

## **DISCLAIMER**

The information on this CD is provided as convenience only and should not be relied upon as authoritative. For the authoritative text and schedules of the Town of Whitby Official Plan, please refer to the hard copy office consolidation of the Official Plan which is available at the Town's Planning Department.

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**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, 87, 88, 89, 92, 93, and 94.

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

Five Ontario Municipal Board decisions have also been included as follows: Decision 0665, OMB File No. O010014 (Cosmart Marketing Corporation) and Decision 0559, OMB File No. O990156 (Trowbridge Developments Ltd), OMB File No. PL080980 (Nordeagle Developments Ltd.), OMB File No. PL080344 (Whitby by the Lake), and OMB File No. PL090617 (1675239 Ontario Limited, Guscon Enterprises).

Adopted by Whitby Council on September 28, 1994; and,  
Approved by the Region of Durham on December 6, 1995.

This Plan is for purposes of convenience; for accurate reference recourse should be made to the original documents.

Text - December 2010  
Maps - December 2010

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## WHITBY OFFICIAL PLAN

**As Adopted by By-law No. 3569-94 by the  
Council of the Corporation of Town of Whitby on**

**September 28, 1994**

### COUNCIL

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C.R. Batten  
M.L. Brunette  
J.E. Drumm, Deputy Mayor  
J. Dolstra  
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## **INTRODUCTORY REMARKS**

This Official Plan was adopted by the Council of the Corporation of the Town of Whitby on September 28, 1994, by By-law No. 3569-94. The Whitby Official Plan was approved by the Council of the Regional Municipality of Durham on December 6, 1995, with modifications, deferrals for further consideration, and referrals to the Ontario Municipal Board.

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

These introductory remarks do not form part of the Official Plan. This Official Plan is for purposes of convenience; for accurate reference recourse should be made to the original documents filed in the Clerk's Department.

December, 2010

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**PARTS OF THE PLAN DEFERRED BY THE REGION OF DURHAM FOR FURTHER  
CONSIDERATION AND ACTION**

<b>DEFERRAL NUMBER AND NAME</b>	<b>PART OF PLAN AFFECTED</b>	<b>REASON</b>
D6 - Region of Durham	<ul style="list-style-type: none"> <li>- Lands associated with the Hwy 401/407</li> <li>- Connector Freeway Link, on Schedule 'A' and 'D';</li> <li>- Alignment of Coronation Road on Map 'D'</li> <li>- Part of Section 8.1.3.2.1. &amp; Section 8.1.3.2.2</li> </ul>	<ul style="list-style-type: none"> <li>- Deferral No. 3 in the Regional Official Plan</li> </ul>
D12 - Region of Durham	<ul style="list-style-type: none"> <li>- "Former Waste Disposal Sites" in the legend of Schedule "C"</li> </ul>	<ul style="list-style-type: none"> <li>- Town of Whitby still consulting with M.O.E. regarding two possible sites in the Port Whitby area</li> </ul>
D13 – Provincially Significant Wetlands	<ul style="list-style-type: none"> <li>- 4650 Garden Street (18-09-010-037-03800-0000)</li> <li>- 4430 Garrard Road (18-09-010-037-21300-0000)</li> <li>- 780 Taunton Road East (18-09-010-037-33400-0000)</li> <li>- 820 Conlin Road (18-09-010-037-36400-0000)</li> <li>- 840 Conlin Road (18-09-010-037-36500-0000)</li> <li>- Thickson Road North (Part of Lot 20, Concession 4, 18-09-010-037, 15200-0000)</li> <li>- 975 Conlin Road (Part of Lot 18, Concession 4, 18-09-010-037-36200-000)</li> </ul>	<ul style="list-style-type: none"> <li>- Deferred by the Town of Whitby, pending further consultation with the Ministry of Natural Resources regarding the identification of Whitby-Oshawa Iroquois Beach Wetland Complex</li> </ul>

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**PART I**

**TOWN OF WHITBY OFFICIAL PLAN**

**(Municipal Area Policies and Designations)**

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## 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 which the Municipality may use to express its goals and objectives for the community, significant environmental conditions and its development or redevelopment. This Official Plan provides a general policy direction and planning framework to guide the physical, social, economic and environmental management and growth of the Town of Whitby (Municipality).

The policies of the Whitby Official Plan are intended to particularly reflect and direct development that is expected to occur in the Municipality over the next 20 years, as well as beyond. The complete build-out of the urban area, however, is not a requirement of this Plan in that 20 year time frame. A review of this Plan is expected on a five-year basis, and as such, the principles upon which it is based to guide development are expected to remain relevant and effective.

The general purpose of this Plan is:

- a) to provide policies to ensure the quality of life and to secure the health, safety, convenience and welfare for the present and future inhabitants of the Municipality;
  - b) to set out the future form of the Municipality, establishing the general land use and transportation pattern and to articulate 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 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 cost, taking into account household size and income of new households in accordance with the Municipality's Municipal Housing Statement and Land Use Review Study;
  - e) to provide policies which ensure the provision of affordable housing in Whitby;
  - f) to provide policies to ensure an efficient development approvals process and other administrative requirements; and
  - g) to provide policies and directives for the overall management of growth, maintenance of the existing community and sustaining the environment.
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## 1.2 Review Process

1.2.1 This Plan repeals the existing Official Plan of the Town of Whitby and provides a new Official Plan covering the whole Municipality.

1.2.2 The urban climate of the Whitby area has changed substantially since the existing Official Plan was adopted. In response to growth pressure, and in anticipation of substantial future pressures, the new Durham Regional Official Plan was approved by the Province in 1993, and new Provincial planning initiatives have been formulated.

1.2.3 A new Updated Official Plan is required to guide and control development. The new Official Plan will control the form of future urban growth while safeguarding the natural attributes of the Municipality from urban encroachment.

1.2.4 An Official Plan is not a static document. Changes or amendments, can be either internally initiated by Council, by applications submitted from landowners or by provincial and public agencies. Provisions of the Planning Act require municipalities to hold a public meeting not less than every five years to determine the need for any updating of the Official Plan.

On October 4, 1989, the Municipality held such a meeting and determined that a comprehensive review of the existing Official Plan was in order. There were several significant reasons why a comprehensive Official Plan Review and Update was warranted.

1.2.5 One of the most noteworthy reasons for the comprehensive review of the Plan was its age. The previous Whitby Official Plan had been adopted by Whitby (Council) in 1973 and approved by the Province in 1974. Since the adoption of the Municipality's previous Plan, the Region of Durham passed an upper tier Official Plan in 1976, and more recently in November 1993, a new Official Plan has been approved by the Minister. The new Regional Plan requires that area municipalities prepare and adopt a new Official Plan in conformity to the Regional Plan. In addition, given the age of Whitby's Plan, it became increasingly important that this Plan's underlying basis, assumptions and goals be assessed. A general need existed to update and revise policy directions, terminology and language contained in the present Official Plan.

1.2.6 Since the Official Plan for Whitby was adopted in 1973, a great deal of growth throughout the community had occurred. Options and strategies for growth within the municipality had changed over time. Urban expansion and intensification require thorough, strategic examination related to needs and opportunities in the Municipality. Consideration must also be given to the efficient utilization of the urban infrastructure within existing servicing areas. Environmental health and its protection and enhancement are also now established and key considerations for the future development of the community. Growth management is an important concept and strategy for a growing municipality.

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- 1.2.7 Key objectives of the Review and Update of the Whitby Official Plan were:
- a) the collection of new background information on which to build a new document for the Municipality;
  - b) the comprehensive analysis of existing policy noting where changes could/should be made;
  - c) the thorough assessment of growth alternatives and the strategic implications on decision-making;
  - d) the preparation of a new Official Plan which addresses, as much as possible, the critical issues requiring policy changes; and
  - e) the participation of the public throughout all phases of the process.

### **1.3 Content**

The following text and schedules of Sections 2.0 to Section 11.0 inclusive constitute the Official Plan of the Corporation of the Municipality of the Town of Whitby.

Section 1 and the Appendix are not part of the statutory Official Plan.

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## SECTION 2 - MUNICIPAL DEVELOPMENT PRINCIPLES AND STRATEGY

### 2.1 Guiding Principles

The Municipality's Guiding Principles for development in the Official Plan are:

- a) to maintain and enhance Whitby's identity within the Region of Durham and the Greater Toronto Area;
- b) to provide for balanced growth and encourage ecosystem-based strategies to support sustainable development;
- c) to encourage the orderly and compact, mixed-use pattern of urban growth through the consideration of all development and intensification proposals and the provision of supporting municipal infrastructure and community facilities;
- d) to encourage a liveable, safe and healthy community in Whitby's south urban community and in Brooklin by providing the fullest opportunities for employment, housing, education, arts and culture, recreation, transportation, health services, and the maintenance and enhancement of Whitby's natural and cultural heritage resources;
- e) to establish and maintain linked transportation systems through the community for transit, vehicular and pedestrian movement, by road, rail and greenways. These systems will connect living areas with Whitby's central, employment and open space areas, and neighbouring municipalities;
- f) to maintain and enhance sensitive environmental features, their function and linkages;
- g) to continue to integrate community consultation into the Municipal planning process; and
- h) to conform to the Provincial policy for the Oak Ridges Moraine in accordance with the Oak Ridges Moraine Conservation Plan.

### 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 serviceable areas.
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Durham Region's serviced population capacity target of 160,000 in the Municipality is expected to occur over the planning period of the next +30 years to approximately the year 2021. The population within the 20 year period of this Plan is expected to be approximately 125,000 by the year 2011, including a rural population target of 3,000 persons. This target generally reflects the growth patterns of the Region of Durham and the Greater Toronto Area. It is expected that the amount of rural population will remain essentially unchanged over the life of the Plan;

- c) there will be a continued demand to provide a variety of housing in terms of type, tenure, density and cost;
- d) there is a trend towards the integration of educational and cultural systems;
- e) there will be an increase in employment participation within the community, in keeping with the employment target established for the Municipality in the Durham Regional Official Plan;
- f) conventional methods of marketing and retailing will not fundamentally change;
- g) leisure time and demands will continue to increase and leisure activities will become more varied;
- h) agriculture will continue as a viable activity within the community;
- i) certain parts of the Municipality will require positive schemes for community improvement and the rehabilitation of infrastructure;
- j) technological change will not fundamentally alter the present means of transportation, communication and servicing;
- k) environmental management considerations will become increasingly important in the Municipality;
- l) the public need for responsible growth management and fiscal planning is an increasing and vital requirement of the municipality; and
- m) public consultation and involvement in the planning process is a regular practice of the Municipality.

## **2.3 Development Strategy**

2.3.1 The Municipality's growth management strategy as represented by this Official Plan focuses on the following key elements and approaches in providing for the future needs of its population:

- a) maintaining and enhancing a healthy and liveable environment through the adoption of appropriate goals and policies to accomplish this;
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- b) adopting the principle of land stewardship to protect land and water resources from the negative impact of inappropriate use, and premature development;
  - c) adopting best management practices to manage, enhance, and conserve Whitby's significant natural features;
  - d) establishing linked parks and open space systems, primarily through the Oak Ridges Moraine, the former Lake Iroquois shoreline, the Lake Ontario waterfront, and Heber Down Conservation Area, and a system of greenways comprising valleylands, parks, utility corridors, and open space systems; and
  - e) providing community and recreational services and educational and cultural facilities in concert with growth of the Municipality and the ability to afford these services and facilities.

2.3.2 The Municipality's development strategy has regard for the Official Plan for Durham Region, which establishes the overall context for Whitby's growth to the year 2021.

2.3.3 The Municipality's development strategy also includes:

- a) planning for future growth in which the Municipality continues to maintain its share of population and employment within the Region;
  - b) the provision of a future new housing supply having a variety of densities, types and affordability, along with policies to encourage residential intensification;
  - c) the provision of a viable, contiguous, protected agricultural community;
  - d) the establishment of a program of economic development along with the designation of lands for business parks and general industrial uses;
  - e) the provision of transit throughout the urban portion of the municipality in conjunction with transit supportive land uses;
  - f) the development of safe and secure roads, transitways, walkways, trails and bikeways for the efficient movement of people, goods and services;
  - g) the provision of parkland, open space and recreational services and activities;
  - h) the provision of municipal services in a logical sequential manner north from the lakeshore to lands of higher elevation; and
  - i) directing growth in rural areas to the Hamlets where possible and appropriate.
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## 2.4 Municipal Structure

- 2.4.1 The Whitby Official Plan is based on a 20 year planning horizon (2011) and has been prepared within the context of the urban and rural patterns of the Region of Durham and the Greater Toronto Area. The Plan guides and regulates the growth in a manner consistent with history, geography and economy while adhering to good planning principles. In addition, this Plan has been prepared within the context of existing Provincial Policy Statements, Guidelines and Expressions of Provincial Interest and the new Durham Regional Official Plan.
- 2.4.2 The Municipal Structure Plan, outlined on Map 1, conceptually illustrates the relationship between the Whitby Official Plan at 2011 and the Durham Official Plan at 2021.
- 2.4.3 The Plan features the following main elements:
- a) a south Whitby urban community which can be effectively serviced. This area extends from the Fourth Concession southerly to the waterfront and has an approximate serviced population capacity of 135,000 to the year 2021;
  - b) an expanded urban area for the Brooklin community having a 30 year serviced population capacity of 25,000 for future growth, which has been allocated in the Regional sanitary sewer and water supply system in addition to the 135,000 mentioned in Section 2.4.3 a);
  - c) a rural area which will accommodate the proposed Highway 407/transitway, major Hydro Transmission and pipeline rights-of-way, as well as including major wooded areas of the Municipality, the Heber Down Conservation Area, the Oak Ridges Moraine, the former Lake Iroquois shoreline, agricultural areas and rural settlement areas;
  - d) Whitby's rural population target will be 3,000 persons. Only limited infilling in the Hamlets will be permitted until such time as Secondary Plans specify the extent of future growth for these areas and appropriate servicing can be provided;
  - e) maintenance and enhancement of the natural features of the valley systems, the encouragement of appropriate recreation and conservation activities within all open space areas and the preservation of the agricultural area;
  - f) creation of a diverse Lake Ontario Waterfront area used for conservation, recreational and tourism purposes, and also provides opportunities to live or work;
  - g) the intensification of land use along Highway 12, north from Port Whitby to the Taunton Road area which will integrate the major centres of activity, thereby enhancing Whitby's community identity and transit usage. Intensification of land uses along Highway 2 is also encouraged;
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- h) recognition of five major commercial centres within the urban development area, including the development of a new Major Central Area at Brock Street and Taunton Road, as being the most efficient manner of serving the Municipality;
  - i) recognition of major industrial and business employment areas along the existing Highway 401, the proposed Highway 407/Transitway Corridor and southeast of Brooklin centred along Thickson Road;
  - j) the development of Gateway concepts, at strategic entry points to the Municipality such as Highway 401 and Brock Street, and Highway 401 and Thickson Road; and
  - k) emphasis upon the structural framework of the Plan rather than the timing.

## **2.5 Development Review**

- 2.5.1 To assist in the consideration of any development proposal, planning studies may be undertaken including the impact on residents of the Municipality, delineation of internal road patterns, distribution of housing types, location of schools, parks, shopping facilities, pedestrian walkways, squares, buffer strips, servicing concepts and consideration of urban and landscape design concepts.
  - 2.5.2 When considering development proposals, Council may require the proponent to provide a Management Plan or Statement indicating how the development will impact and benefit the Municipality from a fiscal, facilities and environmental point of view. The Municipality will assist the proponent in providing the municipal requirements affected or generated by the project.
  - 2.5.3 Council shall ensure that the costs of growth-related municipal capital projects are equitably shared between existing and future residents through such procedures as the Development Charges Act and any other enabling legislation and procedures.
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**Map 1 – Municipal Structure**

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## SECTION 3 - ECONOMIC DEVELOPMENT

### 3.1 General

- 3.1.1 The Municipality will endeavour to diversify, expand and balance the municipality's assessment and employment base.
- 3.1.2 The Municipality shall provide for a full range of strategically located serviced land to accommodate a variety of commercial and industrial employment and service opportunities.
- 3.1.3 Council shall attempt to both preserve the existing employment base as well as promote the development of a diversified range of new employment and economic opportunities at all times.
- 3.1.4 Council will encourage the expansion of tourism in the Municipality based on assets such as the waterfront, arts and cultural facilities, heritage features, recreational attractions and tourist destinations.
- 3.1.5 Council will develop an economic development strategy in order to: encourage the retention and creation of employment and business opportunities; establish an appropriate non-residential to residential assessment ratio; and develop a framework for monitoring the implementation of the economic development strategy. In developing this strategy, Council shall consult with the Region of Durham.
- 3.1.6 In endeavouring to maintain and improve the existing employment activity rate, the Municipality shall establish an overall employment to population ratio of 50% over the life of this Plan.
- 3.1.7 Council will encourage the healthy development and promotion of traditional shopping districts in Downtown Whitby and Brooklin, through the Business Improvement Areas, as permitted under the Municipal Act.
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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:

- Residential
- Major Central Areas
- Commercial
- Mixed Use
- Industrial
- Institutional
- Major Open Space
- Hazard Lands
- Agriculture
- Hamlets
- Estate Residential
- Utilities

4.1.2 The provisions governing the use of the land are described in the following text. The examples of permitted uses are included to illustrate the range of land use activities. The specific uses shall be defined for an area through Secondary Plans and/or the implementing Zoning By-laws.

### 4.2 Residential

#### 4.2.1 Goal

4.2.1.1 To provide sufficient residential land and satisfy housing needs in terms of housing type, tenure, density and cost, taking into account household size and income of all households in accordance with the Municipal Housing Statement and Land Use Review Study as updated from time to time.

#### 4.2.2 Objectives

4.2.2.1 To provide residential areas which have a harmonious integration of housing types suitable for all inhabitants of the Municipality, and which provide other limited non-residential uses.

4.2.2.2 To endeavour to maintain at least a minimum 10 year supply of serviceable residential land at all times, the Municipality will maintain a 20 year supply of designated residential land.

4.2.2.3 To provide a minimum three year residential supply of lots and blocks on new draft approved or registered plans of subdivision.

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4.2.2.4 To support the Municipality's objectives with respect to meeting the housing needs of the community, Council in cooperation with the Region of Durham, will ensure an adequate supply of serviced land in the Municipality.

4.2.2.5 To monitor the development approvals process and other administrative requirements as part of Council's commitment to providing for the Municipality's housing needs and assisting the production of an adequate supply, range and mix of housing forms, including affordable housing.

#### **4.2.3 Policies**

4.2.3.1 The classification of land for Residential use shall mean that the predominant use in the areas designated on Schedule "A" shall be for residential purposes together with the following supporting 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 places of worship, community centres, day care centres, nursing homes, libraries, schools, and parks;
  - b) Local Commercial Areas and Convenience Commercial Centres are permitted in residential areas in accordance with the policies of this Plan;
  - c) limited and individual professional, business office and personal service uses may be permitted within Residential areas subject to a site specific amendment to the Zoning By-law. Such uses shall be of a low intensity nature, compatible with surrounding uses and not adversely affect the development and function of other commercial and Central Areas. The following evaluation criteria shall be considered as a pre-condition to amending the Zoning By-law:
    - i) compatibility of building form, design and scale, and potential uses that by their nature and intensity shall not detrimentally impact the surrounding residential character or result in high traffic generation;
    - ii) provision of appropriate on-site buffering techniques including adequate landscaping, screening, floorspace and coverage limitations;
    - iii) suitability of the site in terms of shape and size to accommodate the use proposed;
    - iv) the need and appropriateness of the use to serve area residents;
    - v) the cumulative impact of a number of such uses in a given area such that an undue concentration and creation of a commercial strip development is avoided; and
    - vi) location on an arterial or major collector road with provisions for satisfactory access and on-site parking;
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- d) home occupations shall be permitted by this Plan without an amendment within the Residential designations shown on Schedule "A" subject to inclusion of provisions in the Zoning By-law. General criteria that shall apply to home occupations are:
- i) home occupations are only activities which are conducted within a residential dwelling unit or an accessory garage solely by the residential occupants of the unit;
  - ii) home occupations are intended to permit people to conduct small-scale, or part-time or occasional business or office uses from their homes, and shall not include the servicing and/or repair of motorized vehicles;
  - iii) limited, inert business materials and products may be stored within the dwelling unit or accessory garage;
  - iv) home occupations are not intended to permit economic activities that are more appropriately located in industrial or commercial zones where full-scale parking, traffic, signage, storage, shipping, customer service, and employee complements can be accommodated;
  - v) in permitting a home occupation regard shall be had to the following:
    - a) the use is clearly subordinate and incidental to the main use of the dwelling and the floor area devoted to the home occupation is restricted to a minor percentage of the total area that is defined and indicated in the implementing Zoning By-law;
    - b) that there is no signage or apparent visible indication of display of merchandise or direct sales to the public from the exterior of the dwelling unit or accessory garage to show that a home occupation is being conducted within the premises;
    - c) that the storage and keeping of goods, materials, products is within a fully enclosed, permitted building or structure;
    - d) that the required parking spaces for the residential unit shall not be reduced as a result of the home occupation;
    - e) that no off-site or exterior parking or storage of commercial or industrial vehicles is required or permitted;
    - f) that no equipment or process which is not normally found in a residence and creates noise, vibration, glare, fumes, odours, or electrical interference is used in the home occupation; and
    - g) that the home occupation does not generate motor vehicle traffic or parking demand in excess of that normally experienced in a residential neighbourhood;
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- vi) it is also the intent of the Municipality that any home occupation that expands beyond the permitted operating terms of a home occupation shall be relocated out of the residential dwelling unit and moved to an appropriate commercial or industrial land use designation; and
- vii) conducting a home occupation does not vest any legal non-conforming rights to the residential land and building(s) where such home occupation has been carried on.

#### 4.2.3.2 Residential Community Structure

The basic planning unit for residential community development outside of detailed Secondary Plan areas shall be based on well defined boundaries such as major roads, railways, watercourses, or other clearly defined major physical features. These Community Areas are indicated on Schedule "B" Residential Community Structure.

- a) Each Community Area will contain a range of housing types and be provided with adequate services;
  - b) Each Community Area will have focal points of activity provided within planned central areas and through community facilities such as parks, schools, places of worship, and higher residential densities. Focal points shall be in character with the area and developed in accordance with urban design concepts;
  - c) Schedule "B" provides the schematic location and distribution of schools, parks, Local Commercial areas and higher residential density areas for those Residential areas not contained within Secondary Plan areas. Reference should be made to the appropriate Secondary Plan schedules for the distribution of land uses contained therein;
  - d) The symbols shown on Schedule "B" are not intended to control the precise locations of the particular land uses they represent, but shall be implemented through the consideration of development applications and Zoning By-law amendments. Detailed Council approved Development Plans may also be prepared for Community Areas, or portions thereof, to give further guidance to the location and distribution of these land use symbols;
  - e) Where it is demonstrated that a designated school site is not required, the site may be developed for residential or open space purposes without an amendment to this Plan and in accordance with the Zoning By-law;
  - f) Consideration may be given by Council to the assignment of a single high or medium density residential symbol to more than one development site, if such sites are wholly contained within a single land ownership or comprise a comprehensive block of contiguous ownerships; and
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g) Schedule “B” should be read in association with the Appendix which outlines basic planned population capacity targets for each Community Area. The population capacity targets are approximate and may not be reached in the life of this Plan. Minor adjustments to the population capacity targets will not require an amendment to this Plan.

