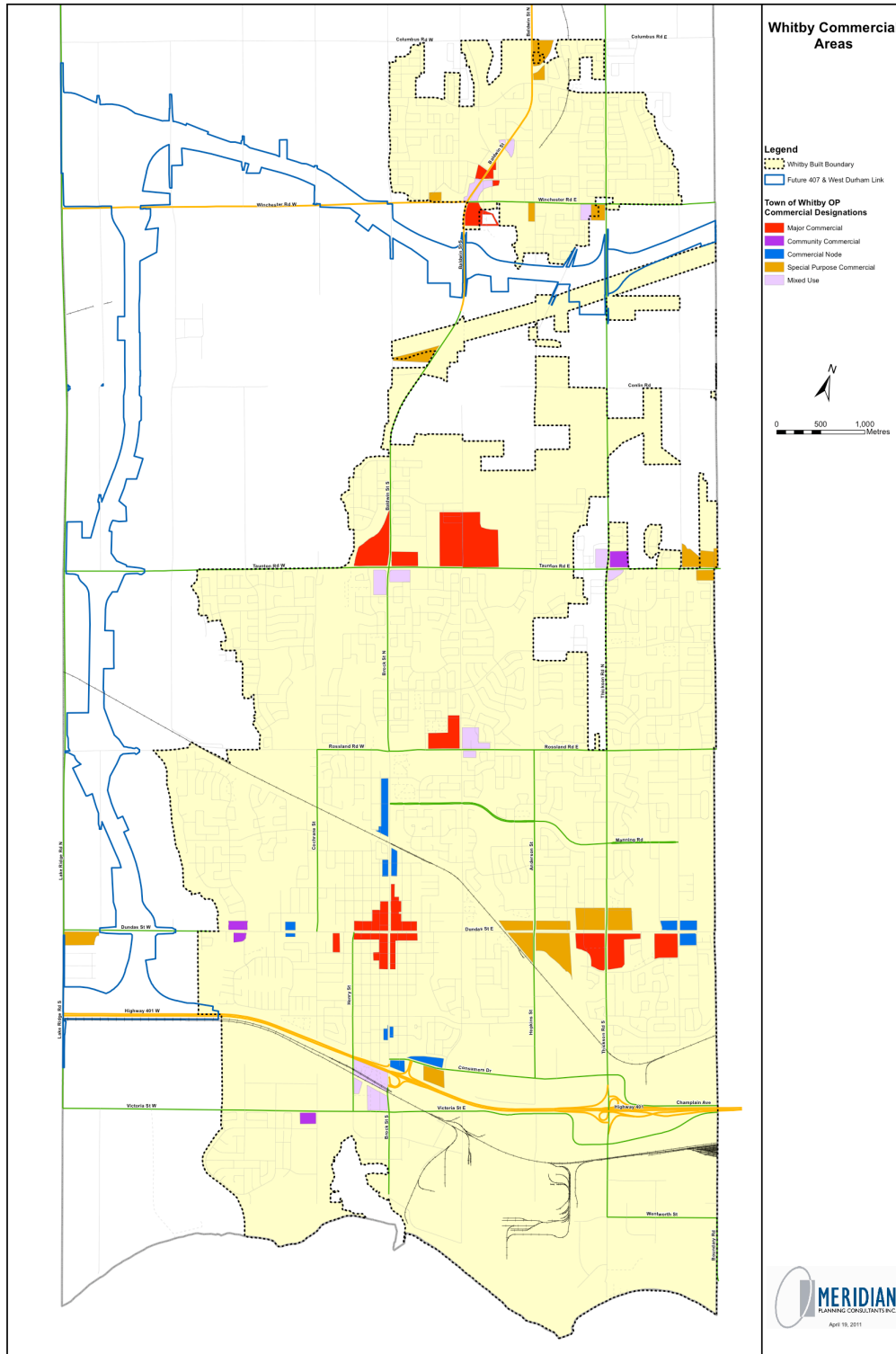
It is noted that the Centres discussed above are not land use designations, instead they identify an area in which certain activities are permitted at a certain scale. Within each of the above Centres are a range of land use designations, and it is within Section 4.4 of the Official Plan where these land use designations are established.

The section dealing with the land use designations was not modified by OPA 90, as discussed above. This means that only the names, and to a certain extent the range of permitted uses and the function of each of the Centres was modified by OPA 90, however the policies of the commercial land use designations themselves were not.

3.1.2 Land Use Designations

Map 1 shows the location of the Commercial designations in the current Town Official Plan.

Map 1: Location of Commercial Land Use Designations in Whitby Official Plan



Section 4.4.3.1 establishes the **Major Commercial** designation and in addition to retail uses, mixed-commercial/residential uses are also permitted, subject to Section 4.4.3.2. Lands designated Major Commercial are located within the Downtown Whitby, Dundas East, Rossland/Garden, Brock/Taunton and Downtown Brooklin Central Areas. Lands located at the southeast corner of Winchester and Baldwin are also designated Major Commercial.

Section 4.4.3.1 also establishes the **Community Commercial** designation and in addition to permitting a range of retail uses, *“residential units may be integrated as apartments above commercial uses within the same building, subject to Section 4.4.3.2.”* Lands designated Community Commercial are located within the Victoria/Gordon Community Central Area, the Dundas/McQuay Community Central Area and the Taunton/Thickson Community Central Area.

Section 4.4.3.1 also establishes the **Local Commercial** and **Convenience Commercial** designations and residential units are also permitted within these designations as apartment units above commercial uses within the same building.

Section 4.4.3.1 also establishes the **Commercial Node** designation. This designation generally permits retail and personal service uses and mixed-use residential commercial uses provided the building height does not exceed three storeys. Residential uses without a commercial component may also be permitted within a commercial node as an exception. Lands designated Commercial Node are located in the vicinity of the Highway 401/Thickson, on the north and south sides of Consumers Drive east of Brock Street, on lands in the vicinity of the Dundas/Garrard intersection, on portions of Brock Street north and south of Downtown Whitby and on lands on Dundas West that are located to the west of Downtown Whitby.