4.2.3.3 Provision will be made in this Plan and in more detail in Secondary Plans, for varying intensities of residential land use in order to provide for a range of housing types and affordability and to make better use of the existing housing stock ensuring the continued vitality of neighbourhoods and more cost-efficient use of municipal services.

4.2.3.4 Council shall encourage the creation of affordable housing units within Residential areas on a municipal-wide basis which meets the targets of the Municipal Housing Statement and Land Use Review Study as updated from time to time provided it is no less than the Provincial objective.

4.2.3.5 Major residential development for new urban areas shall be based upon the following housing mix:

- 70% - Low Density Residential
- 20% - Medium Density Residential
- 10% - High Density Residential

Council shall also endeavour to obtain the above housing mix throughout the Municipality during the time frame of this Plan.

4.2.3.6 Residential development will not be permitted in areas subject to concentrated pollution, whether from noise, air, soil or water.

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

4.2.3.8 Parking requirements shall be as follows:

- a) dwellings in Low Density Residential areas shall provide a minimum of 2 parking spaces per unit;
- b) dwellings in Medium and High Density Residential areas which provide an integral garage within or contiguous to each unit shall provide two parking spaces for each unit;
- c) with the exception of 4.2.3.8 (b) Medium and High Density Residential areas shall provide a minimum of 1.5 parking spaces per unit. Such parking shall be encouraged to locate underground, within the structure and/or otherwise enclosed in a landscaped area to the satisfaction of Council;

- d) visitor and handicap parking in Medium and High Density Residential areas shall be clearly identified by signage;
- e) parking requirements for residential units within mixed use developments may be reduced after detailed study in the Zoning By-law;
- f) the Municipality may consider reduced parking requirements for subsidized, seniors and special needs dwelling units where justified in terms of need and the proposed parking alternatives do not detrimentally affect the surrounding land uses. Reduced requirements may be introduced into the Zoning By-law without amendment to this Plan;
- g) the Municipality shall also consider alternative parking arrangements in low density residential areas to facilitate the more efficient use of the existing housing stock, such as rear yard parking, side yard parking or tandem parking. Care shall be taken to ensure that the alternative parking arrangements are in keeping with the physical character of the area and will not unduly impact the efficient movement of traffic on the affected roadway; and
- h) in the Downtown and Brooklin Major Central Areas the Municipality may accept cash-in-lieu of parking where residential development is adjacent to and can be accommodated in part in a municipal parking lot by financial arrangements suitable to the Municipality. The Municipality may also consider development proposals by the private sector, above municipal parking lots.

#### **4.2.3.9 Low Density Residential**

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

- a) for single detached, semi-detached or linked, and duplex dwellings and other similar ground related built forms on a variety of lot sizes, and shall not exceed 30 dwelling units per net hectare;
  - b) shall be generally located in accordance with the Land Use Schedule "A"; and
  - c) Council shall encourage the development of new residential units through intensification of low density residential dwellings as a means of contributing to the affordable housing targets for the Municipality as identified in the Municipal Housing Statement and Land Use Review Study as updated from time to time.
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**4.2.3.10 Medium Density Residential**

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

- a) the development of new medium density residential units shall be encouraged in order to contribute to the affordable housing targets for the Municipality as identified in the Municipal Housing Statement and Land Use Review Study as updated from time to time;
- b) Medium Density residential units shall be developed in the range of 30 - 65 units per net hectare;
- c) the main permitted uses shall be street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, not exceeding a height of four storeys; and
- d) applications for new development or residential intensification for Medium Density Residential uses shall be reviewed based on Section 4.2.3.13 of this Plan.

**4.2.3.11 High Density Residential**

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

- a) the development of new high density residential units shall be encouraged as a means of contributing to the affordable housing targets in the Municipality as identified in the Municipal Housing Statement and Land Use Review Study as updated from time to time;
- b) the main permitted uses shall be apartments or other forms of multiple dwellings;
- c) the density of development within the High Density Residential designation is 65 - 135 dwelling units per net hectare;
- d) applications for new residential development or residential intensification in the form of High Density Residential uses shall be reviewed based on Section 4.2.3.13; and
- e) appropriate regulations including height, bulk and setback restrictions will be determined in the Zoning By-law.

4.2.3.12 Medium and High Density Residential areas are schematically located on Schedule "B" and more specifically indicated in Secondary Plans, Development Plans and/or implementing Zoning By-laws.

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- 4.2.3.13 The location of Medium and High Density Residential uses through new development or intensification shall be based on consideration of the following criteria:
- a) capacity of municipal sanitary sewer and water to accommodate increased demand;
  - b) suitable access to existing or future major roads;
  - c) proximity to public transit service, where available;
  - d) suitability of the parcel of land in terms of lot size, setbacks and side yards to accommodate more intensive use;
  - e) proximity to retail and service commercial facilities, employment opportunities, parks and open spaces;
  - f) proximity to educational and community services and facilities;
  - g) provision of adequate on-site parking, lighting, and landscaping;
  - h) the impact upon adjacent uses relating to height, design and form in order to achieve an appropriate transition of height and density;
  - i) where traffic impacts on the surrounding neighbourhoods can be minimized; and
  - j) provision of adequate on-site recreational amenities in multi-unit block development.
- 4.2.3.14 Lands designated Medium and High Density Residential shall be developed on the basis of comprehensive site plans taking into account good urban design principles. Site plans are intended to indicate layout and profile of buildings, parking, waste storage, landscaping areas, grading, drainage, lighting, pedestrian access, and road access points. The purpose is to integrate development with adjacent properties as much as possible, particularly in terms of open space elements and building heights.
- No Medium or High Density Residential development shall occur unless it is in accordance with an approved site plan.
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**4.2.3.15 Apartments in Houses**

Apartments in houses shall be permitted in single detached and other attached ground related dwellings, in urban residential areas throughout the Municipality subject to the following criteria:

- a) one apartment unit per dwelling;
- b) one parking space per apartment;
- c) capacity of municipal sanitary sewer and water supply;
- d) structural suitability of the building to accommodate alterations for an additional dwelling unit; and
- e) compliance with the provisions of the Ontario Building Code, Fire Code, and all other relevant municipal and provincial standards.

**4.2.3.16 Garden Suites**

Garden suite units as accessory units may be permitted in rear yard areas as a temporary use for up to 10 years in areas zoned for residential use subject to the following considerations:

- a) one accessory unit per lot;
  - b) adequate on-site parking;
  - c) suitability of the lot in terms of size, setbacks, sideyards, and landscaped open space;
  - d) compliance with the provisions of the Ontario Building Code, Fire Code and other relevant municipal and provincial standards and municipal requirements;
  - e) the unit does not when combined with the main building exceed 40% of the lot area;
  - f) availability of full municipal services and the approval of the Durham Regional Health Unit for structures on lots outside the fully serviced area;
  - g) entering into 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; and
  - h) Notwithstanding any of the policies above and subject to 11.11.6.1 of the Oak Ridges Moraine Secondary Plan, garden suites and granny flats are not permitted within the Oak Ridges Moraine Secondary Plan Area.
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- 4.2.3.17 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, depending upon the availability of servicing infrastructure.
- 4.2.3.18 Various forms of residential infill and intensification shall be permitted in neighbourhoods subject to compatibility with the massing and physical character of the local area, the physical potential of the housing stock or site, and Section 4.2.3.13.
- 4.2.3.19 Council shall support a range of innovative housing types and the more efficient use of existing areas and buildings through residential intensification /redevelopment and infilling of vacant properties. Techniques such as courtyards and laneways which may facilitate intensification/redevelopment shall be supported.

#### **4.2.4 Implementation**

- 4.2.4.1 Approval of development 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.
- 4.2.4.2 The cost of necessary physical services and community facilities associated with the demands created by the development shall normally be borne by the developer.
- 4.2.4.3 Subdivisions and site plans will require Council approval of civic design and landscape concepts prepared by qualified professional consultants.
- 4.2.4.4 Council shall include requirements such as height, floor space, setbacks, lot coverage, lot size and landscaping in the Zoning By-law. If any existing lot does not meet these standards, the Municipality will permit the erection of a dwelling only upon successful application for a Zoning By-law amendment or minor variance.
- 4.2.4.5 In consideration of an application for the erection of dwellings on existing undersized lots, the Committee of Adjustment will satisfy itself:
- a) that it is not possible for the applicant to acquire sufficient property to comply with the minimum requirements without creating undue hardship;
  - b) that the side yards are of sufficient width to ensure that provision is made for adequate light and air with respect to the subject lot and adjoining lots;
  - c) that adequate provision is made for vehicular access and off-street parking on the lot;
  - d) that building coverage does not preclude the provision of adequate landscaped areas on the lot;
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- e) that the lot size and physical character of the proposed dwelling are in keeping with adjacent development and the general intent of the Official Plan and the provisions of the Zoning By-law;
  - f) that the proposed dwelling is sited and/or designed in such a manner that a reduction in the minimum lot width and area does not adversely affect the amenity of the surrounding properties;
  - g) adequate supply of potable water and conditions satisfactory for the effective operation of a private sewage disposal system; and
  - h) that within the Oak Ridges Moraine Secondary Plan Area, the application conforms to Section 11.11 of the Town of Whitby Official Plan.

No extension shall be permitted to non-conforming uses within areas designated for residential uses except in accordance with Section 10.1.12.

- 4.2.4.6 Those residential areas identified within the Hamlet limits as shown on Schedule "A" will be developed in accordance with Section 4.11.3.1.

#### **4.2.5 Special Provisions**

- 4.2.5.1 Notwithstanding any other provisions in this Plan to the contrary, in instances where the policies and designations contained in the Secondary Plans vary with the policies within Section 4.2.3. 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.

- 4.2.5.2 Notwithstanding any other provisions in this Plan to the contrary, the permitted uses within the Residential area fronting Brock Street between Burns Street and Highway 401 may include the conversion of a single detached dwelling to multiple residential use.

- 4.2.5.3 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 floorspace of 3,720m<sup>2</sup>, a maximum height of 2 storeys, and the appropriate requirements in the Zoning By-law.

#### **4.3 Central Areas**

##### **4.3.1 Goals**

- 4.3.1.1 To provide Central Areas in the Municipality that are the main focal points and provide opportunities for a wide and mixed range of activities, interest and identity for residents and visitors of the Municipality.
  - 4.3.1.2 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.
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### 4.3.2 Objectives

- 4.3.2.1 To develop a hierarchical structure of Central Areas within the Municipality to serve the required range of needs for 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 develop, maintain and enhance cultural and 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 and business service, office, institutional, community, higher residential densities, transit, entertainment and recreational uses, and special purpose commercial uses.

### 4.3.3 Policies

#### 4.3.3.1 Central Area Hierarchy

The Central Areas hierarchy structure is compatible with the Durham Regional Official Plan classification and consists of Major Central Areas, Community Central Areas and Local Central Areas.

#### 4.3.3.2 Major Central Areas

Major Central Areas, particularly the Downtown Central Area, serve a large portion of the Municipality and to a lesser extent the surrounding Municipalities and visiting public. These are identified on Schedule "A". The Downtown Whitby and Rossland/Garden Major Central areas are the dominant Central Areas within the Municipality and correspond to the Main Central Areas indicated in the Durham Regional Official Plan. Other designated Major Central Areas correspond to the Sub-Central Areas in the Durham Regional Official Plan.

The following are the Major Central Areas and their maximum gross leasable retail and personal service floor space assignments to the year 2011:

Downtown Whitby	-	92,000 square metres
Dundas East	-	60,000 square metres
Rossland/Garden	-	40,000 square metres
Brock/Taunton	-	128,200 square metres
Downtown Brooklin	-	19,000 square metres

Future development and redevelopment within the Central Areas shall be subject to the policies of this Plan, and Secondary Plans, and be guided by the policies and principles of the Durham Regional Official Plan, particularly Section 9.

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#### 4.3.3.3 Community Central Areas

Community Central Areas primarily serving small segments of the Residential Area, shall include a Community Commercial component and are generally identified on Schedule “A”.

The following are Community Central Areas and their maximum gross leasable retail and personal service floor space assignments to the year 2011:

Gordon Street/Victoria Street:	-	11,000 square metres
Thickson Road/Taunton Road:	-	12,000 square metres
Dundas Street/McQuay Boulevard:	-	13,000 square metres

#### 4.3.3.4 Local Central Areas

Local Central Areas serve the day-to-day needs of residents in the surrounding neighbourhoods and are focused on Local Commercial Areas as identified on Schedule “B” and in Secondary Plans.

#### 4.3.3.5 Development Principles

The following development principles and policies shall apply when planning and developing Central Areas:

- a) provision of the development of more intensive residential uses;
- b) provision of public spaces through a network of walkways, civic squares and parks, and their integration with other public facilities;
- c) provision of an integrated private transportation, parking, transit node and pedestrian system; and
- d) primary consideration for high quality urban design.

#### 4.3.3.6 The following policies shall govern development in all Central Areas:

- a) encouragement of a “comprehensive design and block concept” which 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. Interim direct access to an arterial road may be permitted for a specific time period, subject to local considerations and approval of Council, until permanent access by a service lane is available;
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- b) integration of walkways with streets, public squares, malls, parkland and open spaces;
  - c) landscaping shall form an integral part of all Central Area development;
  - d) screening or buffer planting shall be provided between commercial and other employment uses and adjacent residential uses to the satisfaction of Council;
  - e) no open storage shall be permitted;
  - f) parking areas shall be established based upon the standards contained in the Zoning By-law. However, specific uses established in accordance with the “comprehensive design and block concept” may have specific parking provisions to the satisfaction of Council;
  - g) access to such parking shall be controlled and designed to minimize vehicular and pedestrian conflicts;
  - h) parking shall be suitably landscaped along road frontages and screened from residential amenity spaces. Landscaped islands shall also be strategically used to minimize the visual impact of large parking areas; and
  - i) all commercial development will be subject to site plan control under the provisions of the Planning Act as well as the design policies of this section and the urban design policies of Section 6.2 of this Plan.

#### **4.3.3.7 Secondary Plans and Central Areas**

Secondary Plans shall be prepared or updated for all Major Central Areas and Community Central Areas in order to (re)define boundaries and to provide detailed land use designations and related policies, where appropriate. 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:

- a) the amount and general spatial distribution of gross retail and personal services floor space;
  - b) the general location and type of commercial, residential, institutional, industrial and mixed land uses;
  - c) the general location of respective higher residential densities;
  - d) the general location of community uses such as schools, places of worship, nursing homes and libraries;
  - e) the general location of open space and recreation areas as well as the location and function of parks;
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- f) the vehicular, public transit and pedestrian systems as well as the relationship between respective modes of transportation; and
- g) an urban design scheme for the Central Areas, or parts thereof, in order to detail the provisions of this Plan and to assist in the preparation of new and updated Zoning By-laws.

4.3.3.8 The Dundas East Central Area and the adjacent Special Purpose Commercial Area north of Dundas Street historically developed as a single function commercial area. The Municipality, to encourage an improved urban environment within this general area, will undertake studies to identify development and redevelopment opportunities to introduce new residential, cultural and community uses, an improved pedestrian system and landscaped streets throughout the area.

#### **4.3.3.9 Special Provisions**

4.3.3.9.1 Notwithstanding any other provisions of this Plan to the contrary, within the Dundas East Major Central Area, limited single detached dwellings and semi-detached dwellings in conjunction with other permitted medium density uses, at an overall minimum density of 30 units per net hectare, shall also be permitted within the "Medium Density Residential" area south of Nichol Avenue, east of Hopkins Street, and west of the Ontario Hydro corridor, subject to inclusion in the Zoning By-law.

### **4.4 Commercial**

#### **4.4.1 Goal**

4.4.1.1 To ensure the provision of a full range of retail, personal service and office facilities to accommodate the needs of the Municipality, the Region and the visiting public.

#### **4.4.2 Objectives**

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

4.4.2.2 To ensure all new commercial development is of high quality.

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

4.4.2.4 To provide the opportunity for the strategic and planned location of new commercial facilities, such as large-scale retail warehousing, which serve the regional market place.

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### 4.4.3 Policies

#### 4.4.3.1 Classification of Commercial Areas

Commercial development is classified and designated as follows:

a) Major Commercial

This designation comprises large, multi-function commercial areas serving the requirements of the Municipality as a whole and surrounding region. A full range of retail, entertainment, cultural, recreational, community, personal service and office uses are permitted. Mixed commercial/residential uses may also be permitted subject to Section 4.4.3.2.

Major Commercial areas shall be located within the Major Central Areas as shown on Schedule "A". Development of Major Commercial areas shall be guided by the Central Area policies and criteria of the Durham Regional Official Plan together with the Central Area and Commercial policies of this Plan.

The size of Major Commercial areas generally relate to the amount of gross leasable floor space for the retailing of goods and services and may be further defined by Secondary Plans and special studies.

b) Community Commercial

This designation comprises a commercial area serving primarily the weekly shopping needs of several residential neighbourhoods or small segments of the urban area. A range of retail, personal service, office and community uses shall be permitted. Residential units may be integrated as apartments above commercial uses within the same building, subject to Section 4.4.3.2. Community Commercial areas shall be located within the Community Central Areas as shown on Schedule 'A', and shall range in size between 1.8 to 6 hectares with a range of 5,500-15,000 square metres of gross leasable retail and personal service floor space.

c) Local Commercial and Convenience Commercial

Local Commercial areas comprise small commercial areas serving the day-to-day needs of an adjacent residential area. A range of retail including a small food store, personal service, office and community uses shall be permitted. Residential units may be integrated as apartment units above commercial uses within the same building, subject to Section 4.4.3.2. Local Commercial areas shall range between 0.8 to 2.0 hectares in size, with a maximum of generally 3,500 square metres of gross leasable retail and personal service floor space.

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Smaller Convenience Commercial Centres which provide goods and services of daily necessity to the immediate surrounding neighbourhood may be permitted on sites generally less than 0.4 hectares with up to 1,000 square metres of gross leasable retail and personal service floor space.

Planned Local Commercial areas and Convenience Commercial Centres are identified on Schedule “B” and in Secondary Plans. Additional commercial facilities shall only be permitted by amendment where there is a demonstrated need, and where no negative impacts on planned commercial facilities will occur. Local Commercial and Convenience Commercial facilities shall front on a collector road in general proximity to other collector or arterial roads, and shall be constructed and maintained so as to be contextually consistent with the massing and building heights of adjacent uses.

d) Commercial Node

The Commercial Node designation as identified on Schedule “A” generally recognizes existing commercial strips and areas which are encouraged to intensify and consolidate over time into mixed use nodes in accordance with good urban design principles and the comprehensive block concept. Within this designation, the following uses shall be permitted:

- i) such uses as restaurants, motels, financial establishments and small-scale home supply and improvement stores which could include the retailing and servicing of audio-visual equipment, plumbing and electrical supplies, appliances or furniture;
  - ii) existing retail and personal service uses previously recognized by Council and permitted by inclusion in the Zoning By-law prior to the adoption of this Plan;
  - iii) limited business, corporate and community service field office uses subject to rezoning;
  - iv) new automobile dealerships and automotive services may also be permitted on lots adjacent to railways where automobiles are stored to the rear of the building and suitably screened from adjacent residential uses; and
  - v) on a limited basis, retail and personal service uses other than the above uses only through the conversion of buildings which exist at the time of adoption of this Plan, or through mixed residential-commercial redevelopment by exception to the Zoning By-law, provided that such uses are compatible with their surroundings.
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The development, redevelopment and renovation of Commercial Nodes for mixed residential-commercial uses may be permitted subject to Section 4.4.3.2 and the inclusion of appropriate provisions in the Zoning By-law. In such instances, direct orientation to the public sidewalk shall be encouraged through reduced building setbacks where possible. The review and design of such development proposals shall consider the appropriateness of building height and form and the use of various buffering measures in order to ensure compatibility with adjacent land uses. Generally, building height shall not exceed three storeys.

Residential development without a commercial component may also be permitted within a Commercial Node as an exception, and shall be subject to Section 4.4.3.2 and the inclusion of appropriate provisions in the Zoning By-law. Such residential development shall be designed to be compatible with surrounding land uses.

e) Special Purpose Commercial

This designation comprises a commercial area serving those specialized needs of the community on an occasional basis with services and facilities 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 sales, financial establishments, home supply and improvement centres. Special Purpose Commercial uses shall be located with exposure to arterial roads and are encouraged to develop in a “comprehensive block” manner as defined in Section 4.4.3.4(a) of this Plan. Special Purpose Commercial designations are indicated on Schedule “A”. Special Purpose Commercial areas identified within the Hamlet limits, as shown on Schedule “A”, will be developed in accordance with Section 4.11.3.1 of this Plan.

f) Special Activity Nodes

Special Activity Nodes as identified on Schedule “A” shall be predominantly used for major, high order activities that provide a region-wide service. These Nodes shall be developed in accordance with the comprehensive block concept and other good design principles and are further defined as follows:

i) Special Activity Node A:

This Node is generally situated on the north side of Taunton Road at the intersection of Cochrane Street as shown on Schedule “A”, and indicates a major full service tourist and recreational attraction area primarily serving visitors and tourists to the Municipality from the surrounding Region and beyond.

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The predominant use of the lands east of Cochrane Street shall be for a passive recreational park including a botanical gardens and miniature village, with limited ancillary retail uses and eating establishments permitted.

The predominant use of the lands west of Cochrane Street shall include a “Heritage Village” open to the public at large and composed of restored, or replica historical dwellings, depicting early southern Ontario architecture. Any commercial uses shall be restricted in total floor space and predominantly oriented to servicing tourists to the Municipality. Permitted uses shall include: small shops retailing such items as artisan handicrafts, gifts, antiques, books, confections, and baking goods, eating establishments, limited bed and breakfast accommodation, and a small-scale hotel and ancillary facilities. A museum and a nursery garden centre shall also be allowed.

Excluding the garden centre, the total floor space capacity of all retail activity in the “Heritage Village” shall not exceed 2,500 square metres. The precise nature and extent of all uses shall be controlled through the implementing Zoning By-law. Any new development shall be subject to site plan control, and shall be serviced with full municipal services in accordance with the Durham Regional Official Plan.

The golf course immediately to the west is recognized as a use complementary to Special Activity Node A and is permitted in the implementing Zoning By-law.

ii) Special Activity Node B:

The Node is concentrated at the Highway 401/Thickson Road interchange. Taking advantage of high visibility and convenient access, permitted uses shall 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 including data processing centres, commercial or technical schools and research and development facilities.

A retail warehouse generally serves a regional trade area and is a large scale, non-traditional retail facility composed of single user units each having a minimum gross floor area of 2,000 square metres, where the principle use is for the sale of products that are displayed and stored in one and the same area that is visible to the public and does not include supermarkets and department stores.

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Lands immediately abutting the Highway 401/Thickson Road interchange have been designated “Special Activity Node” on Land Use Schedule “A”. Maximum gross leasable floor space for retail warehouse uses has been allocated to each quadrant as follows:

- 1) the lands located within the southwest quadrant of the designated “Special Activity Node B” area shall have a maximum gross leasable floor space up to 63,450 square metres for the purpose of retail warehouse uses;
- 2) the lands located within the northwest quadrant of the designated “Special activity Node B” area shall have a maximum gross leasable floor space up to 10,300 square metres for the purpose of retail warehouse uses;
- 3) the lands located within the northeast quadrant of the designated “Special Activity Node B” area shall have a maximum gross leasable floor space up to 7,000 square metres for the purpose of retail warehouse uses; and
- 4) the lands located within the southeast quadrant of the designated “Special Activity Node B” area shall have a maximum gross leasable floor space up to 59,400 square metres for the purpose of retail warehouse uses.

Only one retail warehouse 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 retail warehouse shall not exceed 5,000 square metres of gross leasable floor area.

As of the date of the approval of this policy, the foregoing permission for a retail warehouse containing food space is permitted by Zoning By-law. Any Zoning By-law amendment to allocate this food space elsewhere within the “Special Activity Node B” will take into account such permission. The food space shall be included within the general floor space distributions for the four areas listed above, and shall be subject to appropriate zoning to ensure that the amount of space devoted to the sale, display and storage of food products is restricted only to a portion of the total space contained in the retail warehouse so that the retail warehouse does not constitute a supermarket. In addition to complying with the foregoing, the retail warehouse shall be a minimum of 7,500 square metres gross floor area.

Retail warehouses within this Node shall only be permitted by commercial amendments to the Zoning By-law. Council in considering amendments for retail warehouse 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 zoning review process, it shall be demonstrated to the satisfaction of the appropriate agencies that the road network can adequately support the proposed retail warehouse use.

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Generally, retail warehousing uses are envisioned to be large, single unit building operations with high urban design and landscape standards.

Comprehensive design concepts shall be required incorporating an overall design to achieve proper access, internal traffic circulation, adequate parking and appropriate urban design characteristics prior to approval of a specific development application. 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.

The proponents of retail warehousing facilities may be required to prepare a retail market impact analysis to demonstrate no undue adverse impact on other existing and planned commercial facilities at the discretion of Council.

#### **4.4.3.2 Residential Uses in Commercial Designations**

Residential uses in Major, Community, Local Commercial and Commercial Node designations shall have regard for the following:

- a) compatibility with the general character of the area and in particular, adjacent uses;
- b) capacity of existing infrastructure services and roads to accommodate the proposed residential use;
- c) proximity to community services and facilities and employment opportunities;
- d) proximity to public transit;
- e) availability of adequate parking; and
- f) ability of the structural and physical character of a host building to accommodate residential intensification, re-use and/or redevelopment.

#### **4.4.3.3 Automobile Service Stations and Gas Bars**

Automobile service stations and gas bars are establishments in which the major activity is the retailing of gasoline and associated automotive products, and may include car washes and mechanical repair of vehicles. They generally shall be located in Commercial Areas 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;
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- c) locations shall be such that they would not create serious congestion or danger to vehicular or pedestrian traffic. Access points to each site shall be limited in number and designated in a manner which will minimize the danger to vehicular and pedestrian traffic in the immediate areas;
  - d) sites will not be encouraged adjacent to or opposite to schools or public recreation properties;
  - e) each lot shall be large enough to permit proper location of the buildings and gas pumps and adequate landscaping. In addition, the lot should be as nearly rectangular as possible. All driveways and parking lots shall be curbed and shall be paved with a durable, dust-free, all-weather hard surface to maintain a high calibre of appearance;
  - f) generally, no more than two automobile service stations shall be located at any intersection and diagonally opposite to each other; and
  - g) automobile service stations, adjacent to residential areas, will only be permitted where there is no undue adverse effect on the adjacent residential use.

#### **4.4.3.4 Design Policies**

The following policies shall govern development in all Commercial areas and designations:

- a) the encouragement of the “comprehensive block concept” which 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. Interim direct access to an arterial road may be permitted for a specific time period, subject to local considerations and approval of Council, until permanent access by a service lane is available;
  - b) existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development;
  - c) landscaping shall form an integral part of all commercial development;
  - d) screening or buffer planting shall be provided between commercial uses and adjacent residential uses to the satisfaction of Council;
  - e) parking areas shall be suitably screened along road frontages and from residential amenity spaces;
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- f) parking areas shall be established based upon the standards contained in the Zoning By-law. Access to such parking shall be controlled and designed to minimize danger to vehicular and pedestrian traffic;
  - g) outdoor display and café areas shall be regulated to ensure safe pedestrian movement, emergency access, and where required, separation from residential uses;
  - h) 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; and
  - i) all commercial development will be subject to site plan control under the provisions of the Planning Act as well as the site plan and urban design policies of this Section and Section 6.2 of this Plan.

#### **4.4.4 Implementation**

- 4.4.4.1 Commercial development may be permitted only in accordance with a Site Plan Agreement under the provisions of the Planning Act. All buildings shall be designed by an architect or engineer qualified to design buildings and shall form part of a comprehensive plan for the entire site on which they are located.
- 4.4.4.2 In applications to amend the Zoning By-law or this Plan for proposed commercial development, Council 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 commercial facilities (Central Areas). This may require a peer evaluation of the submitted analysis by a qualified professional at the expense of the proponent.

#### **4.4.5 Special Provisions**

- 4.4.5.1 Notwithstanding any other provisions in this Plan to the contrary, where the commercial policies of this Plan vary with those developed under Secondary Plans outlined in Section 9.0, then the policies of the Secondary Plan shall prevail.
  - 4.4.5.2 As an exception, the Special Purpose Commercial Area located in the south-west quadrant of Dundas Street and Hopkins Street may contain 1,500 square metres of floor space for professional offices and other personal service uses as defined in the implementing Zoning By-law.
  - 4.4.5.3 Notwithstanding any other provisions of this Plan to the contrary, limited retail, office and personal service uses may be permitted in the Special Purpose Commercial Areas at Thickson Road, north of Dundas Street subject to inclusion in the implementing Zoning By-law.
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- 4.4.5.4 Notwithstanding any other provisions of this Plan to the contrary, at the northwest quadrant of Garden Street and Taunton Road, a banquet hall and convention centre, hotel, recreation and entertainment uses shall be permitted in the Special Purpose Commercial designation, and ancillary office and mixed retail/office uses may also be permitted in conjunction with a banquet and convention centre. For the property at the immediate corner of Taunton Road and Garden Street, the following additional uses shall be permitted: retail and personal service uses not defined in the Special Purpose Commercial designation of this Plan, with up to 3,250 square metres floorspace, which may include food stores provided the total gross leasable floorspace does not exceed 1,200 square metres. All uses shall be subject to inclusion in the implementing Zoning By-law.
- 4.4.5.5 Notwithstanding any other provisions of this Plan to the contrary, within the Commercial Node areas east of Brock Street on both sides of Consumers Drive, no retail stores including small-scale home supply and improvement stores which could include the retailing and servicing of audio visual equipment, plumbing and electrical supplies, appliances or furniture, shall be permitted.
- 4.4.5.6 Notwithstanding any other provisions of this Plan to the contrary, within the “Special Purpose Commercial” area south of Consumers Drive, the following provisions shall apply:
- (i) On the property south of Consumers Drive directly west of Pringle Creek and identified by Assessment Roll No. 18-09-030-023-01922, only a retail store devoted to the sale and supply of automobile parts, service and the sale of goods and wares such as household goods, home improvement products, entertainment products, hardware, gardening supplies, sports and recreation goods, plus ancillary or accessory uses such as offices or the sale of convenience goods and services related thereto, is permitted subject to the inclusion of the implementing Zoning By-law.
  - (ii) On the property 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 the inclusion of the implementing Zoning By-law.
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## **4.5 Mixed Use Areas**

### **4.5.1 Goals**

To encourage mixed residential and commercial development to ensure an intensive and efficient use of land, particularly in the Central Areas.

### **4.5.2 Objectives**

4.5.2.1 To provide new opportunities for housing and employment which support the growth and development of Central Areas.

4.5.2.2 To provide closer market support for a range of business and entertainment uses in Central Areas.

4.5.2.3 To help preserve existing non-residential buildings and where desirable, provide a transition between commercial and residential areas.

### **4.5.3 Policies**

4.5.3.1 Lands designated as Mixed Use Areas permit integrated mixed use developments which shall include residential uses in association with office, retail, personal service, community and/or institutional uses. Although such uses may also be combined in other designations, Mixed Use Areas are intended to permit relatively greater overall density of development, shall contain a residential use component, and provide a transition of uses.

4.5.3.2 Residential units may be integrated as apartment units above non-residential uses within the same building, or in distinct and separate buildings on the same site as non-residential uses in accordance with the “comprehensive block concept” planning of the overall site.

4.5.3.3 Further and superseding provisions for the range, mix and density of uses and building heights permitted in Mixed Use Areas may be defined by a Secondary Plan or site specific policy.

4.5.3.4 The actual scale of any development in Mixed Use Areas in terms of permitted building height, lot coverage, floorspace, density and setbacks shall be included in the implementing Zoning By-law.

4.5.3.5 Mixed Use Areas shall be particularly encouraged within the Central Areas of this Plan.

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**4.5.4 Special Provisions**

4.5.4.1 Notwithstanding any other provisions of this Plan to the contrary, within the Dundas East Major Central Area, in accordance with Section 4.5.3.3 of this Plan, the following additional uses shall be permitted:

- (i) Medium Density Residential areas shall be developed at densities between 30 and 65 units per net hectare; and
- (ii) Automobile dealerships shall also be permitted within the “Mixed Use” area, subject to inclusion in the Zoning By-law.

**4.6 Industrial****4.6.1 Goals**

4.6.1.1 To provide opportunities to meet the employment and economic needs of the Municipality and the Region by sustaining and broadening Whitby’s economic base through the maintenance and encouragement of new industrial and business development.

4.6.1.2 To ensure that a variety of serviceable industrial land is available within the Municipality at all times.

4.6.1.3 To ensure a high quality design in the Municipality’s industrial and business parks.

**4.6.2 Objectives**

4.6.2.1 To provide a choice of areas for industrial uses at all times within the Municipality by ensuring that a minimum 5 year supply of serviced industrial land is available within the designated industrial areas of the Official Plan.

4.6.2.2 To maintain and enhance the presence of all existing industrial uses in designated areas.

4.6.2.3 To encourage and permit the development of a variety of industrial uses by designating lands through this Plan and Secondary Plans which allow business parks, prestige industrial areas, and general industrial areas.

4.6.2.4 To work closely at all times with all Regional, Provincial and Federal agencies and authorities to maintain stability and expansion for existing industry and to maximize opportunities for attracting new undertakings in the Municipality.

4.6.2.5 To encourage intensification in existing industrial areas.

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### 4.6.3 Policies

4.6.3.1 Industrial areas consist of General Industrial Areas, Prestige Industrial Areas and Business Parks.

4.6.3.1.1 Conversion of Industrial Areas

- a) Within employment areas identified as Industrial Areas identified on “Schedule A – Land Use” of the Whitby Official Plan, Council shall not approve applications for the conversion of Industrial Areas to non-employment uses outside of a municipal comprehensive review.
  - b) Provided a complete application has been submitted, Council 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:
    - i) there is a need for the conversion;
    - ii) the Municipality will meet the employment forecasts allocated to the Municipality pursuant to the Growth Plan for the Greater Golden Horseshoe, 2006;
    - iii) 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 the Growth Plan for the Greater Golden Horseshoe, 2006;
    - iv) there is existing or planned infrastructure to accommodate the proposed conversion;
    - v) the lands are not required over the long term for the employment purposes for which they are designated and,
    - vi) cross-jurisdictional issues have been considered.
  - c) For the purposes of this policy, retail and commercial uses other than those outlined in Section 4.6.3.2.3, Section 4.6.3.3.2, Section 11.2.6.7, and residential uses are considered non-employment uses.
  - d) In accordance with the Planning Act, there is no appeal with respect to a refusal or failure to adopt an official plan amendment or Zoning By-law amendment application that proposed to remove any land from Industrial Areas, even if other land is proposed to be added, or for an application that proposed other non-employment uses as set out in 4.6.3.1.1 c) above in Industrial Areas.
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#### 4.6.3.2 General Industrial

- 4.6.3.2.1 The predominant use of land in General Industrial areas 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. Recycling of non-toxic materials such as paper, glass, metal, construction waste and plastics may be permitted provided the operation is wholly enclosed and is in accordance with any required Provincial certificate of approval.
- 4.6.3.2.2 Consideration may be given to zoning limited areas adjacent to arterial roads for Prestige Industrial uses as defined in Section 4.6.3.3 without amendment to this Plan.
- 4.6.3.2.3 The following uses may also be included in General Industrial areas subject to the relevant policies of this Plan and the inclusion of appropriate provisions in the Zoning By-law:
- a) accessory sales, service and office components of industrial operations such as truck, equipment, machinery, service shops and contracting yards; and
  - b) such accessory uses are only permitted provided that they are smaller in scale and subordinate to the primary use, are located on the same lot of the primary use, have no detrimental impact on adjacent uses, and the floor space and any of the specific requirements are indicated in the Zoning By-law.
- 4.6.3.2.4 Heavy industries and open storage areas shall be kept both distant and appropriately located from non-compatible uses such as residential and environmentally sensitive areas, and will be located so no adverse effects will result on surrounding areas. Generally, they shall be located in the interior of industrial areas.
- 4.6.3.2.5 No industrial use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under the Public Health Act or any other public statutes.
- 4.6.3.2.6 All General Industrial uses shall comply with all government health and environmental standards so as to cause no undue adverse environmental effects as a result of the emission of smoke, noise, odours, or any other form of pollution.
- 4.6.3.2.7 Truck terminals shall be located in General Industrial areas with direct access to an arterial road and close connection with high volume major arterial roads such as regional or provincial roadways. Parking, loading and storage areas shall be adequately screened from adjacent land uses, with the provision of a durable, dust-free, all-weather hard surface, and adequate storm water management facilities.
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### **4.6.3.3 Prestige Industrial**

- 4.6.3.3.1 The Prestige Industrial Areas designated on Schedule "A" comprise lands having prime exposure to the major freeways such as Highways 407 and 401. All development in these areas shall exhibit a high standard of building design, an attractive appearance and extensive landscaping.
- 4.6.3.3.2 The use of land in Prestige Industrial areas shall generally include light industrial uses within enclosed buildings, professional, corporate and industrial oriented office buildings, data processing centres, commercial or technical schools, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is detailed in the Zoning By-law and is compatible with adjacent land uses. In addition, certain limited commercial uses serving the industrial areas and community and recreational uses, such as banks, restaurants, fraternal organizations and athletic clubs, may be permitted in accordance with Section 11 of the Durham Regional Official Plan.
- 4.6.3.3.3 Development of Prestige Industrial areas and Business Parks shall be guided by the policies of Section 11 of the Durham Regional Official Plan.
- 4.6.3.3.4 Business parks shall be permitted in Prestige Industrial designations within Secondary Plans. These employment areas are to be distinctive, large, highly visible and accessible, comprehensively planned and developed in a campus-like setting with more intensive employment opportunities. The highest design and development standards shall be utilized.
- 4.6.3.3.5 Within Prestige Industrial areas, open storage generally shall not be permitted, however, if there is a demonstrated need Council may permit limited accessory outdoor storage areas provided they are located in rear yards, are adequately screened from adjacent roadways and do not exceed the ground floor area of the primary use.
- 4.6.3.3.6 Hotels, motels and ancillary commercial uses thereto, may be permitted in Prestige Industrial designations by exception to the Zoning By-law on lands abutting Highway No. 401, proposed Highway No. 407 and any other Provincial highways in the Municipality, or abutting a service road adjacent to these highways, provided that such uses are compatible with the surrounding area.

### **4.6.3.4 Automobile Complex**

As an exception, an automobile complex may be permitted in the Prestige Industrial and General Industrial designations by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, or abutting a service road adjacent to Highway 401, provided such uses are compatible with the surrounding area and where at least two dealerships are to be constructed in the first phase of development. An automobile complex is defined as a cluster of three or more new automotive sales dealerships with associated storage of vehicles located within a campus setting, and integrated by common access and internal vehicular and pedestrian circulation. Generally, the gross floor area of an individual dealership will exceed 1,000 square metres.

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An automobile complex will be distinguished by common elements of high urban and landscape design standards, including building form, massing, signage and lighting. These elements will be co-ordinated within an overall development scheme through the site plan approval process to ensure cohesive design, with strong visual and physical relationships between individual dealerships.

#### **4.6.4 Implementation**

4.6.4.1 Council will encourage the maintenance of an available supply of serviced industrial land by:

- a) monitoring the consumption of serviced industrial land;
- b) monitoring the availability of unserviced industrial land;
- c) monitoring the capital forecasts supporting the extension of municipal services into designated industrial areas; and
- d) reviewing industrial needs through the review and update of this Official Plan.

#### **4.6.4.2 Site Plan Control**

All development within any Industrial designation shall be subject to Site Plan Control under the Planning Act, as amended from time to time. Special attention will be made to signage, outdoor storage, lighting, buffering, setbacks, landscaping, driveways and parking lots, especially where industrial lands abut open space, watercourses, environmental, recreational, residential, commercial uses and roads. Parking lots which are within 60 metres of residential, open space or commercial areas or abut a public road shall be paved.

All driveways and parking lots shall maintain a high calibre of appearance. All open storage shall be adequately screened by planting strips, fences or buildings.

4.6.4.3 All buildings shall be designed by a qualified architect or engineer qualified to design buildings.

4.6.4.4 All Industrial Areas shall be placed in separate categories in the Zoning By-law of the Municipality.

#### **4.6.5 Special Provisions**

4.6.5.1 Where the industrial policies of this Plan vary with those developed under Secondary Plans outlined in Section 9.0, then the policies of the Secondary Plan shall prevail.

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- 4.6.5.2 Notwithstanding any other provisions of this Plan to the contrary, the additional use of a single new automobile sales establishment or an automobile complex containing two or more new automobile sales establishments may be permitted on the lands located in Part of Lot 20, Concession 1, having frontage on Champlain Avenue and identified by Assessment Roll No. 18-09-040-030-37310, comprising of approximately 3.9 hectares, subject to the appropriate provisions in the Zoning By-law.
- 4.6.5.3 Notwithstanding any other provisions of this Plan to the contrary, the additional use of a single new automobile sales dealership or an automobile dealership complex containing two or more new automobile sales dealerships may be permitted on the lands located in Part of Lot 21 and 22, Concession 1, generally located on the immediate north side of Consumers Drive, between Sunray Street and Thicksen Road South, subject to the appropriate provisions in the Zoning By-law.
- 4.6.5.4 Notwithstanding any other provisions of this Plan to the contrary, the use of a single new automobile sales dealership as the first phase in the development of an automobile dealership complex containing two or more new automobile sales dealerships may be permitted as the only use on the lands east of the Hazard Land designated located in Part of Lot 24, Broken Front Concession, municipally known as 609 Victoria Street East, subject to the appropriate provisions in the Zoning By-law.
- 4.6.5.5 Notwithstanding the provisions of this Plan to the contrary, the additional use of a single new automobile sales dealership may be permitted on the lands located in Part of Lot 23, Concession 1, municipally known as 1100 Champlain Court and identified by Assessment Roll No. 18-09-040-026-24500, subject to the appropriate provisions in the Zoning By-law.
- 4.6.5.6 Notwithstanding the provisions of this Plan to the contrary, the additional use of a single new automobile sales dealership and/or a single boat and recreational vehicle sales dealership, including incidental and accessory sales, may be permitted on the lands located in Part Lot 24, Concession 1, municipally known as 920 Champlain Court and identified by Assessment Roll No. 18-09-040-026-40000, subject to the appropriate provisions in the Zoning By-law.
- 4.6.5.7 Notwithstanding the provisions of the General Industrial designation, a hotel/motel and ancillary commercial uses are permitted on the lands located in Part of Lot 19, Concession 1 having frontage on the future Consumers Drive extension, north of Champlain Avenue and identified by Assessment Roll No. 18-09-040-030-38410, comprising of approximately 12.654 hectares, subject to the appropriate provisions in the Zoning By-law.
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## **4.7 Institutional Cultural and Community Facilities**

### **4.7.1 Goal**

4.7.1.1 To ensure that adequate institutional, community, educational and cultural facilities for the needs of the Municipality's population and work force are accommodated.

### **4.7.2 Objectives**

4.7.2.1 To encourage the joint use of all institutional and community facilities.

4.7.2.2 To support the establishment of educational programs in the Municipality for all segments of the population and workforce.

4.7.2.3 To encourage the development and promote enhancement of facilities that satisfy the health, education, religious and cultural needs of the community.

### **4.7.3 Policies**

4.7.3.1 Permitted uses within the Institutional designation as shown on Schedule "A" shall be predominantly for major public uses including hospitals, civic administration centres, major government facilities and post secondary education facilities. Places of worship, community centres, regional schools, libraries, transit, art and cultural facilities, and medical and care facilities shall also be permitted.

4.7.3.2 Notwithstanding any other provisions of this Plan, facilities related to the protection and safety of the Municipality such as fire, police and ambulance stations may be permitted in any urban designation as shown on Schedule "A", subject to any regulatory requirements.

4.7.3.3 The Municipality will encourage liveable communities offering a variety of housing and employment opportunities, with appropriate levels of service for health, education, religious, and cultural facilities, and the provision of essential emergency services.

4.7.3.4 The Municipality will co-operate and assist other levels of government and public and private agencies in providing community services and facilities on a mutually beneficial basis and in keeping with the financial resources of the Municipality.

4.7.3.5 Council 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 rehabilitation of the Whitby Centennial Building as a cultural centre.

4.7.3.6 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. Location and design criteria shall include:

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- a) adequate buffering, screen planting and/or fencing between institutional uses and adjoining residential areas;
  - b) adequate parking areas and loading/service areas and access points to such areas that are limited in number and designed in a manner which will minimize the danger to vehicular and pedestrian traffic in the immediate area;
  - c) demonstration that the landscape design treatment of the institutional facility provides for the effective integration of the facility with the existing and/or planned adjoining neighbourhood;
  - d) traffic, parking and service areas being oriented away from adjacent residential areas;
  - e) major institutional uses serving local Municipal and regional catchment areas should be located on arterial and major collector roads rather than within residential areas; and
  - f) generally, vehicular access to institutional uses within urban areas will be from collector or arterial roads.