Section 4.4.3.1 also establishes the **Special Purpose Commercial** designation. This designation is intended to provide for uses, *“which consume larger parcels of land and require exposure to traffic, such as, and similar in kind to automotive and recreational vehicle sales and service, garden centres, restaurants, motels, building supply centres, furniture and major appliance, financial establishments, home supply and improvement centres.”*

Two **Special Activity Nodes** are also established in this section of the Official Plan. (Special Activity Node A and Special Activity Node B).

Special Activity Node B applies to lands located at the Highway 401/Thickson Road interchange. These lands are designated for employment purposes in the Region of Durham Official Plan. Permitted uses within the Special Activity Node B designation include large single unit retail warehouses, professional and corporate offices, community and recreational uses, banks, restaurants, banquet halls, hotels, motels, fraternal organizations, and light industrial uses within enclosed buildings. Retail warehouse units are intended to have a minimum gross floor area of 2,000 square

metres. A number of specific policies which allocate floor space to various quadrants within the designation are also included within this section. This section further indicates that only one retail warehouse containing space where food products are displayed is permitted within the Special Activity Node B designation. As of the writing of this report, such a retail warehouse has not been developed. A total of 140,000 square metres of floor space for retail warehouse uses is permitted within the Special Activity Node B designation.

Section 4.5 establishes the **Mixed-Use Area** designation. The intent of this designation is to encourage mixed-residential and commercial development that provide “*new opportunities for housing and employment which support the growth and development of central areas.*” Lands designated Mixed-Use are located:

- a) in the vicinity of the GO Station on Brock Street south of Highway 401;
- b) on the north and south sides of Rossland Road east of Garden Street;
- c) at the northeast, southeast and southwest quadrants of the Brock Street and Taunton Road intersection;
- d) at the northwest and southeast quadrants of the Taunton Road and Thickson Road intersection;
- e) on a portion of Baldwin Street north of Winchester; and,
- f) on lands located at the southeast corner of Winchester and Anderson Street.

Additional lands designated Mixed-Use are located in various areas that are subject to Secondary Plans. These areas are all generally located adjacent to lands that are designated Commercial. The policies permit residential units above non-residential uses within the same building or in distinct and separate buildings on the same site as non-residential uses.

3.1.3 The Impact of OPA 90 is Significant

As mentioned above, OPA 90 made a number of significant changes to the Town of Whitby Official Plan and to the commercial policy framework without making any changes to the actual land use designations that apply in the Intensification Areas and Corridors.

On this basis, the effect of OPA 90 is that it only included policies that were intended to “*sit on top*” of the other existing policies in the Official Plan and the Secondary Plans that apply to the intensification areas. This was done primarily because the land use designation policies that currently apply required further review as part of the current Official Plan Review and in addition, the boundaries of the Secondary Plan areas were different than the boundaries of the intensification areas in some cases.

It was on this basis that Section 4.13.3 was included within the Town of Whitby Official Plan by OPA 90. This section indicates that “*notwithstanding any other provisions of this Plan to the contrary, all development and redevelopment in intensification areas*”

and corridors are subject to the use permission policies of the underlying land use designation.”

However, in addition to establishing Regional Centres and Local Centres, OPA 90 also included a number of policies that established minimum and maximum building heights and policies on how new development in the Intensification Areas is to be planned, designed and located. These policies also have the effect of permitting residential uses in each of the Centres and Corridors, although the main purpose of each of the commercial designations is to provide for commercial uses in varying degrees.

It is on the basis of the above that there is a need for a new approach with respect to the commercial designations that are located within Intensification Areas and within the Intensification Corridors. With respect to the Centres, it is recommended that detailed policies be prepared for each that would be intended to implement the policy framework established by OPA 90 and to provide more certainty on where land uses are to be located and how development is to be phased within each area. With respect to lands within the Corridors, it is recommended that the commercial land use designations that currently exist in those Corridors remain, until they are changed in response to an application for development/re-development in accordance with the policies of OPA 90.

While the retail hierarchy, which sets out where larger and smaller retail uses should be located, has been established at the Regional level without the use of floor space caps, and the Town has taken steps to eliminate floor space caps in the Town’s Official Plan through OPA 90, a review of the scale and type of commercial uses permitted in each Intensification Area should be carried out. It may be determined as part of this review that there will be little distinction between the uses permitted in each Intensification Area. Instead, the distinction will most likely be the function of the scale and built form of anticipated development in the area, as set out by OPA 90. In some cases, it may be necessary to update and/or prepare a Secondary Plan or a non-statutory urban design plan for these Intensification Areas.

The exception to the above is the Downtown Secondary Plan, which OPA 90 recognized as being appropriate. On this basis, the policies of the Downtown Secondary Plan should continue to apply until they are modified through a future planning process.

On the basis of the above, it is suggested that the following Directions be considered for discussion purposes:

COMMERCIAL DIRECTION 1 – that the Official Plan include new policies that deal with the scale, form and function of commercial uses in Intensification Areas, which may include the re-designation of land in these areas from one commercial land use designation to another, to further implement the policy framework established by OPA 90.

COMMERCIAL DIRECTION 2 – that the Official Plan maintain the commercial policies that exist within the Intensification Corridors until such time as they are modified through an application to develop or re-develop these lands in accordance with the policies of OPA 90.

3.2 LOCATION OF COMMERCIAL POLICIES IN OFFICIAL PLAN

Many of commercial land use policies in the Official Plan are contained within one section of the Plan, however, there are a number of policies that are also included within Secondary Plans. At this point, it is not known how many commercial land use designations will be in the Official Plan and where the policy framework for each will be located. However, notwithstanding the nature of each commercial land use designation, it is recommended that a preamble section be established at the beginning of each section that deals with an individual land use designation that has the effect of establishing the Town's expectations for land use in that area, from both a use and built form perspective.