4.7.3.7 Existing cemeteries shall be recognized as permitted uses in this Plan. The establishment of new cemeteries shall require an amendment to this Plan in accordance with Section 5 of the Durham Regional Official Plan.

4.7.3.8 Residential uses may be permitted on parcels of land occupied by and associated with institutional uses subject to a site-specific by-law amendment and satisfactorily demonstrating compliance with the following criteria:

- a) compatibility with the general physical character of the area and, in particular, adjacent uses;
- b) capacity of existing infrastructure services and roads to accommodate the proposed use(s);
- c) proximity to community services and facilities;
- d) availability of adequate parking;
- e) structural/physical character of a host building to accommodate intensification, re-use and/or redevelopment;
- f) proximity to parks and open spaces; and
- g) proximity to public transit services, where available.

4.7.3.9 Community uses such as day-care centres, recreation and health clubs, and other similar facilities, shall be permitted in prestige industrial, commercial and other major employment areas as a permitted use in the Zoning By-laws at the discretion of the Municipality.

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- 4.7.3.10 Council will, where practical, encourage:
- 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) the Municipality to consult with the Durham Regional School Boards and any other institutional agencies in the promotion, design and joint use of facilities; and
  - 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.
- 4.7.3.11 Council shall select the location of schools in cooperation and consultation with the appropriate education authorities and, generally, according to the following school site standards to ensure that its location will be the most appropriate to the needs of the area.
- a) Elementary Schools  
Generally, elementary schools should have a site size of 3.0 hectares. Where an elementary school is located adjacent to a local or district park, then the site shall be a minimum of 2.5 hectares.
  - b) Secondary Schools  
Generally, secondary schools shall have a site size of 8.0 hectares. Where a secondary school is located adjacent to a district park, then the site size shall be a minimum of 6.0 hectares.
- 4.7.3.12 With the anticipated growth in the Municipality, Council will investigate the possibility of establishing a post-secondary institute, in appropriate areas of the Municipality.
- 4.7.3.13 Should the Whitby Mental Health Centre, south of Victoria Street, sell or dispose of its lands for other than open space or institutional purposes, a comprehensive land use study will be required in full consultation with the Municipality prior to any amendment to this Plan.

#### **4.7.4 Implementation**

- 4.7.4.1 All institutional facilities shall be planned and approved under the Site Plan Control requirements under the provisions of the Planning Act, as amended from time-to-time.

#### **4.7.5 Special Provisions**

- 4.7.5.1 Where the institutional policies of this Plan vary with those developed under Secondary Plans outlined in Section 9.0, then the policies of the Secondary Plan shall prevail.
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## **4.8 Parks and Major Open Space**

### **4.8.1 Goals**

- 4.8.1.1 To provide for a range of recreational activities for all ages of the existing and future population.
- 4.8.1.2 To preserve and enhance the natural features of the Municipality's environment.
- 4.8.1.3 To ensure active recreational uses and passive conservation activities are in balance with the natural environment.

### **4.8.2 Objectives**

- 4.8.2.1 To select and secure open space based on its intended use, natural features and suitability for a linked and integrated open space system.
- 4.8.2.2 To provide urban parks and recreational facilities to meet the needs of the Municipality.
- 4.8.2.3 To maintain and enhance scenic vistas and other distinctive topographic and natural features.
- 4.8.2.4 To maximize public waterfront accessibility along the Lake Ontario shoreline and to maintain and develop the harbour for recreational and complementary uses.
- 4.8.2.5 To plan and develop a greenway system from the Lake Ontario shoreline to the Oak Ridges Moraine utilizing where appropriate, valleylands, woodlands, utility corridors and road allowances.
- 4.8.2.6 To provide for appropriate open space linkages to similar areas adjoining the Municipality's boundary.

### **4.8.3 Policies**

- 4.8.3.1 Permitted uses in the Major Open Space designation, as shown on Schedule "A" shall be for active and/or passive recreational and conservation uses, including waterfront parks, trails, conservation areas and greenways. In addition, such uses as forest, wildlife and fisheries management, agriculture, nurseries, gardening and other private recreational uses may be permitted. Golf courses shall require an amendment to this Plan and are subject to the provisions of Section 12 of the Durham Regional Official Plan. Any development applications that are made within or adjacent to Environmentally Sensitive Areas shall be subject to Section 5.3.2 of this Plan. Only buildings and structures incidental to these uses shall be permitted except as may be permitted in Section 5.3.2.1.
  - 4.8.3.2 It is the Municipality's policy to establish a greenway system consisting of major woodlands, conservation areas, valleylands, wetlands, the Lake Ontario waterfront, and the Oak Ridges Moraine. Wherever possible, this greenway system shall be continuous and linked with paths and trails for use by pedestrians and cyclists provided there is compatibility with environmental
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conditions. Access easements shall be secured as required to provide for a complete open space system. Utility corridors and unopened road allowances will be part of the greenway system, wherever possible. In addition, Council shall investigate the establishment of east-west open space corridors into adjacent municipalities in the vicinity of the former Lake Iroquois shoreline and along utility corridors.

- 4.8.3.3 Where any lands designated for 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.
- 4.8.3.4 It is the Municipality's policy to encourage best management practices at all times with respect to environmental features of all Major Open Space areas. Particular regard shall be made to the policies of Section 5 - Environmental Management of this Plan.
- 4.8.3.5 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.
- 4.8.3.6 The Municipality recognizes the visual and aesthetic importance of public and private open space areas in the urban area environment, neighbourhoods, and streetscapes.
- 4.8.3.7 The Municipality will encourage the acquisition, conservation, maintenance, and renewal of public open space areas and related facilities as part of an on-going comprehensive program of facilities management and community improvement.
- 4.8.3.8 Access to parks and open space shall be governed by the following policies:
- a) street frontage and physical access shall be provided, to the satisfaction of Council, to all recreational areas, open space, parks and facilities at appropriate locations and in accordance with the Municipality's design standards and requirements; and
  - b) Council shall encourage a barrier free environment for all recreational areas, open space, parks and facilities.
- 4.8.3.9 Public parks shall be provided for at 2.0 hectares per 1,000 population, exclusive of Hazard Lands, and Environmentally Sensitive Areas as follows:
- a) lands for Local Parks shall be provided for at 0.8 hectares per 1,000 population and each such Local Park shall not normally be less than 1.5 hectares in size, except in the case of residential parkettes or tot-lots, where the size shall be less than 1.0 hectare but a minimum of 0.1 hectare;
  - b) land for District Parks shall be provided for at 0.8 hectares per 1,000 population and each such District Park shall not normally be less than 4 hectares in size; and
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- c) land for Town Parks shall be provided for at 0.4 hectares per 1,000 population at appropriate locations throughout the Town.

4.8.3.10 The park functions and facilities shall be based upon the following classifications and definitions:

- a) Local Parks which include 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, tennis courts and playgrounds. Local parks are not intended to attract users beyond the neighbourhood being served, and shall generally be accessible within a 500 metre walking distance. Local parks shall be strategically located to discourage the crossing of arterial roads;
- 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, tennis and other ball courts, playgrounds, landscaped and passive recreation areas and parking. They shall front onto major collector or arterial roads, and where possible, be located adjacent to secondary schools; and
- c) Town Parks are intended to serve the existing and future population throughout the Municipality with major Town-wide park, recreational, civic, historic and cultural opportunities. This shall include municipally-owned open spaces along the waterfront.

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

- a) the parkland areas and Major Open Space system shall be connected wherever possible 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;
  - b) the size, location, function and linkages to other open space and park areas shall be detailed in Secondary, Development, Subdivision and Site Plans as appropriate;
  - c) where parkland development immediately abuts or is 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;
  - d) parks shall be generally located as central as possible to the communities or neighbourhoods that they serve;
  - e) generally, Local Parks shall have frontage on a local or collector road and District Parks shall be located on a collector or an arterial road;
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- f) development shall ensure clearly defined boundaries for parks and open space areas available to the public, and those lands which are privately owned;
  - g) parks and school sites shall be encouraged to be integrated in their design and development, subject to the following guidelines:
    - i) no physical barriers or separation of facilities will be introduced to prevent the establishment of joint park-school functions;
    - ii) facilities shall be designed to be complementary;
    - iii) a Local Park shall be generally integrated with an elementary school;
    - iv) a District Park shall be generally integrated with a secondary school or one or more elementary schools; and
  - h) individual master plans will be prepared to guide the long term development of municipal parks and shall be prepared in accordance with the Municipality's design standards.

4.8.3.12 Council may permit the consolidation of Local or District Parks in a Community Area without an amendment to this Plan providing that such consolidation meets the requirements of Sections 4.8.3.9 and 4.8.3.10 of this Plan. In addition, parkettes may be located within residential areas without a Local Park designation.

#### **4.8.4 Implementation**

4.8.4.1 The Municipality may acquire lands for parks, 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) the land dedication and cash-in-lieu provisions of the Planning Act, as amended from time-to-time;
- 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; and
- e) expropriation.

4.8.4.2 Council shall require that land be conveyed at no cost to the Municipality for park space or other public recreational purposes, based upon the following requirements

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- a) for the development or redevelopment of land uses for residential purposes, up to 5.0% of the total land holdings, or a cash-in-lieu equivalent. Alternatively, Council 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% 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 4.5 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 Municipality. However, in no case shall such contribution be less than 2% 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 Hazard Lands or an Environmentally Sensitive Area, or a significant mature 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 4.9.3.3 of this Plan, shall not be included as part of the dedication of parkland or cash-in-lieu payments under the Planning Act.

4.8.4.3 All parkland and Major Open Space areas conveyed to the Municipality shall be free of all encumbrances and contamination and in a physical condition satisfactory to the Municipality. Where this condition requires restoration or “clean up”, 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, and general condition as contained in the Municipality’s Parkland Development Policy.

4.8.4.4 It is Council’s policy to give priority to the acquisition of lands for parks, recreation and open space in areas of greatest deficiency.

Priorities of parkland acquisition will be based on the relevant provisions of the Municipality’s Culture and Recreation Master Plan as updated from time-to-time 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;
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- d) the availability of land on the open market; and
- e) the necessity to expropriate based on time limitations to available acquisition funding.

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.

- 4.8.4.5 The development and preservation of Major Open Space 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. The Major Open Space system will incorporate the Provincial Lake Ontario Waterfront Trail for walking and cycling purposes as generally identified on Schedule "C". While enhancing public access to the Waterfront, the design of the Trail shall ensure that any adverse impacts on areas of high environmental sensitivity or areas of a hazardous nature are minimized. Implementation of the Trail will be phased, taking into account the financial capability of the Municipality.

Council shall acquire lakeshore lands, where feasible and practical, for Open Space purposes or to provide public access to the waterfront through public park lands, lease arrangements, easements and/or public rights-of-way. Further, where feasible and deemed appropriate, Council shall acquire valleylands or establish recreational rights-of-way along watercourses.

- 4.8.4.6 The Municipality, in conjunction with any other agency having jurisdiction, shall review its overall Culture and Recreational Master Plan every five years to assess park distribution and requirements for the entire Municipality as a guide for future park and open space planning.

- 4.8.4.7 The Municipality, in consultation with any authority having jurisdiction, shall undertake a study to establish a greenway system throughout the Municipality as referred to in Section 4.8.3.2 of this Plan.

- 4.8.4.8 Any Major Open Space lands owned by the Municipality will not be sold and where there is to be development by private interests, it will be only on a leasehold basis, with the Municipality reserving the right of access to all lake frontage and open space areas.

- 4.8.4.9 Notwithstanding any other provisions of this Plan to the contrary, a single detached dwelling may be permitted on an existing lot of record subject to the provisions of the Zoning By-law and the lot having frontage on a public road allowance fully maintained on a year round basis.

#### **4.8.5 Special Provisions**

- 4.8.5.1 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

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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 Halls 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 Town, which shall address such issues as, but not limited to: landscaped buffering, grading, drainage, and access.

#### **4.9 Hazard Lands**

##### **4.9.1 Goals**

4.9.1.1 To maintain and enhance the hazard land and wetland resources in an environmentally sound manner.

##### **4.9.2 Objective**

4.9.2.1 To ensure that the hazard land and related wetland resources are protected through best management practices in terms of environmental quality and health and in accordance with Provincial Planning Policy Statements including the Wetlands and Floodplain Policy Statements.

##### **4.9.3 Policies**

4.9.3.1 Hazard lands have inherent environmental hazards, such as poor drainage, unstable or 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. These areas include the Town's streams and their associated valleylands below top of bank and the shoreline erosion limit of Lake Ontario as mapped by the Central Lake Ontario Conservation Authority and open space setbacks in accordance with Section 4.9.3.3. Lands so designated are intended primarily for preservation, conservation and enhancement of the natural environment. Such uses as agriculture, passive recreation, conservation of soil, wildlife and fisheries habitats shall be permitted in this designation.

Where Hazard Lands are integral with the Major Open Space designation, conservation areas or other outdoor recreational functions such as trails, may also be permitted provided such uses are compatible with environmental conditions. The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Section 12 of the Durham Regional Official Plan. As Hazard Lands may often contain Environmentally Sensitive Areas, the elimination of physical hazards through mitigative measures may not necessarily permit development on the basis of the ecological function such Environmentally Sensitive Areas may possess. In accordance with the Provincial Floodplain Policy Statement, no buildings, nor the placing nor removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in areas subject to periodic flooding or physical limitations of any kind without the written consent of the Central Lake Ontario Conservation Authority. Buildings and structures for flood or erosion control purposes are permitted. It is recognized

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that the lands so designated by their nature are to be managed in such a fashion as to complement adjacent land uses and protect them from any physical hazards or their effects and/or to provide adequate protection to areas of significant environmental function.

- 4.9.3.2 The extent and exact location of Hazard Lands shall be determined in the Zoning By-law in accordance with detailed flooding, soil and contour mapping in consultation with the Central Lake Ontario Conservation Authority, Ministry of Natural Resources and any other agency involved. In the absence of such mapping, the Municipality, in consultation with the Ministry of Natural Resources shall use such Hazard Lands shown on Schedule "A" as general guidelines in the preparation of the Zoning By-law and in the review and approval of development applications. When more detailed mapping becomes available, the Municipality will amend this Plan and the implementing Zoning By-law, as required. Only significant changes to the hazard land designation will require an amendment to this Plan and the Zoning By-law. Minor changes will only be reflected in the Zoning By-law.
- 4.9.3.3 Building and private property line setbacks will be imposed from the margins of the Hazard Land related to the extent of severity of the hazard. The Municipality will secure, where required, open space setbacks beyond top-of-bank for erosion control, bank stabilization and maintenance purposes. Where dealing with steep and hazardous slope conditions requiring public maintenance from the top-of-bank or where linkages within a greenway system cannot be provided in valleylands because of environmentally sensitive areas, the minimum setback from above the top-of-bank to the private property line will be established with consideration given to the severity of the hazard, including the sensitivity of the slope, soil conditions and the ability to maintain the said lands.
- 4.9.3.4 Where lands designated Hazard Lands are under private ownership, it shall not be construed as implying that such areas are free and open to the general public or will be purchased by the Municipality or other public agency. However, where a plan of subdivision has been submitted the dedication of Hazard Lands to the Municipality shall be encouraged.
- In considering an application for the erection of buildings or structures, or the placing or removal of fill of any kind on Hazard Lands, an application for the removal of the development constraints affecting lands designated as Hazard Lands 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 Hazard Lands;
  - d) the proposed methods by which these impacts may be overcome in a manner consistent with resource management practices; and
  - e) Provincial Floodplain and Wetland Policy Statements.
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4.9.3.5 Where new development is proposed on a site, those lands which are Hazard Lands, Environmentally Sensitive Areas or required for flood detention and/or water quality facilities, shall not be acceptable as part of the 5% dedication for parkland or public recreation purposes or cash-in-lieu payment under the Planning Act.

4.9.3.6 The Town may review its hazard lands and wetlands area policies in accordance with any emerging Provincial policies and guidelines.

## **4.10 Agriculture**

### **4.10.1 Goals**

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 high capability agricultural lands for farming and related uses on a long-term basis.

4.10.2.2 To promote conditions which encourage the efficient operation of agricultural uses within the Municipality.

4.10.2.3 To control development of non-farm uses in the rural area.

### **4.10.3 Policies**

4.10.3.1 Areas designated as Agriculture on Schedule "A" shall be predominantly used for agricultural activities and farm related uses, including the use of land, buildings or structures for food production, animal husbandry, nurseries, floral and greenhouse products, market gardening, secondary agricultural uses, and agricultural related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population. Retail stands for the sale of agricultural products originating from the farm unit upon which the stand is to be situated shall be permitted in accordance with the Zoning By-law.

4.10.3.2 Notwithstanding Section 4.10.3.1, kennels and fur farms may be permitted on existing lots of record provided that such uses are zoned in the Zoning By-law as an exception, do not create nuisance for surrounding uses and have no adverse impacts on surrounding farm operations.

4.10.3.3 Fish, wildlife and forest management uses as well as conservation projects and erosion control projects may be permitted in addition to the uses identified in Section 4.10.3.1 within the Oak Ridges Moraine Secondary Plan Area.

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- 4.10.3.4 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 in accordance with the Zoning By-law. The severance of such accessory dwelling shall not be permitted.
- 4.10.3.5 Severances in designated Agricultural areas shall not be permitted for purely non farm residential purposes outside of recognized rural settlement areas on Schedule "A".
- 4.10.3.6 Farm related severances for the purposes of property consolidations, lot line adjustments, the disposing of farmhouses made surplus through abutting farm consolidations, and farmer retirement lots shall be permitted in accordance with the provisions contained in Section 12 of the Durham Regional Official Plan.
- 4.10.3.7 No new residential development will be permitted in close proximity to livestock operations and shall comply with the minimum distance separation requirements of the Agricultural Minimum Distance Separation Formulae. Conversely, no new large scale animal or poultry establishments, or extensions thereto to create large scale animal or poultry establishments, will be permitted in close proximity to residential uses, and shall comply with the Agricultural Minimum Distance Separation Formulae.
- 4.10.3.8 Golf courses may only be permitted subject to an application to amend this Plan and in accordance with the provisions set out in Section 12 of the Durham Regional Official Plan. Notwithstanding this policy, no new golf courses shall be permitted within the Oak Ridges Moraine Secondary Plan Area.
- 4.10.3.9 Lands designated as Agriculture are to be kept free from urban encroachment. The creation of parcels of land will maintain a size that will be useful for agricultural purposes in the long term.
- 4.10.3.10 Lands designated for future urban purposes and vacant lots of record shall be encouraged to be used for agricultural purposes until such time as development occurs.
- 4.10.3.11 No new commercial facilities will be permitted in rural areas outside of the hamlets unless by amendment to this Plan. Any existing or proposed commercial facilities will be encouraged to locate in hamlets, and to consolidate in nodes with common entrances and exits.

#### **4.10.4 Special Provisions**

- 4.10.4.1 Notwithstanding other policies of this Section 4.10 and Section 4.11, a single detached dwelling may be permitted on an existing lot of record subject to the provisions of the Zoning By-law and the lot having frontage on an open public road allowance fully maintained on a year round basis.
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4.10.4.2 Notwithstanding any other provisions in this Plan to the contrary, non farm residential dwellings are permitted subject to zoning in the following areas:

- a) one additional lot on the property identified in the Assessment Roll Book as No. 18-09-010-043-29000 more generally described as part of the north half of Lot 24, Concession 8;
- b) in the rural cluster located at the intersection of Brawley Road East and Old Thickson Road just east of Highway 7/12 in parts of Lot 20 and 21, Concession 7; and
- c) one single detached dwelling on 5.95 hectares of land, being part of the north half of Lot 18, Concession 8, as identified in the 1991 Assessment Roll Book as No. 18-09-010-042-12905.

#### **4.11 Rural Settlements**

##### **4.11.1 Goals**

4.11.1.1 To maintain the existing rural settlement pattern of the Municipality in order to preserve the agricultural and natural amenity areas.

##### **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.

4.11.2.3 To restrict development of non farm residential uses outside of hamlets in the rural areas to ensure the predominance of hamlets as the preferred location of rural residential development.

##### **4.11.3 Policies**

###### **4.11.3.1 Hamlets**

4.11.3.1.1 Major development shall not be allowed in the designated hamlets of Ashburn, Macedonian Village, Almond Village, Myrtle and Myrtle Station until a Hamlet Secondary Plan has been prepared in accordance with the conclusions and recommendations of a Settlement Capacity Study, the requirements of which are outlined in Section 13 of the Durham Regional Official Plan. The Secondary Plan shall delineate the development boundary, the scale of development, detailed land use and the future form and function of these communities.

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- 4.11.3.1.2 Permitted uses within hamlets shall include a variety of housing types, community services and limited commercial and employment uses that meet the need of the residents of the hamlet and surrounding rural area. Prior to the preparation of a Secondary Plan, Council may recognize existing commercial uses through the inclusion of appropriate provisions in the Zoning By-law.
- 4.11.3.1.3 In the preparation of Secondary Plans, consideration shall be given to a development pattern that is phased, exhibits a compact form, occurs in depth rather than in strips, utilizes a grid pattern of local roads, complements the existing residential character of the hamlet, identifies directions of growth that will minimize the impacts on agricultural lands and the natural environment, and will comply with the Agricultural Minimum Distance Separation Formulae.
- 4.11.3.1.4 Prior to the preparation of a Secondary Plan, infilling between two existing dwellings and/or minor rounding out of existing development to the boundaries of the hamlet defined on Schedule "A" may be permitted by means of a land severance application. Such development will demonstrate: the availability of an adequate supply of potable water and soil conditions satisfactory for the effective operation of a drilled well and private waste disposal system for each proposal lot; and, no adverse impacts on the supply of water or the soil and ground water conditions of adjacent properties.
- 4.11.3.1.5 Major hamlet development shall occur by application for a draft plan of subdivision subject to the policy requirements contained in Section 13 of the Durham Regional Official Plan.
- 4.11.3.1.6 In addition to the Rural Settlement policies contained in Section 4.11 of the Official Plan, in the Hamlets of Ashburn, Myrtle and Myrtle Station, the Oak Ridges Moraine Secondary Plan shall apply. Where there is a conflict between the policies of Section 4.11 of the Official Plan and the policies of the Oak Ridges Moraine Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.
- 4.11.3.1.7 In the hamlets of Ashburn, Myrtle and Myrtle Station only residential infilling is permitted within the hamlet boundaries either by severance or by plan of subdivision. The hamlet boundaries of Ashburn, Myrtle and Myrtle Station cannot be expanded unless the hamlet boundaries established by the Oak Ridges Moraine Conservation Plan are modified by the Province of Ontario.

#### **4.11.3.2 Rural Residential Cluster**

- 4.11.3.2.1 Notwithstanding that new non farm residential development shall be discouraged outside of hamlets, Council may identify relatively small lot rural residential clusters by delineation through the Zoning By-law. Within a cluster so delineated, residential infilling and a minor extension in the form of one additional lot on the periphery of the existing residential development may be permitted. No rural residential clusters shall be permitted within the designated Agricultural area.
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- 4.11.3.2.2 A rural residential cluster shall:
- a) be a definable separate entity and be of a size so as not to be considered strip development;
  - b) comprise an existing group of dwellings on relatively small lots less than approximately 3 hectares;
  - c) not be located adjacent to a Provincial highway or Regional Type “A” arterial road;
  - d) comply with the Agricultural Minimum Distance Separation Formulae; and
  - e) be serviced with a private drilled well and a private waste disposal system which complies with the standards of the Durham Regional Health Unit and the Ministry of the Environment and has no demonstrated impact on neighbouring properties.
- 4.11.3.2.3 Once a rural residential cluster has been identified through the Zoning By-law, no further boundary expansion shall be permitted.

#### **4.11.3.3 Estate Residential**

- 4.11.3.3.1 Locations of approved, privately serviced estate residential subdivisions are shown on Schedule “A”. Generally, further estate residential development shall not be permitted, in recognition of this Plan’s intent to concentrate rural residential development within the hamlets. In no case shall new estate residential development be permitted within the Oak Ridges Moraine Secondary Plan Area.
- 4.11.3.3.2 Before any application for new estate residential development may be considered, the Municipality shall undertake a study assessing the long-term impacts on municipal servicing costs and the natural environment, and of the need for such development, taking into account the existing settlement capacities of further residential development within hamlets, rural clusters, approved estate developments, and on existing lots of record.
- 4.11.3.3.3 Consideration of any subsequent estate residential subdivision proposal shall require an application to amend both the Durham Regional Official Plan and this Plan, and shall be evaluated in accordance with the requirements contained in Section 13 of the Durham Regional Official Plan. In addition to satisfying these requirements, estate residential development shall not be permitted in areas directly adjacent, or within close proximity, to existing or future urban serviced areas or other estate residential developments, or be allowed to contribute to residential strip development on designated arterial roads. Development shall blend in with the natural landscape such that the rural environment is relatively undisturbed, utilizing such natural amenity features as varied topography and mature tree cover. Proposed house sites shall be screened where possible, from adjacent uses, each other and main access roads, and sited so as to preserve significant scenic vistas of the adjacent rural area for the general public.
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- 4.11.3.3.4 The maximum number of lots permitted in estate residential subdivisions shall generally not exceed 30, in order to avoid the creation of hamlet sized development. Individual lot sizes shall be varied and generally not less than 0.8 hectare. Lots may be required to be increased in size to permit the proper functioning of private services and to protect significant stands of trees and natural watercourses. As part of a plan of subdivision application, the proponent is required to submit a Tree Preservation Plan in accordance with Section 5.3.12.2 of this Plan.

## **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 adverse impacts on the natural amenities and residents of the Municipality.

### **4.12.2 Policies**

- 4.12.2.1 It is recognized by this Plan that the Municipality contains a relatively small amount of high potential aggregate resource areas which are identified on Schedule "C" of this Plan.

- 4.12.2.2 Within Resource Extraction Areas the extraction, processing and stockpiling of aggregate shall be permitted. Resource Extraction Areas are symbolically shown on Schedule "A" and further delineated on Schedule "C" as follows:

a) Part of Lots 31 and 32, Concession 5 comprising 19.39 hectares.

Resource Extraction Area designations may be removed without amendment to this Plan upon the expiry of the applicable license.

- 4.12.2.3 New commercial pits or quarries and their expansion shall not be permitted unless by amendment to this Plan and Zoning By-law, and only in accordance with the requirements of Section 19 of the Durham Regional Official Plan.

- 4.12.2.4 The rehabilitation of all abandoned pits and quarries and the progressive rehabilitation of operative pits and quarries shall be encouraged, and the works undertaken in a manner that is compatible with the surrounding land uses and rural landscape, and in accordance with the land use designation of the immediate surrounding lands.
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- 4.12.2.5 Outside of designated urban and rural settlement areas, 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. If the proposed wayside pit is located on lands identified on Schedule "C" as Hazard Land or Environmentally Sensitive, then a rezoning application may be required. When wayside pits, where located on lands designated Agriculture, are closed, then agricultural rehabilitation will be carried out, by the operator, and substantially the same area and average soil capability for agriculture will be restored.
- 4.12.2.6 Aggregate related industrial uses such as asphalt plants, ready mix concrete plants and freestanding aggregate transfer stations shall not be permitted unless by amendment to this Plan, except where such uses are permitted in fully serviced General Industrial areas. 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 Energy. Due consideration shall also be given to the adequacy and suitability of access onto appropriate roads, including the impact of the resulting truck traffic upon the public road network.
- 4.12.2.7 An application to amend this Plan shall be accompanied by the necessary studies and assessments as identified in Section 19A of the Durham Regional Official Plan.
- 4.12.2.8 Portable asphalt plants used solely by a public road authority or their agent shall be permitted in all designations with the exception of Residential, Hazard Land and Environmentally Sensitive Areas without requiring an amendment to this Plan or Zoning By-law. Such plants must comply with the Ministry of the Environment and Energy's separation distances and must obtain a certificate of approval from this Ministry. In Agriculture areas, sites used for portable asphalt plants will be rehabilitated back to their former agricultural use, by the public road authority or their agent responsible for the facility.
- 4.12.2.9 New mineral aggregate operations and wayside pits within the Oak Ridges Moraine Secondary Plan Area shall be subject to the policies of the Oak Ridges Moraine Secondary Plan in addition to the policies of Section 4.12 of the Official Plan. Where there is a conflict between the policies of Section 4.12 and the Oak Ridges Moraine Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.
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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. Using an ecosystem approach and maintaining high standards of community planning and urban design, the Municipality shall endeavour to minimize pollution of air, water and land resources.
- 5.1.2 To facilitate a safe and healthy environment by identifying various constraints on land and related resources, such as flooding, slope instability, noise, soil and groundwater contamination and by requiring effective mitigating measures as a condition of development.

### 5.2 Objectives

- 5.2.1 To develop guidelines and policies to promote environmentally sustainable development through land use planning to achieve a balance between maintaining the natural environment in good health and meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.2.2 To enhance the tools available for assessing development activity and its impact on the natural environment and identifying measures to prevent any detrimental impact by incorporating and implementing an assessment process of environmental evaluation in the development review and approval process under the Planning Act.
- 5.2.3 To conserve, preserve and enhance features of the natural environment and their ecological function including Provincially significant wetlands, valleylands and floodplains, head waters, streams, the former Lake Iroquois shoreline, the Oak Ridges Moraine, major wooded areas and the Lake Ontario Waterfront.

### 5.3 Policies

#### 5.3.1 General

- 5.3.1.1 Council will plan for the protection, conservation and enhancement of the waterfront, valleylands, major woodlands, watercourses, wetlands and areas of high natural function and biological value with input from the public, Central Lake Ontario Conservation Authority, the Region of Durham and the Province of Ontario.
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- 5.3.1.2 Council will co-operate with other levels of Government to reduce air, water and noise pollution to a level consistent with the best practical technology and accepted standards.
- 5.3.1.3 Council may require an environmental analysis and impact assessment by the proponent of existing site conditions as a basis for reviewing development.
- 5.3.1.4 The Municipality will encourage an ecosystem approach to environmental issues in the preparation of secondary plans, the review of development initiatives and the design of capital projects.
- 5.3.1.5 The Municipality will promote and provide for the nurturing, rehabilitation, and renewal of the urban woodland, valleylands and natural open space areas, through an on-going program of forestation and replacement stock development.
- 5.3.1.6 Council will encourage the preservation of trees and forested areas through the Region of Durham's By-law regulating the cutting of trees in accordance with the provision of the Trees Act and any other enabling legislation.

### **5.3.2 Environmentally Sensitive Areas**

- 5.3.2.1 Environmentally Sensitive Areas (ESAs) are generally indicated on Schedule "C", and shall be retained wherever possible in a natural state. Permitted uses shall include: single detached dwellings in accordance with Sections 4.8.4.9 and 10.1.13.3 of this Plan; non-intensive recreation uses such as nature viewing and trails; woodlots; wildlife and fisheries management; and conservation areas. With such uses, natural features are to be preserved to the maximum degree possible, buildings and structures should be minor in scale, and no or minimal parking should be provided on-site.
- 5.3.2.2 Development proposals for other uses allowed in the prevailing land use designation on Schedule "A" that are within or adjacent to ESAs may be permitted to the extent that the type or magnitude of development is compatible with the environmental conditions or that measures have been undertaken to mitigate any resulting negative environmental impact.
- 5.3.2.3 Prior to the consideration of any development application within Environmentally Sensitive Areas (ESAs), the Municipality shall require an Environmental Impact Study, to be prepared in consultation with other authorities as appropriate. In addition, such a study may be required for development applications on lands adjacent to ESAs. These studies may apply to the subject area or a wider area where determined to be necessary. Council in consultation with the Region of Durham shall select and retain qualified professional expertise to prepare the Environmental Impact Study (EIS). The expense of the study shall be borne by the proponent. The Study will examine and assess the following:
- a) the type and degree of sensitivity of the environmental conditions and the potential impacts of the proposed development;
  - b) the compatibility of the proposed development with the ESA;
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- c) the need for, and description of, mitigating measures to protect the sensitivity of the environmental conditions;
- d) the location, amount and type of development; and
- e) the location and extent of those sensitive area(s) which should be preserved.

5.3.2.4 Where any feature in an Environmentally Sensitive Area is damaged or removed, the Municipality will use all efforts to encourage the reinstatement of the natural environmental features. Furthermore, the Municipality will not consider, where such actions of vandalism have occurred, the removal of the environmental feature as being the basis for any application seeking a land use redesignation.

### 5.3.3 Wetlands

5.3.3.1 The Municipality shall implement the goals of the Wetlands Policy Statement prepared by the Province under Section 3 of the Planning Act. These goals are to:

- a) ensure that wetlands are identified and adequately protected through the land use planning process; and
- b) achieve no loss of contiguous area or function of Provincially Significant Wetlands.

5.3.3.2 The Municipality recognizes that the emphasis of these goals is on identification and protection and that it is the responsibility of the Ministry of Natural Resources to identify Provincially Significant Wetlands. Class 1, 2 and 3 wetlands are recognized as Provincially significant. Other wetlands may be identified and protected through the land use planning process by the Municipality in consultation with the Ministry of Natural Resources and/or local Conservation Authority.

5.3.3.3 All Provincially significant wetlands shall be identified by policy designation in this Official Plan, the Zoning By-law and other development approvals under the Planning Act, 2009. Development shall not be permitted within Provincially Significant Wetlands which are indicated on Schedule "C".

5.3.3.4 The conservation of the Dagmar Station wetland, and any other Class 4 to 7 wetland, shall be encouraged.

5.3.3.5 Development may be permitted on lands adjacent to Provincially Significant Wetlands if it is in full conformity with the Wetlands Policy Statement as demonstrated by an Environmental Impact Study (EIS).

Adjacent lands as defined by the Wetlands Policy Statement, are lands within 120 metres of the individual wetland area or lands connecting individual wetland areas within a wetland complex.

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5.3.3.6 Development applications will be reviewed by the Municipality within the context of the Provincial Manual of Implementation Guidelines for the Wetlands Policy Statement.

#### **5.3.4 Lake Ontario Waterfront**

5.3.4.1 The Municipality recognizes that the Lake Ontario Waterfront is a valuable natural feature that contributes significantly to the identity, character, and well-being of Whitby. The Municipality shall continue to encourage the establishment of a Waterfront that is publicly accessible and interconnected, offers a wide range of recreational activities and a balanced mix of land uses, and provides for the protection of environmentally sensitive areas and significant cultural heritage features. In keeping with this vision, the Municipality has established major open space and hazard land designations along the lakeshore to encourage and secure a Waterfront that is clean, open, connected, green, accessible, usable, diverse, attractive and affordable.

5.3.4.2 Future development and activities adjacent to the Waterfront shall also be compatible in terms of use, intensity and scale, and will include provision for pedestrian and visual linkages to the Waterfront Trail and open space system.

5.3.4.3 The landscaping of publicly owned waterfront open space shall be consistent with the urban, recreational and natural environments envisaged through this Plan. The Municipality will encourage the enhancement of significant natural habitat through the use of native planting materials. The Municipality, together with other agencies having jurisdiction will also investigate the opportunity to establish connectivity between valley land corridors through tree planting and revegetation programs along the Waterfront.

5.3.4.4 Connecting Whitby's urban areas to the Waterfront Trail shall be encouraged through transit accessibility and other north-south linkages, including trails and walkways within open space lands, and sidewalks within the road network.

#### **5.3.5 The Former Lake Iroquois Shoreline**

5.3.5.1 The Former Lake Iroquois Shoreline is identified on Schedule "C". The significant natural areas south of the Shoreline are generally located in Concession IV and V, are designated Major Open Space and Hazard Land and indicated as Environmentally Sensitive. These lands comprise important groundwater recharge and storage areas, significant woodland areas and wildlife habitats. Council shall endeavour to maintain and enhance the environmental integrity of these lands.

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### 5.3.6 Oak Ridges Moraine

5.3.6.1 The Oak Ridges Moraine is one of Ontario's most significant landforms that have been identified by the Province of Ontario under the Oak Ridges Moraine Conservation Act, 2001 as having a unique concentration of environmental, geological and hydrological features. It is recognized that the Oak Ridges Moraine provides a wide range of environmental features critical to the maintenance of healthy water resources, landform features and natural heritage values in Durham Region and the Greater Toronto Area. The policies of this Plan are intended to implement the requirements of the Oak Ridges Moraine Conservation Plan in protecting the ecological features and functions of the Oak Ridges Moraine. Where the policies of this Plan contradict the Oak Ridges Moraine Conservation Plan, the more restrictive policies shall prevail with the exception of policies that apply to agricultural uses, mineral aggregate operations and wayside pits.

Council shall also pass a By-law under the Municipal Act to regulate the cutting of trees and site alteration within the Oak Ridges Moraine Secondary Plan Area in accordance with the regulations of the Oak Ridges Moraine Conservation Act, 2001.

5.3.6.2 The Oak Ridges Moraine stretches across the northern boundary of the Town of Whitby. In addition to Schedules "A", "C", "E" and "M", in the Oak Ridges Moraine Secondary Plan Area, reference should be made to the following schedules, based on mapping provided by the Province of Ontario:

- a) Schedule "R" – Oak Ridges Moraine Secondary Plan Area Land Use Designations;
- b) Schedule "S" - Oak Ridges Moraine Secondary Plan Area Key Natural Heritage Features;
- c) Schedule "T" - Oak Ridges Moraine Secondary Plan Area Aquifer Vulnerability; and
- d) Schedule "U" - Oak Ridge Moraine Secondary Plan Area Landform Conservation Areas.

5.3.6.3 On December 14, 2001 the Province of Ontario passed the Oak Ridges Moraine Conservation Act 2001. On April 22, 2002 Ontario Regulation 140/02 – the Oak Ridges Moraine Conservation Plan, was filed under the Oak Ridges Moraine Conservation Act which establishes a policy framework for the protection of the ecological integrity of the Oak Ridges Moraine. The Official Plan contains policies that are intended to implement the Oak Ridges Moraine Conservation Plan.

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5.3.6.4 All development within the Oak Ridges Moraine shall be subject to the policies of the Official Plan and the policies of the Oak Ridges Moraine Secondary Plan as applicable. In addition, the provisions of the Oak Ridges Moraine Secondary Plan shall be implemented by a Zoning By-law that is passed in accordance with Section 34 of the Planning Act.

### **5.3.7 Other Mature Woodlands**

5.3.7.1 Other mature woodlands outside of ESAs are shown on Schedule “C”. Although these areas have not previously been delineated as Environmentally Sensitive Areas, they are considered to be areas of high natural significance, with well stocked and established stands over 60 years old. They include high quality mature hardwood and mixed woodlots, with particular emphasis on stands containing sugar maple, beech or hemlock. Stewardship by private landowners of these existing woodlands shall be encouraged through sustainable forest management practices. Such programs shall be determined in cooperation with the appropriate agencies having jurisdiction. All woodland areas shall be preserved through the requirements of the Region of Durham’s By-law regulating the cutting of trees, in accordance with the Trees Act and any other enabling legislation. Development applications within these areas shall require the preparation of a Tree Preservation Plan included in Development Agreements in accordance with Section 5.3.12.2 of this Plan.

### **5.3.8 Former Waste Disposal Sites**

5.3.8.1 In accordance with the requirements of the Ministry of Environment and Energy, development on, or adjacent to, former waste disposal sites, comprised of former landfill sites, shall be regulated in order to ensure public safety and land use compatibility.

5.3.8.2 Former waste disposal sites are generally shown on Schedule “C”.

5.3.8.3 When additional former waste disposal sites are identified they shall be added to Schedule “C” through periodic updates. Until this occurs, the policies of this section shall apply to any additional sites that are identified.

5.3.8.4 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. Where such information is unknown, new development will be permitted within 500 metres of a former waste disposal site if the following requirements are met:

- a) written approval received from the Ministry of Environment and Energy that the provisions of the appropriate legislation are satisfied;
  - b) technical studies of gas, leachate, hydrogeology, and structural stability and safety are completed to the satisfaction of the Ministry of Environment and Energy to show that the development is compatible and can safely take place; and
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c) measures are taken to the satisfaction of the Ministry of Environment and Energy and the Municipality to control any problems identified through the above study.

5.3.8.5 Notwithstanding the land use designations on Schedule "A", development will not be allowed to proceed on lands identified by studies as containing wastes until the requirements of the Ministry of Environment and Energy are met.

### **5.3.9 Waste Management**

5.3.9.1 Council supports a waste management strategy that emphasizes waste diversion through Reduction, Reuse and Recycling (3Rs), examines waste disposal alternatives, and explores waste as a potential resource.

5.3.9.2 The Municipality recognizes that the identification, management and decommissioning of former waste sites as well as contaminated industrial and commercial sites are important in order to support healthy communities, sustainable natural environment, and economic vitality.

5.3.9.3 Waste disposal facilities involving the processing and/or transfer of waste will be permitted within the General Industrial designation, subject to the issuance of a Provincial Certificate of Approval under the Environmental Protection Act. 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.

5.3.9.4 It is the policy of the Municipality:

- a) that landfill sites be carefully managed and rehabilitated to an appropriate use;
- b) to promote public awareness of waste issues, innovative approaches to waste reduction and better understanding of the environmental effects of waste of all sorts;
- c) to support businesses and institutions involved in the development and operation of innovative methods of waste diversion; and
- d) to promote, where possible, the diversion of waste generated from industrial, commercial and institutional uses.

5.3.9.5 Where an application is made to amend this Plan, the proponent shall demonstrate that the proposal would not adversely impact the community in terms of: noise; dust; traffic; odour; visual impacts and 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 infrastructure improvement, landscaping or other mitigative measures.

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**5.3.9.6 Contaminated Sites**

- 5.3.9.6.1 Contaminated sites refer to buildings, lands or structures that, for reasons of public health and safety or environmental quality, are unsafe as a result of past human activities.
- 5.3.9.6.2 Council encourages the proponents of new development to undertake 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.
- 5.3.9.6.3 Development of any contaminated site shall not be permitted until the site is decommissioned in accordance with provincial guidelines and legislation as amended from time to time.
- 5.3.9.6.4 Lands previously used for automobile repairs, service stations, fuel storage, or for the disposal of construction waste or debris shall not be used for residential purposes unless the site is decommissioned in accordance with provincial guidelines and legislation as amended from time to time.

**5.3.10 Storm Water Management**

- 5.3.10.1 In consideration of development applications, the following shall be required:
- a) proposals for the provision of storm water 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 storm water management facility, both during and after construction, in respect of flooding, pollution, erosion and sedimentation;
  - c) proposals and/or design details for mitigating any adverse impacts if such are likely to result from the proposed development; and
  - d) regard for provincial guidelines and legislation as amended from time to time.
- 5.3.10.2 The Municipality shall ensure that acceptable storm water management techniques are employed in the design and implementation of all development, to control the effects of water quantity and quality of run-off on the downstream aquatic environment. The physical requirement of storm water management systems will be considered during the processing of development applications, and subject to Section 8.2.3 of this Plan.
- 5.3.10.3 The Municipality shall encourage, where appropriate, the use of surface infiltration by means of permeable surfaces and soft landscaping, rather than impervious surfaces, when considering development proposals.
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**5.3.11 Construction Management Plans**

5.3.11.1 Construction Management Plans which address the impact of all proposed construction activities and measures to protect, mitigate and rehabilitate lands impacted by construction activity, will be required by the Municipality as a condition of development approval for lands adjacent to Hazard Lands or Environmentally Sensitive Areas.

5.3.11.2 Construction Management Plans are to identify vegetative preservation and natural areas to be protected and where disturbance to these areas will be minimized. In addition, Construction Management Plans are to identify what measures are to be taken to control run-off, and also to encourage the management and recycling of construction refuse. The main components of the Construction Management Plan may include, but not be limited to:

- a) identifying design control measures such as selective design in placing service corridors, reviewing grading and drainage practices to protect existing vegetation and maintain soil moisture levels both on-site and off, in order to limit disturbance to, and maintain the status of sensitive lands;
- b) implementing the Tree Preservation Plan prepared in accordance with Section 5.3.12.2 and identifying procedural and control measures to be used by developers and builders for construction activity in and around areas of preservation;
- c) preparing programs to control sedimentation, run-off, dust, topsoil, and stock pile treatment during construction including the use of refuse receptacles and recycling bins for building materials, and appropriate staging and timing of construction activity to reduce the impact on the environment; and
- d) preparing a rehabilitation and/or downstream erosion control strategy, if deemed necessary by the appropriate agencies, which would rehabilitate damaged natural areas, and identify preventative measures to be taken to protect natural areas from further damage, on-site and/or off-site.