An example of such an approach is Halton Hills, which created five distinct vision sections for each of its five commercial designations. The vision covered location, scale and appearance of developments in these designations and made very clear the Town's intent for the applicable lands. From Section D.2.5.2.5.1 (Mixed-Use Sub-Area) of the Town of Halton Hills Official Plan:

“At the time this Plan was adopted, the lands designated Mixed-Use Sub-Area were the site of a number of free-standing commercial uses and small plazas on relatively small lots. These same lots back on to an established residential area and have depths that may have an impact on development and redevelopment options.

As a result of the development on the lands on the north side of Guelph Street (across from the lands designated Mixed-Use Sub-Area) it is anticipated that there will be pressure to upgrade many of the uses and properties in the area in the future. Given the prime location of this area, it is the intent of this Plan that the redevelopment of these lands be encouraged and that residential and institutional uses be introduced into the area in the form of mixed-use developments. And redevelopment should be designed to have a cohesive and unified streetscape in the area and have a minimal impact on the established residential neighbourhood in the area.”

Vision statements draw a picture for the reader of how lands within a certain designation will develop. Such descriptions can be as detailed or as wide-open as desired, if used at all, and provide additional context to the policies. In other words, the vision serves as a target for the policies to achieve, or as an answer to the question “why do these policies exist?”

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

COMMERCIAL DIRECTION 3 - That the Official Plan include preambles to each of the commercial land use designations that are intended to establish the Town's objectives with respect to the land use, built form and the appearance of new developments in the land use designation.

3.3 MAJOR RETAIL USES IN CENTRES AND CORRIDORS

3.3.1 Regional Policy Framework

The retail trends that have had the largest impact on municipalities over the past two decades are the establishment of 'big-box' retail stores/power-centre developments and the addition of new format retailers. While many of these big box retail stores are significantly larger than the minimum threshold established for a major retail use in the Region of Durham, the Region of Durham Official Plan does establish the basis for permitting these larger type uses in the Centres and Corridors.

These policies do have an impact on the design of retail uses in these areas in the future. According to Section 8A.1.2 of the Region of Durham Official Plan,

"Centres shall be developed in accordance with the principles contained in Policy 8.2.1 and the following:

- a) as the focal point of culture, art, entertainment and assembly through the provision of public squares, in addition to cultural facilities, parks and other public facilities;*
- b) on the basis of mixed uses and a grid system of roads and walkways;*
- c) urban design that favours pedestrian traffic and public transit with direct street pedestrian access to buildings, provision of potential transit, and parking areas sited at the rear or within buildings, wherever possible;*
- d) with prime consideration for the spatial distribution of structures, architectural treatment, and the preservation and enhancement of cultural heritage resources; and*
- e) with a balance of employment and residential growth and a variety of compact, higher density housing types to service all housing needs, including affordable housing and assisted housing".*

In addition to the above, the Region's Official Plan says the following about transit spines, which are essentially the Regional Corridors and the Intensification Corridors established by OPA 90:

“in support of existing and future transit services, development adjacent to Transportation Hubs, Commuter Stations and Transit Spines designated on Schedule 'C' – Map 'C3', Transit Priority Network, shall provide for:

- a) complementary higher density and mixed uses at an appropriate scale and context in accordance with Policy 8A.2.2 for Transportation Hubs and Commuter Stations and Policy 8A.2.9, where transit spines are within Regional Corridors;*
- 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 pedestrian and cycling facilities; and*
- d) limited surface parking and the potential redevelopment of existing surface parking.*

3.3.2 Implementing the Regional Policy Framework in Whitby

On the basis of the above policies and others, the Town of Whitby went through a process of identifying Intensification Areas and Corridors to determine how growth and development is to occur in these areas in the future. The product of this work was an overall built form vision that was incorporated into the Official Plan by OPA 90. This vision established the built form expectations in each area in terms of building heights and the mixing of land uses is summarized below:

On the basis of the above, there is now a need to consider how to accommodate major retail uses in particular in the context of the built form vision that has been established by OPA 90. In addition, there is a need to determine how major retail uses will be accommodated in new Greenfield areas as well, since the Regional Corridors do and will extend into new development areas in the future. The implications of these policies is that new development must now be better integrated with other uses in a mixed use setting.

One way to potentially encourage the development of more mixed-use development is to discourage the development of commercial areas that are devoted exclusively to large format retail uses. While there is and will continue to be a market for these kinds of uses, locating them on larger tracts of land will have an impact on the Town's desire to blend together different kind of land uses on the same site. In this regard, establishing a policy framework that permits these kinds of uses, but only in the context of a mixed-use development, would be an appropriate policy direction to consider.

An example would be a mandated requirement on behalf of the applicant to deliver a certain number of residential units for each and every agreed upon amount of square metres of retail space. Such a policy would ensure that future retail/service commercial developments are immediately integrated into mixed use concepts, and that the lands

are fully developed in a manner that improves the public realm in a more immediate and tangible way. The municipality doesn't necessarily need to require that commercial and residential uses are vertically mixed, the more central feature is that the two elements are balanced; that the connections between the various elements are thoughtfully linked together; and that they are supportive of and compatible with existing and future uses on adjacent sites.

3.3.3 Applying Regional Policy in West Whitby

As a consequence of the direction established in the Region's Official Plan, the issue of mixing retail and other uses together was considered in the context of the preparation of the West Whitby Secondary Plan (OPA 91). In this regard, two Mixed Use land use designations were created to provide locations for commercial uses in a mixed use setting. The new Mixed Use One designation indicated that:

"it is the intent of this Plan that the lands within MU1 designation be the focus of major retail uses and higher density residential uses in a mixed use setting."

New policies further indicated that an urban design plan would be required before any development occurs, with such an urban design plan establishing a detailed overall land use plan which identifies the location of all of the proposed uses and a detailed phasing plan that describes the sequencing of development and the timing of any infrastructure improvements. The new policies further indicate that:

"in preparing urban design plan set out in Subsection (e), the determination of how residential and other non-residential development will be integrated in the MU1 designation is required."

The new policies go on to indicate that:

"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 MU1 designation."

The above policy in the West Whitby Secondary Plan was an attempt to establish the basis for the mixing of particularly larger-sized retail uses and other uses in the future.

The West Whitby Secondary Plan also established the Mixed Use Two designation and as indicated in the Secondary Plan, the intent of the designation is to provide the development of medium density residential uses and smaller 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.

This latter designation was applied to lands on Dundas Street and Taunton Road, both of which are Regional Corridors and to an area on Coronation Road, which is not a Regional Corridor.

The Secondary Plan indicates that within the MU2 designation, *“it is the intent of this Plan that non-residential uses be integrated with residential uses in the MU2 designation and that single purpose commercial areas not be established as a consequence within the life of this Plan.”* The policies then provided for the development of phasing plans for areas on Dundas Street and Taunton Road which do provide for the phasing of all uses. However, in other MU2 areas, the policies indicated that *“if non-residential uses are proposed, they shall be integrated within residential buildings”*, which means that phasing options are not an option in the MU2 areas that were not located on Regional Corridors.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

COMMERCIAL DIRECTION 4 – that the Official Plan contain policies that establish the basis for requiring the integration of new commercial and residential development along Regional Corridors, within Intensification Corridors and within Regional Centres and Urban Centres with the policies of the recently adopted West Whitby Secondary Plan being relied upon.

3.4 SPECIAL PURPOSE COMMERCIAL

Section 8A.2.15 of the Region of Durham Official Plan states *“notwithstanding any provisions of this Plan to the contrary, area municipalities may recognize Special Purpose Commercial Areas and may include specific provisions in area municipal official plans and zoning by-laws to distinguish the function of these areas”*. A number of these Special Purpose Commercial Areas exist within the Town and they are located in the following areas:

1. Along Dundas Street East east of the rail line and in the northeast and northwest quadrants of the Thickson Road and Dundas Street East intersection;
2. Along the south side of Consumers Drive just east of Brock Street;
3. At the southeast corner of Lakeridge Road and Dundas Street West;
4. On Taunton Road east between the Oshawa/Whitby Boundary and Garrard Road;
5. At the southwest corner of Winchester Road East and Thickson Road;

6. In the southeast quadrant of the Columbus Road and Baldwin Street North intersection;
7. On Winchester Road East and Winchester Road West in Brooklin; and,
8. Lands at the northwest corner of Baldwin Street South and Spencer's Road.

In addition to the above, it is noted that Special Purpose uses are permitted on the Prestige Industrial lands located at the southwest corner of Columbus Road West and Baldwin Street North, which are currently the site of Brooklin Concrete.

Special Purpose Commercial lands are intended to serve the specialized needs of the community on an occasional basis, with facilities that require larger parcels of land and with good exposure to major roads. The main permitted uses include automobile and recreational vehicle sales and service, garden centres, restaurants, motels, building supply centres, furniture and major appliance sales, financial establishments and home supply and improvement centres.

Most of the lands within this designation have been developed. For example, the lands on Dundas Street East between the rail line and Thicksen Road have long been the sites of a range of automobile oriented uses. These lands are now within an Intensification Area as discussed in previous sections of this Policy Paper and it is expected that the types of uses that are currently located here and permitted by this designation will over the long-term not be attracted nor encouraged to locate in this area. The lands on Dundas Street West at the intersection of Lakeridge is the site of an automobile dealership and it is anticipated that over time these lands may re-develop with higher order uses as services are extended into the area. Lands on the south of Consumers Drive are also developed as well. The lands on Taunton Road adjacent to the Oshawa boundary are for the most part developed, which leaves a number of vacant parcels in the Brooklin Area, plus one vacant area on Baldwin Street and Spencer's Road.

There clearly is a need in the Town of Whitby to provide for these uses. However, it is our opinion that these uses also be planned to be integrated with other components of the urban environment, rather than being sited on parcels of land that only contains that use. It is however agreed that there will always be circumstances where certain types of uses require locations which are set back from other uses, particularly residential uses. In this regard, there is a need to consider the siting of these kinds of uses on major roads as appropriate.

Section 4.4.3.1(e) indicates that Special Purpose Commercial uses "*are encouraged to develop in a comprehensive block manner as defined in Section 4.4.3.4 (a) of this Plan.*" The policies in Section 4.4.3.4 indicate that the comprehensive block concept means "*development in a defined area of lots that shall be undertaken in accordance with overall urban design concepts, including unified architectural design, common internal*

vehicular and pedestrian circulation, common vehicular ingress and egress, access to arterial roads only by a service lane or collector road and the compatible integration of land use, parking and access points with surrounding areas.” It is noted that the Special Purpose Commercial designation does not permit residential uses.

It is recognized that the Special Purpose Commercial designation has served a purpose in the Town of Whitby and the Region of Durham Official Plan allows municipalities such as Whitby to establish these kinds of designations. However, as per other recommendations being made in this Policy Paper there is a need to rationalize the commercial land use designations, particularly since they are primarily located within Intensification Areas and along intensification corridors. This means that there is a need to look more at how the built form of any commercial use can be better planned to be integrated with other development in a mixed use setting. As a consequence of the above, it is recommended that the built form policies related to the Special Purpose Commercial designation be reviewed to determine how they can be enhanced to provide for the better integration of Special Purpose Commercial uses with other land uses on the same property.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

COMMERCIAL DIRECTION 5 – that the Official Plan contain urban design policies for Special Purpose Commercial areas that in addition to the policies that exist in the Official Plan in Section 4.4.3.4(a), also provide for the integration for Special Purpose Commercial uses with other uses as appropriate particularly if they are located on Regional Corridors.