**5.3.12 Development Review**

5.3.12.1 Council 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.

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- 5.3.12.2 Applications for plans of subdivision and other major development applications shall include a Tree Preservation Plan identifying trees, shrubs and other specific areas of natural habitat that will be preserved. Such Plans shall be prepared by a qualified landscape architect or arborist subject to Council's satisfaction. Once approved by the Municipality, the Tree Preservation Plan shall form a part of the Subdivision or Site Plan Agreement. Where trees are removed, the Tree Preservation Plan shall require, in conjunction with other required tree plantings, that native tree species be used wherever possible in areas of revegetation. A net gain in the number of these trees that will survive and grow to maturity is encouraged. Significant mature woodlots within the limits of a proposed development will not be accepted as part of any parkland dedication.
- 5.3.12.3 The preservation of trees along streets shall be ensured by Council, except where removal is necessary because of disease damage, or to ensure public health and safety. Where trees must be removed on municipal streets, new trees will be planted unless physical constraints do not permit their replacement.
- 5.3.12.4 The reforestation and improvement of the existing wooded and natural areas within the Municipality shall be encouraged. Such programs shall be determined in co-operation with the appropriate agency.
- 5.3.12.5 The retention by private landowners of ESAs and other significant mature woodlands indicated on Schedule "C" shall be encouraged rather than their dedication to, or purchase by, the Municipality. It shall not be construed as implying that such privately owned lands are free and open to the general public. Where private ownership is not feasible or desirable, dedication of these areas to the Municipality will be encouraged, but will generally not be considered as part of the parkland dedication requirements under the Planning Act. When considering development applications involving ESAs or other mature woodlands, bonusing provisions of the Planning Act may be implemented to encourage their retention or dedication. Such bonus provisions may address increases in density and height of development subject to Section 10.1.11 of this Plan.
- 5.3.12.6 Where residential developments are 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 and the Ministry of Environment and Energy, 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.
- 5.3.12.7 Notwithstanding any provision of this Plan to the contrary, an environmental study or analysis shall not be required by the Municipality for any undertaking which satisfies the provisions of the Environmental Assessment Act.
- 5.3.12.8 The Municipality will review its wetland, hazard land and Oak Ridges Moraine policies in response to new and/or revised provincial policies, guidelines and strategies.
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**SECTION 6 - COMMUNITY DEVELOPMENT**

**6.1 Heritage Resources**

**6.1.1 Goal**

6.1.1.1 To identify and preserve heritage resources such as buildings, other structures and sites which are of historical, architectural and archaeological significance.

**6.1.2 Objectives**

6.1.2.1 To achieve sound growth management through an effective balance between preserving the significant elements of the community’s cultural and natural heritage and providing the opportunity for new development and growth.

6.1.2.2 To ensure all new development permitted by the policies and designations of this Plan has regard for heritage resources and shall whenever possible, incorporate these resources into any plan that may be prepared.

6.1.2.3 To promote greater awareness of the Municipality’s heritage resources among the general public.

6.1.2.4 To encourage the preservation of buildings and sites of architectural, archaeological or historical significance and historical monuments, on the original site, wherever possible, and to preserve historical documents and materials.

**6.1.3 Policies**

Pursuant to Part IV of the Ontario Heritage Act, Council has established a Local Architectural Conservation Advisory Committee (L.A.C.A.C.) to advise and assist Council on all matters relating to the Town’s heritage. Council, prior to giving notice to designate a building or other structure under Part IV of the Ontario Heritage Act, shall consult with the Local Architectural Conservation Advisory Committee.

6.1.3.1 Council, in co-operation with the Local Architectural Conservation Advisory Committee, shall:

- a) identify and preserve, where possible, buildings and other structures which are of historical and/or architectural significance;
- b) encourage new development which is sympathetic to the existing settlement fabric;
- c) ensure the preservation of local archaeological resources; and
- d) promote awareness of the Municipality’s heritage among the general public through appropriate means such as publications directed at both the general public and owners of heritage buildings and sites.

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- 6.1.3.2 The Local Architectural Conservation Advisory Committee shall be encouraged to maintain an inventory of all buildings and other structures of significant architectural and/or historical interest within the Municipality.
- 6.1.3.3 Council shall encourage and support the recognition and preservation of its significant heritage resources by designating, under Part IV and Part V of the Ontario Heritage Act, buildings and other structures identified as being architecturally and/or historically significant. The Municipality shall also encourage the rehabilitation of such heritage buildings and other structures where necessary.
- 6.1.3.4 Council shall not restrict the right of the owner to alterations to a property designated under the Ontario Heritage Act, provided such alterations do not affect the reasons for designation and that such alterations conform to the policies of this Plan and the Zoning By-law.
- 6.1.3.5 Council shall encourage all new development and redevelopment within historic settlement areas to develop in contextual harmony with the overall character of these areas. Existing buildings and other features of architectural or historical significance which are located on lands to be developed shall be conserved whenever possible and their conservation may be a requirement in any development agreement or approval.
- 6.1.3.6 Council in consultation with L.A.C.A.C. shall encourage the designation and retention of buildings of architectural and/or historical significance on the original site.
- 6.1.3.7 Where a designated structure is in danger of being demolished or removed from the original site, Council shall consult with the L.A.C.A.C. and the owners to examine available opportunities to preserve and protect the structure. In addition, Council may consider alternative uses in accordance with Section 4.2.3.1(c) of this Plan, subject to any amendment to the Zoning By-law.
- 6.1.3.8 Council shall encourage the undertaking of a survey, preservation or rescue excavation of archaeological resources should such sites be discovered in the Municipality. Consideration may be given to the requirement of an archaeological assessment, as deemed necessary by the appropriate agencies, as a condition of development approvals.
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**6.2 Urban Design****6.2.1 Goal**

6.2.1.1 To develop urban and open space environments based on good design principles standards to enhance the quality of life and reflect the goals of this Plan.

**6.2.2 Objectives**

6.2.2.1 To enhance and protect visual amenities and provide new ones where possible.

6.2.2.2 To foster a sense of civic identity and pride.

6.2.2.3 To encourage a high standard of urban design.

6.2.2.4 To encourage a more urban, pedestrian-oriented form of development in key areas commensurate with the more intense level of activity in these areas.

**6.2.3 Policies**

6.2.3.1 New buildings shall be compatible with existing buildings in relation to massing and conceptual design, and with the overall streetscape or the intended character of the area.

6.2.3.2 The Municipality will encourage excellence in design of the built environment in harmony with the distinct characteristics of the community, heritage resources and the natural features of the landscape, as part of the development review process.

6.2.3.3 The Municipality will continue to monitor and identify the quality of property within the community through the application of the Municipal property standards and maintenance by-law.

6.2.3.4 Detailed urban design guidelines may be prepared for specific areas of the Municipality including Central Areas, and shall be adopted by Council to assist in the evaluation of development proposals.

6.2.3.5 Conflicts with adjoining land use or the impact of intensive operational areas of a development shall be minimized by appropriate massing orientation and screening.

6.2.3.6 Access routes, internal driveways, pedestrian access, and parking layout shall be designed to achieve an efficient on-site traffic circulation. Where traffic circulation involves passenger and commercial vehicles, conflicts shall be minimized. The on-site traffic circulation and access to buildings shall satisfy the municipal requirements. Subdivision layout and site plan designs for development shall provide adequate access and vehicular circulation for fire fighting and other emergency, transit or maintenance vehicles.

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- 6.2.3.7 In central area and mixed use developments, direct pedestrian street access to buildings, malls and squares shall be encouraged
- 6.2.3.8 Where surface parking areas are to be provided, good civic design principles shall be employed to buffer parking areas from adjacent properties and roads. This shall include the use of landscaping, tree planting, lighting and fencing treatments and pedestrian walkways.
- To encourage a pedestrian streetscape, surface parking for commercial and higher density residential developments will be located in the rear or interior side yards and will be appropriately screened from adjacent properties.
- 6.2.3.9 The number and location of access points from a public road system to the site shall be approved by the Municipality, Region of Durham or the Province depending on the jurisdiction having authority over the road.
- 6.2.3.10 Council shall endeavour to minimize the number of access points from a road by encouraging common access points shared by contiguous developments, particularly in industrial and commercial areas.
- 6.2.3.11 In areas where this Plan's policies require comprehensive block development, the development shall be on the basis of an integrated plan and unified design concept. Such integration may involve shared access, mutual rights-of-way over internal driveways and parking areas.
- 6.2.3.12 Services and utilities, including sanitary and storm sewers, watermains, provisions for storm water management and easements for their construction, maintenance or improvements shall be provided to the satisfaction of the appropriate agencies having jurisdiction.
- 6.2.3.13 Site grading and drainage shall be approved by the Municipality's Public Works Department and completed to its satisfaction. In the preparation of the site grading and drainage plan, regard shall be had for the requirements of the Region of Durham where lands abut a Regional road, and to the requirements of the Central Lake Ontario Conservation Authority where lands adjoin a valley or flood prone area under the jurisdiction of the Authority.
- 6.2.3.14 Landscaping shall be provided to enhance the visual character of the development and to screen or buffer unsightly operational areas or protect uses adjoining the development. Landscaping material, including types of plants and fencing shall be as specified by the Municipality and co-ordinated with adjoining developments.
- 6.2.3.15 Parkettes and features of small open space areas may be provided as urban design features in central area, commercial, industrial, high density, gateway and nodal locations.
- 6.2.3.16 The use of enhanced landscaping features and treatments within daylighting triangles and sight-lines at road intersections without impairing the sight-line shall be encouraged.
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- 6.2.3.17 New commercial, institutional, industrial and higher density residential development shall provide vaults, central storage and collection areas for garbage on-site, within the building or suitably screened and weatherproofed, if outside. Separate storage facilities and easy access for pick-up of recyclables and reuseables shall be required in all new commercial, institutional, industrial and higher density residential development.
- Provisions shall be made for snow storage areas, or alternatively, arrangement made to remove snow so as not to encroach on parking areas. In general, hydro transformers shall be located within buildings so as not to create an unsightly appearance.
- 6.2.3.18 The design of roads shall incorporate good civic design principles including tree planting, landscaping, bus shelters, crosswalks, bicycle lanes, sidewalks, boulevards and community mail boxes, and where appropriate, on-street parking. The Municipality shall review and develop principles and urban design guidelines with respect to the above and incorporate into a design standards document.
- 6.2.3.19 In designing and constructing road improvements and other public works, consideration will be given to minimizing any negative effects on significant heritage and natural resources.
- 6.2.3.20 All signs shall be in accordance with the Sign By-law of the Municipality. Signs shall be designed as an integral part of the building or site layout. Where conceptual building elevations are required to be submitted, such elevations shall indicate location of signs to be affixed.
- 6.2.3.21 All lighting shall be oriented internally to the site so as not to cause glare on adjoining development and roads, and shall not create a traffic hazard.
- 6.2.3.22 Development which minimizes energy consumption while maximizing energy efficiency, and emphasizes the use of renewable energy sources shall be encouraged. In this regard, Council shall:
- a) promote an orderly and transit supportive pattern of urban growth and development of transit orientated urban design;
  - b) encourage infilling, reuse and redevelopment;
  - c) encourage, where practical, mixed use developments to reduce the need for trips to diverse locations in the Municipality, hence conserving energy;
  - d) encourage new residential, commercial and industrial subdivisions to be designed for proper building orientation in relation to sun and wind, using “passive” solar energy planning principles;
  - e) ensure the use of appropriately selected and located vegetation that will reduce the energy consumption of buildings;
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- f) endeavour to ensure access to direct sunlight during winter daylight hours for all south-facing glass and potential solar collector panels on existing and future buildings; and
- g) encourage energy-efficient construction and space heating techniques in new development and renovations.

6.2.3.23 Council shall maximize opportunities for the use of energy efficient modes of travel while reducing energy consumption for automobile travel within the Municipality. In this regard, Council shall:

- a) encourage greater use of the public transit system;
- b) promote building design and circulation systems such as sidewalks and bicycle paths which facilitate pedestrian movement, the use of public transit and travel by bicycle;
- c) design road system and traffic controls to minimize unnecessary stops, idling, starts and turns, and to decrease travel time;
- d) encourage, where appropriate, the development of central and common parking areas;
- e) promote ride sharing programs such as car pooling; and
- f) distribute housing, schools, parks, employment and commercial areas in a manner that reduces travel distance and vehicle trips.

## **6.3 Community Improvement**

### **6.3.1 Goal**

6.3.1.1 To provide for the ongoing maintenance, improvement, rehabilitation and upgrading of the Municipality's residential, commercial and industrial 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 encourage the retention of 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.

6.3.2.3 To provide additional public services and utilities in existing developed areas.

6.3.2.4 To preserve and enhance the viability of existing commercial and employment areas.

6.3.2.5 To maximize the use of funding from various federal and provincial agencies.

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### 6.3.3 Policies

- 6.3.3.1 Community Improvement Areas are designated in compliance with the provisions of the Planning Act and are intended to identify areas in which Community Improvement Plans may be undertaken.
- 6.3.3.2 Community Improvement Areas have been and will be identified on the basis of, among other things, one or more of the following criteria:
- a) existence of conflicting land uses;
  - b) deficiencies in the road system such as physical deficiencies, traffic controls and strategic traffic links;
  - c) lack of, or inadequate, parks and open space and community facilities;
  - d) lack of, or deficient, physical infrastructure such as water, sanitary sewer and storm sewer systems;
  - e) poor housing or building conditions;
  - f) lack of parking facilities;
  - g) opportunities for improvements and/or infilling of vacant or under-utilized properties and buildings;
  - h) the existence of, or potential for, the creation of a business improvement area; and
  - i) an identification of the need to make improvements to the streetscape and amenities of an area.
- 6.3.3.3 Community Improvement Plans may be undertaken for the Community Improvement Areas shown on Schedule "E". These areas are as follows:
- a) Community Improvement Area A - the established commercial core of Downtown Whitby;
  - b) Community Improvement Area B - the older established residential and mixed use area surrounding the Downtown commercial core extending generally along the Brock Street corridor to approximately Highway 401;
  - c) Community Improvement Area C - the Port Whitby Community; and
  - d) Community Improvement Area D - the Major Central Area and surrounding residential area of the Brooklin Community.
- 6.3.3.4 Upon further study, Community Improvement Areas may be redefined, new areas may be added, or existing designated areas may be deleted.
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6.3.3.5 Of the Community Improvement Areas identified in Section 6.3.3.3, Areas A and B will be given first priority, Area C second priority and Area D third priority for implementation. This policy shall not preclude the Municipality from undertaking a Community Improvement Plan in any identified area should an opportunity to do so become available.

#### **6.3.4 Implementation**

6.3.4.1 The policies of this section will be implemented by one or more of the following methods:

- a) the identification of specific community improvement projects and the preparation and implementation of Community Improvement Plans;
- b) participation in funding programs with senior levels of government to assist in the implementation of policies and programs to encourage the general rehabilitation of Community Improvement Areas;
- c) the acquisition and assembly of lands for public purposes, road widening and/or redevelopment;
- d) the continued enforcement of the Property Standards By-law;
- e) the encouragement of the private sector involvement including the formation and continuation of Business Improvement Areas to maintain and enhance Community Improvement Areas with a commercial component;
- f) the application of the Ontario Heritage Act to preserve and enhance heritage buildings where appropriate;
- g) the encouragement of infill and redevelopment projects which meet the objectives of a Community Improvement Plan; and
- h) the integration of community improvement projects with the ongoing maintenance, improvements and programs of the Town 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, Council shall address these matters and obtain concurrence thereof from Regional Council when making application for community improvement funding and prior to the approval of community improvement plans.

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**SECTION 7 - HOUSING**

**7.1 General**

- 7.1.1 The Municipality shall encourage the provision of a range of residential accommodation by housing type, tenure, size, location and cost to meet the Town’s housing needs. This intent is in keeping with the goals stated in the Provincial Land Use Planning for Housing Policy Statement, which calls for municipalities to meet their housing needs, including identified levels of affordable housing.
- 7.1.2 The Municipality shall, in cooperation with the Region of Durham, endeavour to maintain a 10 year supply of serviceable residential land to meet the future housing requirements of the anticipated population in the Municipality.
- 7.1.3 Council shall implement standards in the Zoning By-law(s) to ensure that an affordable mixture of housing is available in the Municipality.
- 7.1.4 Council shall review and monitor development applications against building activity, assuming a five year horizon, to ensure on an overall basis that all new residential development, residential intensification through conversion of non-residential structures, infill and redevelopment shall meet the affordable housing targets for the Municipality as identified in the Municipal Housing Statement and Land Use Review Study.
- 7.1.5 It shall be the policy of the Municipality to prepare time frames and procedural guidelines in order to monitor the processing time for residential development applications.
- 7.1.6 It shall be the policy of the Municipality to monitor the relationship between residential development and community services, facilities and municipal infrastructure.

**7.2 Municipal Housing Statement**

- 7.2.1 The Municipality shall maintain a Municipal Housing Statement which covers at least a 20-year planning time frame which will include, but not necessarily be limited to:
    - a) an analysis of the Municipality’s population growth and structure;
    - b) population projections for the Municipality relative to anticipated Regional population growth;
    - c) anticipated impact of population growth on the Municipality relative to the Region;
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- d) an assessment of the Municipality's performance in providing a full range of affordable housing based on the Provincial affordability guidelines as may be amended and the targets identified in the Town's Municipal Housing Statement and Land Use Review Study as updated from time to time;
  - e) an examination of special and/or assisted housing requirements, including housing for the physically challenged, senior citizens, low and moderate income groups, and emergency housing;
  - f) an assessment of annual housing production by residential unit type, tenure and cost;
  - g) an assessment of the supply of serviceable residential land in relation to the amount of designated residential land; and
  - h) an analysis of the approvals process to identify ways to streamline the process, particularly in terms of the provision of affordable housing.

7.2.2 The Municipal Housing Statement shall be revised and updated on a regular basis in order to maintain a current indicator of the Municipality's supply and demand of housing.

7.2.3 The Municipality shall plan for the funds for these studies as part of the regular budgeting process, recognizing that any available financial assistance from the Province shall also be investigated.

### **7.3 Infilling and Intensification**

7.3.1 In accordance with Section 4.2, Council shall recognize both infilling and intensification of vacant and underutilized land and the redevelopment of existing buildings as potential contributors to the Municipality's future housing stock.

7.3.2 It shall be the policy of Council to encourage infilling of vacant areas and intensification of underdeveloped areas within the Municipality which are currently serviced with municipal water supply, sanitary sewer and storm water management facilities. The accommodation of infilling/intensification opportunities shall be considered when assessing development applications, extension of services or construction of roads.

7.3.3 Council shall adopt policies and development standards for new residential development so that alterations to create additional units in new building stock can take place in the future as needed.

7.3.4 Council shall adopt a target of 20% of all future housing production in the form of residential intensification as defined in this Plan.

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**7.4 Provision of a Range of Housing Types**

- 7.4.1 Council shall encourage the provision of a diverse housing stock in terms of type, tenure, density and cost relative to household income and affordability and changing demographics as specified in the Municipal Housing Statement and Land Use Review Study.
- 7.4.2 It shall be the policy of Council, as part of a comprehensive land use strategy, to encourage plans of subdivision to provide a mix of housing by type, tenure and density, in accordance with the requirements of the Plan for providing affordable housing.

**7.5 Special Needs Housing**

- 7.5.1 Council shall recognize the housing requirements of special needs groups including senior citizens' housing throughout the Municipality and encourage infilling and intensification activity to provide appropriate housing for these groups.
- 7.5.2 The location and development of senior citizens' housing and other special needs housing shall have particular regard for the proximity of transit routes, community and medical facilities, open space and recreational facilities and commercial areas that provide the residents with ease of access to required support services.
- 7.5.3 Council shall encourage the establishment of senior citizens' housing developments as complementary uses to a permitted institutional or commercial use not including Special Purpose Commercial areas, on the same site as a means of providing affordable accommodations for seniors.
- 7.5.4 Rooming, boarding and lodging houses may be permitted in medium and high density residential areas subject to licensing and sub section 4.2.3 of this Plan.
- 7.5.5 Group homes shall be permitted in all land use designations that permit residential uses.

**7.6 Rental Accommodation**

- 7.6.1 The Municipality shall encourage the production of rental accommodation that is affordable to a broad spectrum in the population including non-family households in keeping with the Municipal Housing Statement targets.
- 7.6.2 The Municipality shall encourage, in cooperation with other levels of government, the provision of housing for individuals and families unable to afford adequate housing.
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- 7.6.3 The Municipality shall encourage the development of not-for-profit housing by cooperative, municipal and private non-profit housing corporations.
- 7.6.4 The location and development of not-for-profit housing units should have regard for the proximity to transit routes, schools, recreation facilities, open space and commercial areas, and distributed throughout the Municipality in all residential areas. Priority will be given to those applications in the areas with relatively few, or no not-for-profit housing units.
- 7.6.5 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% 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%.

## **7.7 Monitoring**

- 7.7.1 In order to achieve housing objectives, the Municipality shall monitor 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.
- 7.7.2 The general intent of the monitoring program is to ensure that the Municipality's identified housing needs are being met and that Council will consider the updating of planning documents and development approval procedures should the monitoring program determine that needs are not being met.
- 7.7.3 The Municipal Housing Statement shall act as a key document in monitoring the achievement of housing policies and will form the basis of long-term strategic direction. It will be reviewed every five years.
- 7.7.4 Other monitoring shall also take place and be documented on a regular basis by report to Council in order for the Municipality to realize housing objectives. This monitoring shall include but not necessarily be limited to the following:
- a) an analysis every five years in conjunction with an updated Municipal Housing Statement, of the total supply of residential land and the relative amounts of high, medium and low density residential areas;
  - b) an assessment of development in terms of providing a full range of affordable housing based upon the Provincial affordability guidelines as may be amended and the targets identified in the Municipality's Housing Statement;
  - c) the amount of affordable housing being provided through residential intensification;
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- d) the submission of documentation for each residential development application and plan of subdivision outlining how the housing policies of this Plan are proposed to be met;
- e) the length of time for development approvals for various types of residential development, every two years;
- f) an assessment of the range of housing forms produced through new residential development and residential intensification, annually; and
- g) an annual review of the house prices for each housing form relative to income distribution.

7.7.5 In order to permit Council to respond more effectively to housing needs, it shall adopt procedures guidelines and policies, including time frames, for each step of the development approvals process. In addition, Council shall be committed to the efficient and cost-supportive processing of various types of development applications.

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## SECTION 8 - TRANSPORTATION, SERVICING & UTILITIES

### 8.1 Transportation

#### 8.1.1 Goals

- 8.1.1.1 To provide a safe, convenient and efficient transportation system for the benefit of all resident groups and businesses in the Municipality.
- 8.1.1.2 To promote a system which is responsive to environmental and aesthetic principles.
- 8.1.1.3 To provide a high level of road network capacity and transit that operates efficiently without substantial delay.