3.5 NEIGHBOURHOOD COMMERCIAL USES

As retail continues to evolve and larger retail uses and areas get established in the Town, there is also a need to ensure that convenience type retail uses continue to be located throughout the Town’s residential areas to support neighbourhood needs.

In this regard, new development in the form of retail uses, restaurants and personal service uses should be integrated with community and residential uses in a mixed use setting in new development areas in a manner that is designed to be transit supportive and pedestrian oriented. These areas should ideally be located at key intersections and the non-residential uses located in these developments should be planned to serve the immediate area and in some cases beyond. These areas should also be designed to maximize walkability, reduce the need to use motor vehicles to obtain convenience type merchandise, and local services and foster the establishment of neighbourhood gathering places.

In addition, other complementary uses such as places of worship, schools and other institutional uses such as long term care facilities and retirement homes should be

encouraged to locate within or in close proximity to these neighbourhood gathering places. It is recognized that this type of policy direction will only be implemented in new Greenfield areas. On this basis, the new MU2 designation in the West Whitby Secondary Plan could be used as a template.

On the basis of the above, it is suggested that the following Direction be considered for discussion purposes:

COMMERCIAL DIRECTION 6 – that the Official Plan require the establishment of new mixed use areas in key parts of new neighbourhoods to serve as neighbourhood gathering places with a range of retail, personal service and restaurant uses, in addition to other community uses.

3.6 WHITBY DOWNTOWN AREA

The Downtown Whitby Secondary Plan applies to a large portion of the central area of Whitby extending from Henry Street and Cochrane Street on the west, Chestnut Street on the north, Blair Street/Garden Street on the east and Burns Street on the south, as shown on Schedule H to the Official Plan. It is the goal of the Downtown Whitby Secondary Plan to “*provide for the integrated development of commercial, residential, institutional, cultural and recreational uses that will enhance the downtown’s role as a focal point and source of identity for the entire Municipality.*” Land use designations in the Downtown Secondary Plan Area are identified on Schedule H and the maximum building heights for all buildings are identified on Schedule I.

It is indicated in Section 11.3.3.4 that “*generally, buildings shall not exceed the number of storeys indicated on Schedule I except as provided for in Section 11.3.3.5 and 11.3.7.3*”. Section 11.3.3.5 permits higher buildings within the Commercial, Mixed-Use and High Density residential areas through a By-law Amendment process or as part of a bonusing process. Section 11.3.7.3 indicates that there is no maximum height restriction for buildings within the Institutional designation.

The Commercial designation is focused on the intersection of Dundas and Brock and permits a range of commercial uses and residential uses to a maximum density of 170 units per net hectare. The Mixed-Use designation generally applies at the edges of the Commercial designation and in addition to commercial uses, high-density residential uses are also permitted. Until mixed-use development occurs, the Secondary Plan permits the conversion of existing single-detached dwellings into commercial uses.

OPA 90 included new policies within the Official Plan dealing with Downtown Whitby (Section 4.13.7.1). These new policies establish a long-term overall density target of 75 residential units per gross hectare and an overall long-term floor space index target of 2.5 which is intended to implement the new Regional policy framework. The new policies also indicate that the minimum building height shall be two storeys and that the maximum building height shall be as set out on Schedule I to the Official Plan. The new

policies also indicate that the potential exists for approximately 2,600 dwelling units (5,150 people) and an additional 1,300 jobs in Downtown Whitby by 2031 (6,400 people and jobs).

The downtown of any community is typically the heart of a community as it is in Whitby and it is the location where residents and visitors alike relate to when reflecting upon the identity of the community. However, many downtowns in Ontario are under stress because they are not able to generally compete with the convenience offered in newer parts of the community where larger retail uses in a more automobile oriented setting exists. As a consequence, many downtowns have had to reinvent themselves to provide alternatives to residents in terms of the experience that is being offered, the type of retail use that is being offered and/or the services that may be available. In some cases, downtowns have reinvented themselves by attracting institutional uses such as government offices and court houses and/or post secondary institutions such as universities, colleges and other training institutions.

In many circumstance, downtowns are evolving faster than the policies that apply can be written. For example, many newer types of uses now exist and many traditional uses have broadened their horizons in terms of the goods that are being sold and/or processed. While many of the issues relating to what can specifically happen or not in the context of a retail use are related to the implementing Zoning By-law, it is always preferable for the Official Plan to establish a series of principles and policies that essentially encourage the widest range of service and other related type uses in a downtown area, such that it provides direction to the Zoning By-law to ensure that there are no artificial impediments to the use of space. As a consequence, it is recommended that the Official Plan provide the basis for establishing and maintaining that flexibility.

Providing incentives for mixed use development in the right locations may also be something the Town considers on a go forward basis. In many cases, construction costs far out weigh the benefits of constructing developments that are of a scale that would accommodate a range of uses. This is not a problem that is unique to downtown areas, it is the same across the built up area. However, one way to encourage more mixed use development is to ensure that the policy climate is such that a wide range of uses and building forms are permitted. This may mean encouraging landowners to consolidate properties to establish the threshold beyond which developing mixed use projects are more viable from an economic perspective. This also means ensuring that the widest range of employment uses are also permitted in the downtown area, with some obvious restrictions on those uses which may incompatible with residential uses.

Another idea is to broaden the use permissions in the homes that are located adjacent to the downtown area to provide for some additional opportunities that may attract more people and businesses to the downtown. A number of municipalities have identified areas on the fringe of a downtown that is considered to be suitable for a range of uses that can be accommodated within existing building forms. The intent would be to accommodate small-scale, commercial and residential uses that can utilize house form

buildings to maintain the character of the area and be complementary to the mixed use, pedestrian oriented focus of the downtown. Permitted uses could include medical offices, inns and bed and breakfast establishments, small-scale restaurants, retail and service commercial uses, libraries, museums and art galleries, day nurseries and small private and commercial schools.