#### 8.1.2 Objectives

- 8.1.2.1 To ensure that the transportation system is compatible with, and provides convenient access for, all land uses.
  - 8.1.2.2 To ensure that the transportation system emphasizes all transportation modes including public transit, non-motorized and pedestrian movement.
  - 8.1.2.3 To ensure the efficient development of the transportation system minimizing social, and environmental impacts and economic costs.
  - 8.1.2.4 To ensure that vehicular transit, pedestrian access and parking are provided for the handicapped.
  - 8.1.2.5 To ensure that the transportation system is co-ordinated regionally with other external jurisdictions.
  - 8.1.2.6 To ensure Whitby's transit system will effectively and efficiently serve the Municipality's urban residential, business employment areas, and major recreational facilities.
  - 8.1.2.7 To encourage the use of transit to reduce traffic and parking demands, traffic congestion and air pollution particularly through the promotion of transit-supportive land use planning and design principles in development.
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**8.1.3 Policies****8.1.3.1 Roads**

- 8.1.3.1.1 The major road hierarchy, range of right-of-way widths and symbols are shown on Schedule “D”. Major road alignments are approximate, and their final alignments and related construction shall follow further study. Road links shown on Schedule “D” as requiring special study are identified because the feasibility of such links is unknown due to significant environmental constraints. Local roads are shown for information purposes only.
- 8.1.3.1.2 Roads in the Municipality shall be classified and maintained on the basis of their function and design as controlled access roads, arterial roads, collector roads and local roads. The right-of-way requirements shall be established through the undertaking of functional design studies satisfying the requirements of the Municipality.
- 8.1.3.1.3 It is the Council’s policy to encourage through traffic on Provincial and Regional Roads, so that traffic on local municipal roads is kept to a minimum.
- 8.1.3.1.4 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 municipalities adjacent to Whitby’s boundaries.
- 8.1.3.1.5 The Municipality shall encourage studies to be undertaken by the Ministry of Transportation to examine the feasibility of by-passing Highway 12 around Brooklin, Myrtle and Myrtle Station.
- 8.1.3.1.6 Reserved bus lanes and High Occupancy Vehicle lanes may be implemented to reduce transit travel and improve the convenience of transit services, subject to the consideration of the reduction in road capacity available to other vehicles, and the need to widen the road.
- 8.1.3.1.7 The Municipality will encourage a more 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 transit services.
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### 8.1.3.2 Controlled Access Roads

- 8.1.3.2.1\* Controlled access roads including the Highway No. 401, the proposed Highway No. 407 and the proposed north-south Highway Nos. 401 and 407 interconnecting freeway link are intended to accommodate large volumes of inter-regional and regional traffic.

Any change to the alignment of the Highways and any associated transit facility that is in keeping with the goals and intent of this plan shall not require an amendment to this Plan.

- 8.1.3.2.2\* It is recognized that the Ministry of Transportation has initiated a route location study as required under the Environmental Assessment Act to determine the alignment of a north/south freeway link between Highway 401 and 407 within a corridor generally between urban Whitby and urban Ajax. The technically-preferred route alternative for the freeway link has been determined by the Ministry of Transportation and is shown on Map A4 of the Durham Regional Official Plan. The final alignment for the freeway link will be determined following completion of the required route planning and preliminary design studies pursuant to the Environmental Assessment Act. It is recognized that the Minister has deferred the West Whitby urban expansion area and the freeway connection on Map A4 of the Durham Regional Official Plan pending completion of the environmental assessment process. It is the intent of this Plan that the West Whitby urban expansion area, as shown in the Regional Plan, be designated Future Urban Development Area as outlined on Schedules "A" and "E", pending the completion of the same above-noted studies.

- 8.1.3.2.3 Development adjacent to controlled access roads shall be guided by the requirements of the Ministry of Transportation and the Ministry of Environment and Energy and any necessary mitigation measures provided.

### 8.1.3.3 Arterial Roads

The requirements for Types A, B, and C arterial roads are listed in subsection a) and b) below, and variations shall only be considered subject to site specific conditions, land use, and accepted traffic engineering principles such as signal progression, operating speed, sight distance, safety and terrain considerations.

- a) Types A, B, and C arterial roads are shown on Schedule "D" and are described as follows:

- (i) 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 roads and generally extend beyond the Regional boundaries. These roads generally intersect only with freeways and other arterial roads;

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\* Deferred by the Region of Durham for further consideration (D6)

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- (ii) 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 generally intersect with other arterial and collector roads; and
- (iii) 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. Accesses and intersections should not impact efficient transit operation.

b) In maintaining the traffic carrying function of arterial roads, the following policies shall apply:

- i) Appropriate rights-of-way shall be provided which will facilitate the provision of public transit;
- ii) The provision of bicycle lanes in the right-of-way shall be encouraged;
- iii) Appropriate rights-of-way shall be provided for full channelization of arterial intersections;
- iv) Frontage, land use, entrances, exits and curb use shall be controlled;
- v) Where alternative access cannot be provided by another road, low density residential uses may directly access a Type C arterial road subject to driveway consolidation or “turn-arounds” being incorporated on the lot;
- vi) Private access to arterial roads 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:

<u>Arterial</u>	<u>Urban Areas</u>
Type A	A minimum of 200 metres apart.
Type B	A minimum of 80 metres apart.
Type C	Commercial and employment areas one access every 30 metres. Residential land uses limited to large lot singles, controlled access residential blocks and front yard lane concepts.

- vii) Access to Type C arterial roads, in areas designated on the Land Use Schedule “A” as Agriculture and Major Open Space, shall be the same as for collector roads;

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

- Type A Arterial - 36-50 metres
- Type B Arterial - 30-36 metres
- Type C Arterial - 26-30 metres.

ix) The right-of-way widths, speeds and access spacing requirements of Sections 16.3.13 of the Durham Regional Official Plan shall generally apply to the arterial roads shown on Schedule “D”. However, if the intent of this Plan is adhered to, and following adequate study to the effect that such provisions are impractical and cannot be implemented precisely, the authority having jurisdiction on such roads may deviate from these provisions without the need for an amendment to this Plan. In addition, these requirements shall not apply to arterial roads within Central Areas and Hamlets.

x) Notwithstanding any other provisions in this Plan to the contrary, the right-of-way, access and speed requirements for Type B and Type C arterials shall not apply to roads through Central Areas. In this case the following right-of-way requirements shall be implemented:

- Brock Street between Mary Street and Ontario Street - 20 to 26 metres;
- Brock Street between Ontario Street and Consumers Drive - 26 to 30 metres;
- Brock Street between Mary Street and the CPR underpass - 26 to 30 metres;
- Dundas Street between Byron Street and Athol Street - 20 to 26 metres;
- Dundas Street between Byron Street and Euclid Street - 26 to 30 metres;
- Dundas Street between Athol Street and Hickory Street - 26 to 30 metres; and
- Baldwin Street between Cassels Road and the Lynde Creek - 20 to 26 metres.

**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 Community Areas and Central Areas, and between these areas and the overall arterial and regional highway system.

8.1.3.4.2 The following policies shall apply to collector roads:

- a) collector roads shall be reasonably continuous, however, continuity over long distances should be avoided to discourage through traffic;
- b) collector roads shall be designed so as to be easily distinguished from arterial and local roads utilizing such devices including entrance widths, pavement widths and boulevard design;

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- c) access to a collector road shall be from either a Type B or Type C arterial road, a collector road, a local road and an adjoining land use where detailed design considerations permit; and
  - d) the right-of-way width for a collector road shall be 20 to 26 metres. Variations to this width may be considered by the Municipality on a specific merits basis.

#### **8.1.3.5 Local Roads**

8.1.3.5.1 Local roads shall be designed to allow access to abutting properties and to allow for a certain amount of non-motorized street movement.

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 utilizing such devices including entrance widths, pavement widths and boulevard design;
- b) the right-of-way width for local roads shall generally be 20 metres. Deviations 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 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 Municipal and commercial parking facilities shall be located so as to minimize conflict with adjacent land use and adjacent street movement and to provide parking for the handicapped.

8.1.3.6.2 The Municipality will endeavour to facilitate the provision of off-street parking in the Brooklin and Downtown Major Central Areas, and for major parks and community use facilities, in particular.

#### **8.1.3.7 Pedestrian and Non-motorized Movement**

8.1.3.7.1 In all new development and redevelopment, appropriate provisions shall be made for pedestrian and other non-motorized forms of movement.

8.1.3.7.2 Consideration shall be given to pedestrians and bicycle routes including the Waterfront Trail, which link open space/park areas to areas of significance within the Municipality in a convenient and safe manner. Council shall encourage through redevelopment/development applications provisions for bicycle and pedestrian routes.

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- 8.1.3.7.3 Where bicycle movement is encouraged on major arterial roads, provision shall be made to accommodate a bicycle lane in the road allowance.
- 8.1.3.7.4 Where pedestrian movement is required adjacent to roads, boulevards shall separate pedestrians from vehicles, where possible.
- 8.1.3.7.5 Council shall encourage bicycle and pedestrian routes linking major open space and park systems which provide access to major activity and employment centres.
- 8.1.3.7.6 Council shall encourage the use of utility corridors and easements and abandoned railway corridors to establish bicycle and pedestrian routes within the Municipality. Council shall encourage the use of private lands where desirable in conjunction with public lands for the use of bicycle and pedestrian routes by means of easements and rights of ways.
- 8.1.3.7.7 Council shall require through new development or redevelopment the provision of pedestrian linkages above ground or at-grade to provide access to transit facilities or other significant activity areas.
- 8.1.3.7.8 Council shall also require proponents of new development or redevelopment to undertake measures which would improve bicycle and/or pedestrian safety.
- 8.1.3.7.9 When considering the construction or reconstruction of roads and bridges or their structures, design shall accommodate where possible, existing or potential bicycle and/or pedestrian routes in order to improve the continuity and safety of such routes.
- 8.1.3.7.10 Wherever possible in the design of bicycle and/or pedestrian facilities, Council shall encourage and support measures which will improve their accessibility for handicapped.
- 8.1.3.8 Public Transit**
- 8.1.3.8.1 Public transit shall include local transit, public inter municipal bus service, and rail commuter services.
- 8.1.3.8.2 Council shall support increased service co-ordination and integration, including fare integration between local transit and other transit operations.
- 8.1.3.8.3 Council shall undertake to review its transit systems and levels of service as required with the intent of determining future needs.
- 8.1.3.8.4 It is Council's policy to facilitate the provision of public transit by providing the appropriate road rights-of-way widths within urban and rural areas, including the transit corridor in the Highway 407 right-of-way.
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8.1.3.8.5 Major development applications and plans of subdivision shall be reviewed and assessed to incorporate the needs of the public transit service within the public street system to assist in the creation of a transit supportive urban area.

8.1.3.8.6 Roads needed to serve as transit routes will be given consideration in the initial stages of development to encourage transit use at an early stage, subject to operation and financial feasibility.

8.1.3.8.7 As a target, a network of transit routes in urban areas shall be developed to ensure that patrons generally have a maximum walking distance of 400 metres to transit.

### **8.1.3.9 Railways**

8.1.3.9.1 It is the intention of Council to minimize and alleviate, wherever possible, the conflicts of the rail system with adjacent land uses and with the road system. Therefore the Town will:

a) seek to eliminate all railway at-grade crossings as indicated on Schedule “D” on a priority basis using criteria including frequency of rail traffic, road traffic, road blockage and accidents; and

b) require that landscaping, fencing and other noise buffers, and safety and mitigation measures of a standard to meet the Ministry of Environment and Energy’s and the railway’s criteria for separating any railway right-of-way from adjacent urban land uses are provided by any proposed development adjacent to the railways.

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

### **8.1.3.10 Oshawa Airport**

8.1.3.10.1 All buildings and accessory structures shall comply with Transport Canada’s “Oshawa Airport Zoning Regulations” as amended from time to time, which controls the heights of building and structures and prohibits the disposal of waste material which may attract birds on lands surrounding the airport.

8.1.3.10.2 Development or redevelopment of lands within the vicinity of the Oshawa Municipal Airport shall comply with the following:

a) the provisions of the Noise Exposure Projection (N.E.P.), as prepared by Transport Canada and any publication on land use policy near airports;

b) the height provisions of the Federal Aeronautics Act; and

c) any other applicable Provincial or Federal policies, guidelines, or regulations.

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- 8.1.3.10.3 Prior to approving residential development or redevelopment in areas that have a N.E.P. value of 28-35, 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 analysis 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 Subdivision.

Agreement wherein all Subdividers and future vendors shall be required to advise prospective purchasers of this warning clause in any agreement of purchase and sale.

- 8.1.3.10.4 New residential development or redevelopment shall not be permitted in areas that have a N.E.P. value greater than 35.

### **8.1.3.11 Implementation**

- 8.1.3.11.1 The transportation system shall be implemented in conjunction with the overall staging program for future development of the Municipality and when traffic volume warrants.
- 8.1.3.11.2 Secondary Plans or special development projects shall include design improvements to existing roads and intersections, as required.
- 8.1.3.11.3 Civic and urban design criteria for roads within the Municipality's jurisdiction shall be prepared for Council's approval by the Planning and Public Works Department to assist in implementing the future roads policy, as updated from time to time.

## **8.2 Services and Utilities**

### **8.2.1 Development Policies**

- 8.2.1.1 Development of all lands within the urban areas will be on the basis of full municipal services and utilities.
- 8.2.1.2 In general, it will be the policy of the Municipality that the cost of providing services to facilitate new development shall be borne by the private sector. The provisions of the Local Improvement Act may be utilized where it is deemed in the best interest of the Municipality and the Region of Durham. The cost of development 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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- 8.2.1.3 The Municipality shall be guided by the policies of the Durham Regional Official Plan, Section 5 and other by-laws or policies as approved by the Durham Regional Council with respect to water supply and sanitary sewerage facilities.
- 8.2.1.4 The Municipality will also cooperate with the adjoining municipalities and utility authorities in the provision of sanitary and storm sewer, storm water management facilities, water supply services and utility facilities.
- 8.2.1.5 The Municipality shall ensure, with the Region of Durham, that all servicing proposals comply with the appropriate section of the Environmental Assessment Act.
- 8.2.1.6 Environmental management and mitigation measures are a paramount consideration to the Municipality with all servicing and utility development.

## **8.2.2 Utilities**

- 8.2.2.1 Major utility facilities and corridors are indicated on Schedule "A" - Land Use, and shall be used for water supply plants, water pollution control plants, electric power facilities and corridors, pipeline corridors, telephone and gas facilities.
- 8.2.2.2 Utilities such as electrical transformer stations and telephone exchanges serving their immediate surroundings, water wells, water storage facilities, water supply and sanitary sewage pumping stations operated by public agencies, pipeline and transmission rights-of-ways may be allowed in any land use designation, subject to any regulatory requirements for the utility involved.
- 8.2.2.3 Municipal works depots, firehalls, and police stations, may be allowed in any land use designation in accordance with applicable policies in the Durham Regional Official Plan, subject to any regulatory requirements and provided that they are compatible with their surroundings and are recognized in the Zoning By-law.
- 8.2.2.4 It shall be a continuing policy of the Municipality to encourage electrical, telephone and similar utility cables to be placed underground at the time of installation in new developments, and where feasible the same policy shall apply in the case of redevelopment when major road or storm drainage works are undertaken.
- 8.2.2.5 All Official Plan, Zoning and Subdivision applications within 120 metres of utility easements, rights-of-way, and corridors, as indicated on Schedule "A" - Land Use, shall be subject to review 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.
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- 8.2.2.6 Generally, road crossings of pipeline easements and hydro rights-of-way should be discouraged. All permanent structures or excavations should generally be set back at least 10 metres from the pipeline easement to prevent encroachment of incompatible uses. The Municipality shall be consulted on the location of any new electric power facilities and pipelines.
- 8.2.2.7 The Municipality shall encourage the future locations of electric power, oil, gas, communication and other transmission lines and facilities so as to minimize the adverse impacts of these facilities on nearby communities, and adjacent land uses including agricultural uses, cultural heritage sites and environmentally sensitive areas.
- 8.2.2.8 Utility and hydro corridors should be utilized where appropriate as open space linkages between communities/neighbourhoods and major park areas. Proposed walkways, bicycle paths, berms, landscaping and recreation facilities shall be subject to the approval of the authority having jurisdiction.
- 8.2.2.9 Development or redevelopment abutting major utility facilities such as sewage treatment and water supply plants shall be in accordance with the environmental policies of the Ministry of the Environment and Energy and in consultation with the Region of Durham.

### **8.2.3 Storm Water Management**

- 8.2.3.1 Appropriate storm water management techniques and practices will be incorporated at the initial stage of all new development, and where possible, redevelopment in the Municipality. In particular, consideration should be given to Section 5.3.10 of this Plan, and the following:
- a) the need to minimize increased levels of storm water runoff;
  - b) the maintenance, and improvement where possible, of water quality and base flow (i.e. keep amount and nature of waterways at existing level or improve);
  - c) the need to avoid piping or channelization of watercourses wherever possible;
  - d) the need to minimize erosion, sedimentation and flooding; and
  - e) the protection of environmentally sensitive areas.
- 8.2.3.2 The Municipality, in consultation with the Ministry of Natural Resources and the Central Lake Ontario Conservation Authority, shall adopt general storm water management policies and design criteria. In addition, the Municipality will support the preparation of Water Resource Management Strategies, including integrated Watershed, Sub-watershed and Master Drainage Plans for its designated urban areas that:
- a) establish the existing conditions of the watersheds;
  - b) identify physical and economic constraints;
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c) evaluate storm water management options; and

d) recommend specific storm water management measures.

8.2.3.3 Upon completion of watershed plans, the Municipality will review the recommendations of such plans to determine the need to amend this Plan to further guide land use development.

8.2.3.4 The Municipality, after consultation with the Ministry of Natural Resources or the Central Lake Ontario Conservation Authority, may require proponents of development applications to prepare a Master Drainage/Sub-Watershed Plan.

8.2.3.5 All proponents of development should prepare Storm Water Management Plans that describe in detail the storm water management facilities to be incorporated in the proposed development, and outline the storm water management practices to be employed prior to, during and following construction.

8.2.3.6 Where the Municipality has adopted a Master Drainage Plan, Storm Water Management Plans prepared by proponents of development applications should be reviewed in light of the recommendations of the Master Drainage Plan. Where a Master Drainage Plan has not been adopted, further studies may be required, and Storm Water Management Plans prepared by proponents of development applications may be reviewed in light of the Municipality's general storm water management policies and design criteria.

## **8.2.4 Special Provisions**

8.2.4.1 Notwithstanding any provisions of this Plan to the contrary, as an exception to Section 8.2.1.1, 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 requirements in the Zoning By-law.

## **8.2.5 Oak Ridges Moraine**

8.2.5.1 In addition to the policies of Section 8, lands within the Oak Ridges Moraine Secondary Plan Area shall be subject to the policies of the Oak Ridges Moraine Secondary Plan. Where there is a conflict between the policies of Section 8 and the Oak Ridges Moraine Secondary Plan, the policies of the Secondary Plan shall prevail.

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## SECTION 9 - GROWTH MANAGEMENT, FUTURE DEVELOPMENT AND MONITORING

### 9.1 Staging

9.1.1 The staging of development within the new urban areas of south Whitby and Brooklin is based on the progressive extension of services and utilities and shall be guided by the following:

- a) to ensure that substantial development of serviced areas including community facilities and services has occurred before commencing servicing and development in undeveloped areas;
- b) that priority will be given to development of areas most easily serviced and that can demonstrate the ability to accommodate community facilities and services; and
- c) that municipal water, sanitary sewers, storm drainage facilities, other utilities, and community facilities for urban development will be provided.

9.1.2 The following is the general sequence of staging and distribution of development as envisaged by this Plan to the year 2011. Schedule "A" identifies the Interim 20 Year Urban Boundary:

- a) The Community Areas 1 to 7 as outlined on Schedule "B" are substantially developed and will continue to be developed to their mature state over the period of this Plan and beyond;
  - b) The maintenance of maximum development opportunities and servicing capacity for all existing and future commercial and industrial areas within the 20 Year Boundary;
  - c) Commencement of the development area north of Taunton Road is expected to occur in the initial 10 years of this Plan given the immediate availability of full municipal services;
  - d) Commencement of the development of Future Urban Development Area #1 in West Whitby south of Rossland Road is dependent upon the extension of full municipal services and the determination of the approved alignment of the Highway 401/407 freeway link; and
  - e) With the extension of full services, the Urban Area of the Brooklin Community is anticipated to be generally developed over the period of this Plan. At such time that development has occurred to this extent, consideration may be given to the initial development of Future Urban Development Area #2. Future Urban Development Area #4, although included within the 20 year urban boundary, is intended to accommodate the expansion of Brooklin's Major Commercial area beyond the life of this Plan.
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## 9.2 Secondary Plans

9.2.1 Secondary Plans shall be prepared in conformity with this Plan, for new urban and existing developed areas as identified on Schedule “E”.

These Secondary Plans shall indicate more detailed patterns of land use, development densities, supporting facilities and the major road network. Such Plans shall establish more detailed goals, policies and development guidelines in keeping with the general intent of the Official Plan. Any resultant land use changes will be incorporated into the Official Plan by amendment. In instances where the policies and designations contained in the Secondary Plans vary with the policies within Section 4, the more specific and detailed policies of the Secondary Plans shall prevail, provided the overall intent of the Official Plan is maintained.

9.2.2 Secondary Plan areas for new urban areas consist of the following all of which are outlined on Schedule “E”:

- a) Highway 407 - Conlin Industrial Area;
- b) Taunton North Community. This community includes Residential and Industrial lands, and Environmentally Sensitive Areas; and
- c) West Whitby Community. This community will be developed within Future Urban Development Area #1. Completion of the Secondary Plan must await resolution of the need, justification and final alignment of the Highway 401/407 freeway link to the satisfaction of the Municipality.

9.2.3 Council may initiate Secondary Plan studies for other areas of the Municipality without amending Schedule “E”.

9.2.4 Generally, the following matters shall be given consideration in the preparation of Secondary Plans identified on Schedule “E” in terms of the appropriate policies and designations for:

- a) the distribution and location of existing and planned land uses in each Secondary Plan area;
  - b) the location and distribution of residential population, density and unit types and employment;
  - c) the 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;
  - d) the municipal benefits and impacts, including solutions, resulting from development;
  - e) the location, need, and extent of community facilities such as parks, schools, places of worship and recreation facilities;
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- f) commercial facilities in terms of type of uses permitted, appropriate locations and specific design, site size and floor space criteria;
  - g) the alignment and classification of arterial and collector roads, including transit routes and facilities and special features such as grade separations;
  - h) natural environmental features to be retained or enhanced, environmental constraints and proposals for environmental management during and after development;
  - i) a Master Drainage/Sub-Watershed or Storm Water Management Plan that addresses water quantity and quality issues;
  - j) demonstration of how integration of new residential and non-residential development with existing residential and non-residential areas can be accomplished with minimal changes and impacts in terms of recognition of existing neighbourhood and community areas;
  - k) urban and site design considerations, should include:
    - i) residential areas designed to allow convenient pedestrian and vehicular access to schools, local parks, natural open space areas, recreational and institutional facilities, and to the local commercial areas;
    - ii) residential areas designed to include a mixture of housing densities and designs. Higher density and specialized housing such as senior citizen units clustered around neighbourhood centres;
    - iii) open space, schools, places of worship, commercial facilities, parks and buildings of historic or symbolic significance closely integrated to serve as neighbourhood foci;
    - iv) streetscape and landscape treatments implemented through the subdivision and development control process; and
    - v) minimizing conflicts between urban and rural land uses through reference to the Agricultural Minimum Distance Separation Formulae where necessary;
  - l) staging of development and proposals for interim maintenance of existing productive land uses such as agriculture and market - gardening;
  - m) opportunities and scope for redevelopment and intensification of existing uses; and
  - n) an assessment of the existing heritage resources within the Secondary Plan area in consultation with the Local Architectural Conservation Advisory Committee.
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- 9.2.5 The Secondary Plan required for the Taunton North Community will incorporate an environmental study to determine an appropriate boundary between urban development and the Environmentally Sensitive Areas and Hazard Land in Concession 4, the conditions under which development can occur, and to implement the intent of the Durham Regional Official Plan to provide an east-west green space corridor linking the Lynde Creek and Oshawa Creek watersheds. The Central Areas as indicated on Schedule "A" at Brock Street and Taunton Road, and Thickson Road and Taunton Road may be incorporated into this Secondary Plan, or may be undertaken as separate, freestanding Secondary Plans as set out in Section 4.3.3.7.
- 9.2.6 Secondary Plans shall also be prepared for the hamlets of Myrtle, Myrtle Station, and Almond Village in accordance with the policies of the Durham Regional Official Plan, Section 13 - Rural Settlements and the Rural Settlement Policies of Section 4.11 of this Plan.
- 9.2.7 Secondary Plans that have been prepared are included in Section 11 of this Plan.
- 9.2.8 The Secondary Plans for the hamlets and new areas described in Sections 9.2.2 and 9.2.6 shall be prepared, processed and approved as amendments to the Official Plan, and be incorporated into Section 11 of this Official Plan.
- 9.2.9 Council may amend the existing Zoning By-law to permit or restrict development in accordance with the designations on Schedule "A" without the adoption of any Secondary Plan if:
- a) such an amendment in Council's opinion conforms to the general intent of this Plan and its policies; and
  - b) the Regional Municipality of Durham deems that the By-law amendment has no significant Regional implications.
- 9.2.10 The Secondary Plan required for the Oak Ridges Moraine incorporates the policies and requirements of the Provincial Oak Ridges Moraine Conservation Plan (Ontario Regulation 140/02) which was deemed to have come into effect on November 16, 2001.