It is recognized that the Downtown Secondary Plan already applies the Mixed Use designation in this manner, however, it is recommended that consideration be given to expanding the permission as part of a Secondary Plan Update.

As is being suggested in the Planning for Healthy and Complete Communities Policy Paper, the portion of Brock Street between downtown Whitby and Highway 401 should be planned to accommodate a wider range of uses that would be designed and located to better connect downtown Whitby with Highway 401, the GO Station, Port Whitby and the waterfront. As a consequence of this suggestion, it may be appropriate to update the Downtown Whitby Secondary Plan by adding lands along Brock Street to the Secondary Plan and determining what uses and built form should be permitted.

On the basis of the above, it is recommended that the following Directions be considered:

COMMERCIAL DIRECTION 7 - that the Official Plan include policies that support the widest range of retail uses and forms in the Downtown area which would then be implemented in the Zoning By-law.

COMMERCIAL DIRECTION 8 - that the Official Plan provide for the update of the Downtown Secondary Plan to determine whether the area so designated is appropriate and what uses should apply.

COMMERCIAL DIRECTION 9 – that the Official Plan provide for the update of the Downtown Whitby Secondary Plan to consider the nature of the uses to be permitted and the built form to be encouraged within an expanded Secondary Plan area which includes that portion of Brock Street between downtown Whitby and Highway 401.

4.0 DIRECTIONS

On the basis of the analysis contained in this Policy Paper, below are the Directions that should be considered:

COMMERCIAL DIRECTION 1 – that the Official Plan include new policies that deal with the scale, form and function of commercial uses in Intensification Areas, which may include the re-designation of land in these areas from one commercial land use designation to another, to further implement the policy framework established by OPA 90.

COMMERCIAL DIRECTION 2 – that the Official Plan maintain the commercial policies that may exist within the Intensification Corridors until such time as they are modified through an application to develop or re-develop these lands in accordance with the policies of OPA 90.

COMMERCIAL DIRECTION 3 - That the Official Plan include preambles to each of the commercial land use designations that are intended to establish the Town's objectives with respect to the land use, built form and the appearance of new developments in the land use designation.

COMMERCIAL DIRECTION 4 – that the Official Plan contain policies that establish the basis for requiring the integration of new commercial and residential development along Regional Corridors, within Intensification Corridors and within Regional Centres and Urban Centres with the policies of the recently adopted West Whitby Secondary Plan being relied upon

COMMERCIAL DIRECTION 5 – that the Official Plan contain urban design policies for Special Purpose Commercial areas that in addition to the policies that exist in the Official Plan in Section 4.4.3.4(a), also provide for the integration for Special Purpose Commercial uses with other uses as appropriate particularly if they are located on Regional Corridors.

COMMERCIAL DIRECTION 6 – that the Official Plan require the establishment of new mixed use areas in key parts of new neighbourhoods to serve as neighbourhood gathering places with a range of retail, personal service and restaurant uses, in addition to other community uses.

COMMERCIAL DIRECTION 7 - that the Official Plan include policies that support the widest range of retail uses and forms in the Downtown area which would then be implemented in the Zoning By-law.

COMMERCIAL DIRECTION 8 - that the Official Plan provide for the update of the Downtown Secondary Plan to determine whether the area so designated is appropriate and what uses should apply.

COMMERCIAL DIRECTION 9 – that the Official Plan provide for the update of the Downtown Whitby Secondary Plan to consider the nature of the uses to be permitted and the built form to be encouraged within an expanded Secondary Plan area which includes that portion of Brock Street between downtown Whitby and Highway 401.

appendix ‘A’

This Appendix provides a description of the policy framework that exists in the Secondary Plans that are the site of commercial land use designations. Eleven Secondary Plans have been prepared for various components of the Town of Whitby. These Secondary Plans are contained within Part 2 of the Official Plan and they apply to:

- Port Whitby;
- Lynde Shores;
- Downtown Whitby;
- Rossland/Garden Major Central Area;
- Brooklin Community;
- Macedonian Village (non urban);
- Hamlet of Ashburn (non urban);
- Brock/Taunton Major Central Area;
- Thickson/Taunton Community Central Area;
- Taunton North Community; and,
- Oak Ridges Moraine.

Relevant policies dealing with commercial uses in the urban Secondary Plans that permit commercial uses are below:

Downtown Whitby Secondary Plan

The Downtown Whitby Secondary Plan applies to a large portion of the central area of Whitby extending from Henry Street and Cochrane Street on the west, Chestnut Street on the north, Blair Street/Garden Street on the east and Burns Street on the south, as shown on Schedule H to the Official Plan. It is the goal of the Downtown Whitby Secondary Plan to “*provide for the integrated development of commercial, residential, institutional, cultural and recreational uses that will enhance the downtown’s role as a focal point and source of identity for the entire Municipality.*” Land use designations in the Downtown Secondary Plan Area are identified on Schedule H and the maximum building heights for all buildings are identified on Schedule I.

It is indicated in Section 11.3.3.4 that “*generally, buildings shall not exceed the number of storeys indicated on Schedule I except as provided for in Section 11.3.3.5 and 11.3.7.3*”. Section 11.3.3.5 permits higher buildings within the Commercial, Mixed-Use and High Density residential areas through a By-law Amendment process or as part of a bonusing process. Section 11.3.7.3 indicates that there is no maximum height restriction for buildings within the Institutional designation.

The Commercial designation is focused on the intersection of Dundas and Brock and permits a range of commercial uses and residential uses to a maximum density of 170 units per net hectare. The Mixed-Use designation generally applies at the edges of the Commercial designation and in addition to commercial uses, high-density residential uses are also permitted. Until mixed-use development occurs, the Secondary Plan permits the conversion of existing single-detached dwellings into commercial uses.

OPA 90 included new policies within the Official Plan dealing with Downtown Whitby (Section 4.13.7.1). These new policies establish a long-term overall density target of 75 residential units per gross hectare and an overall long-term floor space index target of 2.5. The new policies also indicate that the minimum building height shall be two storeys and that the maximum building height shall be as set out on Schedule I to the Official Plan. The new policies also indicate that the potential exists for approximately 2,600 dwelling units (5,150 people) and an additional 1,300 jobs in Downtown Whitby by 2031 (6,400 people and jobs).

Rossland/Garden Major Central Area

It is the goal of this Secondary Plan to *“provide for the development of an intensive, multi-functional major central area, centred at the Rossland Road and Garden Street intersection, that provides a broad, integrated range of compatible land uses such as major commercial, institutional, office, community, recreational and residential activities.”* It is the intent of the Secondary Plan that “the structure of the Major Central Area shall be based on high intensity uses located in a multi-function core, surrounded by gradual transition of land uses and residential densities towards the outer perimeter of the Central Area” in accordance with Section 11.4.3.2.

The Major Commercial designation applies to lands at the northwest corner of Rossland and Garden. While the policies of the Major Commercial designation in the parent Official Plan permit residential uses, Section 11.4.4 of the Official Plan does not expressly permit such uses. The Mixed Use Area designation applies at the northeast and southeast corners of Rossland Street Road and Garden Street. A full range of uses are permitted within this designation including High-Density Residential uses up to a maximum of 110 units per net hectare. Four residential designations are also included within the Secondary Plan with higher densities permitted in the High Density Residential 1 and High Density Residential 2 area designations (110 to 170 units per net hectare).

OPA 90 included new policies for this Major Central Area in Section 4.13.7.6. These new policies indicated that the overall density target is 60 residential units per gross hectare and the overall long-term floor space index target is 2.5 along the Brock Street Regional Corridor. The new policies further indicate that the minimum building height for new residential and mixed use buildings shall be two storeys and the maximum building height shall be 18 storeys to recognize the significant potential that exists for establishing a number of live work opportunities in this area. The policies also indicate

that the potential exists for approximately 2,620 additional dwelling units (5,660 people) and an additional 900 jobs in the intensification area by 2131 (6,560 people and jobs). A number of new policies were also added to the Official Plan by OPA 90 dealing with the location of surface parking lots and the impact of the significant grades at the north-east corner of Brock Street and Rossland Street.

Brooklin Community Secondary Plan

The Village of Brooklin is a former rural service centre that is now part of the Town of Whitby. Since full municipal services were extended to the village in 1995, the village has expanded and new housing developments in the periphery have added large numbers of new residents.

The intent of the Brooklin Secondary Plan is established by the first goal (11.5.1.1), which is “to manage new growth and development which respects and enhances the vitality and character of the community of Brooklin as it matures.” A further intent is to provide for the development of a “*small urban area that offers a choice in community size and living environment to that of other large urban communities.*”

Section 11.5.5.1 indicates “*mixed-use development shall be encouraged on the basis of one square metre of commercial floor space for one square metre of residential floor space.*” The Major Central Area designation applies to lands within the historic core of Brooklin and to lands at the southeast corner of Winchester Road and Baldwin Street. A range of commercial uses is permitted within this designation, in addition to high and medium density residential uses.

In the context of the rapid urbanization of Brooklin in the late 1990's, the 2000 Strategic Plan for Downtown Brooklin recommended consideration of downtown Brooklin for designation as a Heritage Conservation District under Part V of the Ontario Heritage Act. In 2007, a Heritage Conservation District Plan was prepared pursuant to the Ontario Heritage Act and it now affects all development and redevelopment within central Brooklin. It is noted that all of the lands subject to the Heritage Conservation District Plan are within the Built Boundary. In addition, both Baldwin Street and Winchester Street are Regional Corridors in accordance with ROPA 128 and the Baldwin/Winchester intersection and area is within a Regional Centre, also as established by ROPA 128.

The Brooklin Community Improvement Plan (CIP) applies to generally the same area as the Heritage Conservation District Plan. The intent of the Brooklin CIP is to target heritage properties primarily along Baldwin Street and support their enhancement. The Brooklin CIP was approved by the Province in June 2004.

OPA 90 included new policies dealing with the Baldwin/Winchester intensification area in the Official Plan. These policies indicate that the long term overall density target is 75 residential units per gross hectare and the overall long term floor space index target is

2.5. Minimum building heights are two storeys, with the maximum building height being eight storeys to respect the character of the Brooklin Heritage Conservation District. The policies indicate that the potential exists for approximately 950 additional dwelling units (2,150 people) and an additional 540 jobs in the intensification area by 2031. A number of additional policies dealing with the location of surface parking lots and building design were also added to the Official Plan by OPA 90.

On January 5, 2009, Planning and Development Committee dealt with Report PL04-09 that affected the lands at the southwest corner of Baldwin and Winchester. It was recommended in this report that planning staff be authorized to initiate an Official Plan Amendment to the Town of Whitby Official Plan to expand the Brooklin Major Central Area and to re-designate the subject lands to implement the proposed uses of the Brooklin Business District Main Central Area Expansion and Urban Design Concept and Guidelines. It was also recommended that planning staff be authorized to submit an Official Plan application to the Region of Durham to re-designate the subject lands from Employment Area to Living Area to permit the Town's proposed Official Plan Amendment. The report recommended that the FUDA Area #4 designation be deleted and replaced with the Major Commercial designation.

In addition, it was also recommended that the Major Commercial designation extend to Ashburn Road on the west to incorporate the lands identified as Parcels B1 and B2 in the Brooklin Report. The lands identified as Parcel C1 and C2 were recommended to be re-designated from Prestige Industrial to Business Park. In addition, it was recommended that the boundaries of the Major Central Area be expanded to include all of the lands between Highway 407, Ashburn, Winchester and Baldwin. It was also recommended that the Brooklin Secondary Plan be amended to provide for the development of a public square near the intersection of Winchester and Baldwin. It was lastly recommend that the Region of Durham Official Plan be amended by re-designating the lands proposed to designated Major Commercial from Employment Area to Living Area. The remaining lands, which are designated Employment in the Region of Durham Official Plan would remain so designated.

With respect to required text changes, it was also recommended that the amount of floor space permitted in the Downtown Brooklin Major Central Area be increased from 19,000 square metres to 65,450 square metres, to implement the 2006 Retail Market Study Update. It was also noted that additional policies would be required to implement a number of urban design goals and objectives for the subject lands.

On February 17, 2009, the Planning and Development Committee dealt with Report PL20-09 that recommended that planning staff be authorized to submit an Official Plan Amendment application to the Region of Durham to re-designate Brooklin's Main Central Area as a Regional Centre to enable the expansion of the Main Central Area to lands south of Highway 7. Since Report PL 20-09 was prepared and endorsed by Council in February 2009, the Region of Durham did identify the Major Central Area as a Regional Centre in the adopted version of ROPA 128, which was adopted in June

2009. The extent of the Regional Centre is to be determined by the Town of Whitby. In addition to identifying the Brooklin Major Central Area as a Regional Centre, both Baldwin Street and Winchester Road were identified as Regional Corridors. Given the sizing of the Regional Centre and the current land use designations south and west of Baldwin and Winchester in the Region of Durham Official Plan, it is anticipated that a portion of the lands in the southwest quadrant would be retained as an Employment Area.

Brock/Taunton Major Central Area

The Brock-Taunton Major Central Area Secondary Plan is focused on the intersection of Brock Street and Taunton Road. It is the goal of the Secondary Plan to *“provide for the development of a prominent, intensive, multi-functional major central area located at the intersection of Brock Street and Taunton Road that provides a focal point of mixed-use activities including major commercial, office, institutional, residential, recreational and entertainment activities.”*

The Secondary Plan area stretches from Lynde Creek on the west along Taunton Road to Anderson Street on the east. It is noted in Section 11.8.3.1 that the boundary of the Secondary Plan includes some lands that are not included within the Major Central Area boundary. Specifically, the boundary of the Secondary Plan extends on the north side of Taunton Road from McKinney Drive to Anderson Street, with these lands being outside of the Major Central Area boundary identified on Schedule B to the Official Plan.

Section 11.8.3.5 indicates that the highest intensity of land uses shall be within the Major Commercial and Mixed-Use designations in the vicinity of the Brock Street and Garden Street intersections with Taunton Road. The Major Commercial designation applies to lands at the northwest and northeast corners of Brock Street and Taunton Road and at the northwest and northeast corners of Garden Street and Taunton Road. A wide range of commercial uses is permitted, in addition to medium and high-density residential uses. No maximum densities are provided for in the Medium and High Density residential designations, however the minimum building height is required to be two storeys and the maximum height is permitted to be eight storeys. The Mixed-Use designation applies to lands at the southwest and southeast corners of Brock Street and Taunton Road and to lands at the northeast corner of Brock Street and Broadleaf Avenue. Each of the areas identified are subject to special provisions (MU1, MU2 and MU4).

The Secondary Plan also includes Low Density, Medium Density and High Density Residential designations. Policies for Low and Medium Density Residential uses are contained within Section 11.8.7. Urban Design policies for the Secondary Plan are contained within Section 11.8.14 and it generally requires buildings to be located close to public streets and the provision of safe and comfortable pedestrian environments. Two urban squares are also planned to be provided at the northwest corner of Brock Street and Taunton Road and the northeast corner of Garden Street and Taunton Road.

OPA 90 also included new policies dealing with the Brock /Taunton intensification area in Section 4.13.7.2. These policies establish a long term overall density target of 75 residential units per gross hectare and an overall long term floor space index of 2.5. Minimum building heights for new residential mixed-use development shall be six storeys and the maximum building height shall be 18 storeys. Given the size of the Brock/Taunton Intensification area, the potential exist for approximately 7,000 additional dwelling units (16,950 people) and an additional 4,240 jobs in the intensification area by 2031 (21,200 people and jobs).

Thickson/Taunton Community Central Area

The Secondary Plan Area is focused on the intersection of Thickson Road and Taunton Road. The Secondary Plan boundary slightly extends beyond the Central Area boundary on the east side of Thickson road and to the north of Taunton Road.

Section 11.9.1.1 indicates that it is the goal of the Secondary Plan to “*provide for the development of a multi-functional Community Central Area, located at the intersection of Thickson Road and Taunton Road which respects the natural environment and provides a variety of mixed-use activities that serve the surrounding residential and employment areas, including community commercial, office, residential, institutional, recreational and entertainment activities.*” Section 11.9.3.5 focuses the highest intensity of uses to the vicinity of the intersection of Thickson Road and Taunton Road.

The Community Commercial designation applies at the northeast corner of Thickson Road and Taunton Road and it permits a range of commercial uses and medium and high-density residential uses. Minimum building heights are two storeys and the permitted maximum height is six storeys. The Mixed-Use designation applies to lands at the northwest and southeast corners of Thickson Road and Taunton road. The policies of the Mixed-Use designation require that residential development be integrated with non-residential uses. The minimum height in this designation is two storeys and the maximum height is six storeys. Each Mixed-Use area is subject to special policies that deal with built form and density issues (MU1 And MU2). The remaining lands within the Central Area boundary are designated Medium Density and the lands within the Secondary Plan that are not within the Central Area are designated Low Density Residential. Medium density development is permitted to have a height of no more than four storeys. A number of Urban Design policies in Section 11.9.12 are intended to ensure that pedestrian oriented development is established in the Central Area. OPA 90 did not have an impact on the policies of the Thickson/Taunton Community Central Area.