### **9.3 Future Urban Development Areas**

- 9.3.1 Future Urban Development Areas are outlined in Schedule "A" and relate to the areas where future urban land uses and related policies will be determined through further study.
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- 9.3.2\* It is recognized by Council that the portion of Future Urban development Area #1 south of Rossland Road is required to accommodate Whitby's future residential and industrial land needs to 2011. However, the determination of the precise amount of urban land available and its distribution must await the resolve of the Highway 401/407 freeway link. Should the Highway 401/407 freeway link be located in West Whitby, then the appropriate land uses in Future Urban Development Area #1 and the Interim 20 Year Urban Boundary will require further study as part of the undertaking of a Secondary Plan.
- 9.3.3 Future Urban Development Area #2 comprises future industrial areas that are designated Employment Areas in the Durham Regional Official Plan, which are not anticipated for development within the life of this Plan.
- 9.3.4 Future Urban Development Area #4 provides for future major commercial opportunities to serve the needs of a Brooklin population beyond 13,000.
- 9.3.5 The Municipality, through the 5 year review of this Plan, will assess its urban land requirements and absorption rates to determine the timing of any Secondary Plan studies involving Future Urban Development Areas. Generally, Secondary Plan studies will be initiated at least 5 years in advance of the anticipated commencement of development in any Future Urban Development Area in order to maintain a 20 year supply of residential land at all times and to maintain a 10 year supply of serviceable land.

#### **9.4 Interim Land Uses**

- 9.4.1 In all future Secondary Plan areas, and Future Urban Development Areas, interim land uses will be permitted.
- 9.4.2 Interim land stewardship that permits the continuation of existing uses and encourages agricultural and major open space uses shall be promoted in these areas in accordance with the policies of this Plan. Temporary uses will also be permitted in accordance with the policies of Section 10.1.10 of this Plan provided that they can be converted to urban uses, and do not involve large capital investment.

#### **9.5 Monitoring**

- 9.5.1 Council recognizes that an important part of the planning process is the continuous evaluation through special studies, of existing development as the basis for policy formation and review. Accordingly, 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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\* Deferred by the Region of Durham for further consideration (D6)

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- 9.5.2 Council shall ensure, through the use of appropriate monitoring, review and amendment procedures 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.
- 9.5.3 To assist in the implementation of the Plan and to identify emerging trends, a monitoring report or reports shall be prepared for Council on an annual basis which generally note the status, and issues related to:
- a) population, employment and development trends;
  - b) the status of planning for, and the development of, major central areas and other commercial areas;
  - c) housing requirements and targets by type, tenure, cost, stage of approval, intensification and affordable housing;
  - d) parks, school and community facilities;
  - e) industrial employment and/or land absorption;
  - f) the status of transportation facility improvements;
  - g) constraints with sewage and water capacity that may impact the Municipality;
  - h) new government programs; and
  - i) new Provincial Policy Statements/Expressions of Interest/ Guidelines.

## **9.6 Capital Projects**

Council shall prepare annually an ongoing capital forecast identifying all approved capital facilities works to be undertaken during the succeeding four years. The forecast will give consideration to the following matters:

- a) identification of individual capital facilities and works;
  - b) determination of the need for each facility or project;
  - c) estimated cost, timing, and method of financing facilities and works; and
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- d) identification of the estimated impact of financing and operating the capital facilities on the Municipality. Council shall add new capital facilities or alter the timing of projects in the capital budget only after a review of the overall current capital forecast and existing level of service.

The Capital Forecast and the Municipal Budget shall be for projects that are in keeping with the general intent, policies and designations of this Plan.

The Capital Forecast and existing level of service will form the basis for the review and assessment of future Development Charges.

## **9.7 Financial Management**

- 9.7.1 Council may request that particular future developments prepared under this Official Plan and amendments thereto may be analyzed for their financial impact. Where such an analysis demonstrates that the development will have an adverse effect on the Municipality's financial situation, then the development will be considered to be contrary to the intent of this Plan.

- 9.7.2 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:

- a) agree, by way of an agreement, to a payment which, in the opinion of the Municipality, will offset the adverse effects;
  - b) modify the proposal so as to mitigate or eliminate the impacts;
  - c) defer approval of the proposal where it is contrary to this Plan or the Development Charges By-law; or
  - d) enter into front-ending agreements in accordance with the Development Charges Act that would provide the contributions over and above the normal development charges from the development in order to provide the necessary municipal services and facilities.
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## SECTION 10 - IMPLEMENTATION AND INTERPRETATION

### 10.1 Implementation

#### 10.1.1 Purpose

This section indicates the means by which the Municipality intends to implement programs and procedures in order to carry out the policies of this Plan.

The methods for the implementation of the policies set out in this Plan will generally be through successively more detailed steps in the planning process, particularly Secondary Plans, Zoning By-laws, Subdivision Plans, Site Plans, Development Agreements, Capital Works Programs, Development Charges and other financing mechanisms. More specific procedures will be followed through powers conferred to the Municipality through the Planning Act, the Municipal Act and other applicable statutes.

#### 10.1.2 General Policies

Adoption of this Plan by Council will be evidence that the Municipality will adhere to the Plan and implement its policies. The following general policies of this section outline Council's specific intent with respect to implementation matters.

- 10.1.2.1 Council shall have due regard for all provincial policy statements, guidelines and expressions of interest under the Planning Act and shall ensure that the intent of any such policy statements and associated guidelines are adequately reflected and implemented through this Plan.
- 10.1.2.2 Council shall not undertake any public work, nor pass any By-law for any purpose which does not conform to the intent and policies of this Plan.
- 10.1.2.3 Council may acquire and/or hold land within the Municipality for the purposes of implementing any aspect of this Plan.
- 10.1.2.4 Council will recognize the provisions of this Plan in determining its Municipal and Capital Forecast.
- 10.1.2.5 Council shall ensure that all forms of development and associated agreements regarding subdivision, condominiums, site plans and building, conform to the objectives and policies of this Plan.
- 10.1.2.6 The Committee of Adjustment and all other committees of Council of the Municipality shall have due regard to the relevant policies of this Plan in their decision-making, planning and programme implementation functions.
- 10.1.2.7 Nothing in this Plan shall be interpreted to mean that an undertaking, subject to the Environmental Assessment Act or other legislation may proceed except in compliance with the Planning Act.
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**10.1.3 Durham Regional Official Plan**

- 10.1.3.1 It is intended that this Plan and any subsequent implementing procedures conform to the Durham Regional Official Plan.
- 10.1.3.2 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 request Regional Council to initiate amendments, when warranted, to the Regional Official Plan.
- 10.1.3.3 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.

**10.1.4 Official Plan Review and Amendments**

- 10.1.4.1 Council may initiate amendments to this Plan at any time to revise or incorporate new objectives, policies and specific designations, and will review the Plan as a whole at appropriate intervals to ensure its continuing relevance. Upon the approval of this Plan, Council shall hold a special public meeting at least once every five years for the purpose of determining the need for a general review of this Plan of any specific revisions, in accordance with the provisions of the Planning Act.
- 10.1.4.2 Pursuant to Section 17 of the Planning Act, when Council intends to adopt an amendment to this Plan, a public meeting as required by the Planning Act shall be held by Council, or a Committee of Council which has been delegated the appropriate authority, in order to provide adequate information and to afford any persons the opportunity to attend the meeting and/or to comment with respect to the proposed amendment. Notice of this statutory public meeting shall be given by publication in newspaper(s) having general circulation in the area to which the proposed amendment applies, and shall be placed at least twenty (20) days prior to the public meeting being held by Council or a Committee of Council, at which the proposed amendment will be considered.
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- 10.1.4.3 In addition, an introductory public information meeting will also be held by Council or a Committee of Council when an application to amend this Plan is initially submitted. Notice of such meeting shall be placed in the appropriate newspaper(s) at least ten (10) days prior to the meeting of Council or a Committee of Council. This meeting will be combined with the meeting requirements stated in Section 10.1.7.5 of this Plan in the instance of the submission of a joint application to amend the Zoning By-law and this Plan. Moreover, persons attending this meeting and requesting written notification shall also be so advised of the subsequent meeting indicated in Section 10.1.4.2.
- 10.1.4.4 Council may initiate amendments to this Plan 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 9.5;
  - b) as a result of the 5 year review set out in Section 10.1.4.1;
  - c) due to new Provincial Policy statements and guidelines issued under the Planning Act; and
  - d) due to changes to the Durham Regional Official Plan.
- 10.1.4.5 Council shall also consider all requests for amendments to this Plan based on the following general criteria. The proponent of an amendment may be required to submit reports from properly qualified professionals to evaluate and address such matters, including but not limited to:
- a) conformity to the overall intent, goals and policies of this Plan;
  - 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;
  - 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.
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10.1.4.6 When evaluating applications to amend this Plan, particular regard shall be given to the Municipal Strategy as set out in Section 2. Proposals which are contrary to this strategic intent and are not anticipated by this Plan shall require more rigorous analysis in terms of supporting studies and submissions than those which implement the intent of the Plan.

To assist in the evaluation and processing of the application, such analyses may include peer reviews of the support studies and submissions. The peer reviews are to be undertaken by the Municipality at the expense of the applicant.

10.1.4.7 Any application to amend this Plan which proposed to redesignate or convert Industrial Areas to non-employment uses shall be dealt with in accordance with the policies in Section 4.6.3.1.1.

### **10.1.5 Secondary Plans**

10.1.5.1 Secondary Plans for the designated areas on Schedule “E” shall be prepared in order to refine and complement the provisions of this Plan. Such plans shall come into effect as Official Plan Amendments, and shall be implemented in the same manner as the Official Plan under the Planning Act.

10.1.5.2 Secondary Plans shall be specifically prepared in accordance with the policies of Section 9.0 of this Plan.

10.1.5.3 Public consultation shall be carried out in the preparation of Secondary Plans including the holding of public meetings in accordance with the Planning Act and the requirements and policies of this Plan.

### **10.1.6 Neighbourhood Area Development Plans**

10.1.6.1 Neighbourhood Area Development Plans are intended to be a more detailed land use plan for urban residential neighbourhoods not subject to a Secondary Plan. Neighbourhood Area Development Plans are not intended to be a formal part of this Official Plan, although they shall reflect the policies and overall designations of the Plan as indicated on Schedule “A” and “B” and require Council adoption.

10.1.6.2 Each Neighbourhood Area Development Plan will indicate the location of existing and proposed roads; the projected population and number of residential units to be expected in the Neighbourhood; the location and extent of land for community facilities, open space, parks, school, institutional, commercial and residential uses; and the distribution of residential densities.

### **10.1.7 Zoning By-laws**

10.1.7.1 Forthwith, following the adoption of this Plan, the existing Zoning By-laws shall be reviewed and new By-laws 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;

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- b) site development standards appropriate to each type of development; and
- c) other development regulations as required to meet the intent of this Plan.

10.1.7.2 Some of the areas designated for particular uses in this Plan may, in the Zoning By-law, be zoned for agricultural use or placed in a deferred development zone category, pending their zoning for their respective uses at such time that Council is satisfied that the resulting development will not be premature.

10.1.7.3 Prior to new By-laws being prepared under Section 10.1.7, the existing Zoning By-law shall remain in effect during the Zoning By-law review period. Any amendments during the review period to the By-law shall be required to conform to this Plan.

10.1.7.4 Council shall ensure conformity to the intent of this Plan in considering applications to amend the Zoning By-law.

10.1.7.5 With the exception of a technical amendment to a Zoning By-law such as an amendment for the purpose of correcting an error or renumbering sections, Council or a Committee of Council which has been delegated the appropriate authority shall, when considering a proposed Zoning By-law or Zoning By-law amendment, ensure that adequate information and an opportunity to comment is made available to the public with respect to the proposal by holding a public meeting.

The notice of the public meeting shall be given at least fourteen (14) days prior to the meeting.

The notice shall be given by personal service or prepaid first class mail to every individual and agency that has made a written request to the Clerk to be notified of the public meeting. In addition, notice will be given by either:

- a) publication in a newspaper having general circulation in the area to which the proposed By-law or amendment applies; or
- b) personal service or prepaid first class mail to all landowners within the area to which the proposed By-law or amendment applies and within 120 metres of that area.

Furthermore, prior to the By-law being dealt with by Council, an additional seven (7) days will be provided for the making of written submissions to the Clerk's office. Where representations are made for an additional seven (7) days in which to make submissions, Council will consider the scale, impact and nature of the application and, where significant, will provide the additional time.

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10.1.7.6 Where a change is made to a proposed Zoning By-law or Zoning By-law amendment after the public meeting required by Section 10.1.7.5, 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 at least fourteen (14) days prior to the meeting.

10.1.7.7 Any application to amend the Zoning By-law which proposes to redesignate or convert Industrial Areas to non-employment uses shall be dealt with in accordance with the policies in Section 4.6.3.1.1.

### **10.1.8 Holding Provision By-laws**

10.1.8.1 In accordance with the provisions of the Planning Act, 2009 and Section 20.4, of the Durham Regional Official Plan, Council may zone lands to a specific zoning category and include as a prefix the holding symbol "H" thereby identifying the specific permitted use of such lands but limiting the use of the lands until such time as the holding symbol is removed by amendment to the Zoning By-law. While the holding symbol is in place the use of the land, as specified in the By-law, may include existing uses, certain agricultural uses or other uses in conformity with this Plan as Council deems appropriate under the circumstances.

10.1.8.2 The holding symbol "H" may be used in conjunction with the zoning of lands anywhere within the Town 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, storm water facilities, roads, access or intersection improvements are required for the subject lands prior to development taking place;
  - c) lands are affected by minor, adverse environmental effects or other constraints on development 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;
  - e) land assembly is required to permit orderly development or redevelopment; and
  - f) there is a need to ensure that an appropriate process is in place to review the environmental impacts of development with the Oak Ridges Moraine Secondary Plan Area.
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10.1.8.3 The holding provision By-law shall include the reasons why the holding provision was applied and Council shall amend the By-law to remove the holding provision when conditions have been met which satisfy these purposes.

10.1.8.4 The conditions which may satisfy the purposes for the holding provision may include, but are not limited to:

- a) the actual construction of required public works or transportation improvements;
- b) the submission of studies which address environmental, economic, or other technical or professional concerns;
- c) the implementation of measures to mitigate environmental or other negative impacts;
- d) the execution of site plan or development agreements which ensure that the above-noted matters will be carried out; or
- e) the submission of studies which address the impacts of development on the key natural heritage features and hydrologically sensitive features within the Oak Ridges Moraine Secondary Plan Area.

**10.1.9 Interim Control By-laws**

10.1.9.1 Where Council has by By-law or resolution directed that a study be undertaken for all or part of the Municipality with respect to a land use policy contained in the Official Plan or as it relates to the Zoning By-law, Council may pass an Interim Control By-law restricting the use of land, buildings, or structures within that area for a limited period of time as specified by the Planning Act while the study is being carried out.

10.1.9.2 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. Council may extend the term of the Interim Control By-law, such that the total time it is in effect is two years where the duration of the area based planning study is anticipated to require that amount of time.

10.1.9.3 Council, when considering a proposal to enact an Interim Control By-law prohibiting the use of land, shall require:

- a) planning justification which demonstrates the need to carry out the area based plan and/or study(s); and
- b) that any required area based plan and/or study(s) can be carried out expeditiously.

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**10.1.10 Temporary Use By-laws**

- 10.1.10.1 Council may pass a By-law to permit the temporary use of any land, building or structure, for a use which is otherwise prohibited by the By-law, whether or not the use conforms to the Official Plan, without an amendment to this Plan.
- 10.1.10.2 A By-law to permit the temporary use of any land, building or structure, 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
  - c) when a use can exist for a temporary period of time within an area that is undergoing a land use study, without influencing the outcome of that study.
- 10.1.10.3 To determine whether to enact a By-law, Council must be satisfied that:
- a) the site can adequately accommodate the proposed use, considering such matters as site layout, building design, 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) that 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 buildings, except for temporary moveable structures, shall be permitted.
- 10.1.10.4 The Temporary Use By-law may include requirements to reinstate buildings, sites, structures, or uses to those in effect prior to the implementation of the Temporary Use By-law.
- 10.1.10.5 Council may extend a Temporary Use By-law beyond the three (3) year time period as set out in the Planning Act, 2009, provided such extension does not jeopardize the long term development intention for the subject lands/ area as specified in the Official Plan.
- 10.1.10.6 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.
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**10.1.11 Bonus Provision By-laws**

- 10.1.11.1 In accordance with the Planning Act, within designated Major Central Areas, Council may in a By-law, authorize increases in height and/or density of development for a site specific development 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.
- 10.1.11.2 Increases in height and/or density may be considered in order to obtain the following public benefits:
- a) the preservation of heritage buildings;
  - b) the provision of major cultural or arts facilities;
  - c) the provision of public squares, arcades and walkways within the development that have functional benefits;
  - d) the provision of assisted or special needs housing;
  - e) the provision of daycare facilities;
  - f) the provision of community facilities; and
  - g) any other public benefit deemed suitable by Council.
- 10.1.11.3 Bonus Provision By-laws outside of Major Central Areas may also be considered in the protection of natural features such as an Environmentally Sensitive Area and other mature tableland woodlots beyond the parkland dedication requirements of the Planning Act.
- 10.1.11.4 The use of Bonus Provision By-laws shall be carefully controlled, and shall only be undertaken after a thorough site-specific study of the effect of such a By-law.
- 10.1.11.5 The site-specific study referred to in subsection 10.1.11.4 shall assess the extent of the permitted height and/or density bonuses that shall be established based on:
- a) the proposed development's compatibility with existing adjacent development;
  - b) the extent to which the proposed development is consistent with the stated goals and objectives of the Town;
  - c) conformity to the general intent of the relevant land use designation of the Plan;
  - d) adequacy of engineering and community services; and
  - e) impact on hard and soft services.
- 10.1.11.6 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.
- 10.1.11.7 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.
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10.1.11.8 As a condition of the Bonus Provision By-law, the Municipality will 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.

### **10.1.12 Non-Conforming Uses**

10.1.12.1 It is the intent of this Plan that existing uses that do not conform to the provisions and designations of this Plan shall, over time, be brought into conformity. However, notwithstanding the foregoing, this Plan is not intended necessarily to prevent the continuation, expansion or enlargement of uses which do not conform to the provisions and designations of this Plan. At its discretion, Council may zone to permit the continuation, expansion or enlargement of a legally existing land use which does not conform to the Official 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 accessible by an open public road maintained year-round by the appropriate authority, and is to a standard of construction adequate to provide for the additional traffic generated by the proposed use;
- c) is minor and is in keeping with the general provisions of the Official Plan; and
- d) will not detrimentally affect or detract from the implementation of the Official Plan.

10.1.12.2 Prior to passing a Zoning By-law to recognize such non-conforming uses, Council shall:

- a) investigate the feasibility of relocating the existing use and/or acquiring the subject property; and
- b) be satisfied that in not recognizing the use by zoning, an undue hardship would be created for the property owner, however, no amendment to the By-law shall be made if one or more nuisance factors will be created or increased so as to add to the incompatibility of the use with the surrounding area.

10.1.12.3 Each case will be considered on its own merits by Council, and may be subject to site plan control.

### **10.1.13 Site Plan Control**

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

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- 10.1.13.2 The goals of the Municipality in practising site plan control are:
- a) to achieve efficient site development through a functional arrangement of the component parts of the site plan;
  - b) to enhance visual attractiveness and streetscapes through appropriate use of landscaping, lighting, screening, and other techniques;
  - c) to ensure that the massing and conceptual design of the proposed development is in contextual harmony and compatible with the existing or planned character of the area;
  - d) to ensure safety and efficiency of vehicular and pedestrian movement into and through the site including access for the handicapped;
  - e) 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;
  - f) to ensure proper grading and secure easements necessary to provide for public utilities, servicing and site drainage. Where necessary, site drainage may be subject to storm water management requirements as determined by the Municipality;
  - g) to secure road widening sufficient to achieve the planned right-of-way widths for the Town and Regional road allowances; and
  - h) to ensure that the development is built as approved by Council.
- 10.1.13.3 Site plan control shall exempt the following classes of development:
- a) single detached, semi-detached, duplex or link residential development including any accessory buildings related thereto, unless:
    - i) the structure(s) is designated under the Ontario Heritage Act;
    - ii) the lands are located within an ESA or Hazard Land designation as shown on Schedules "A" and "C";
    - iii) the lands are located within the Oak Ridges Moraine Secondary Plan Area;
  - b) street townhouse development within a registered plan of subdivision, including any accessory buildings related thereto; and
  - c) development of farm buildings or structures which conform to the Zoning By-law unless the lands are located within the Oak Ridges Moraine Secondary Plan Area.
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- 10.1.13.4 In accordance with the Planning Act, within the site plan control areas designated, the Municipality will 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 as reasonably required for approval, and to enter into one or more agreements. These shall address, among other matters:
- 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;
  - 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.
- 10.1.13.5 As a condition of site plan approval, Council may require the conveyance of lands to the Municipality or Region of Durham for road widening purposes as follows:
- a) for designated arterial roads in this Plan and the Durham Regional Official Plan, the maximum extent of road allowance that may be required shall be 36 metres to 50 metres for Type A; 30 metres to 36 metres for Type B; and 26 metres to 30 metres for Type C. For all other roads, the maximum extent that may be required shall be the maximum range indicated on Schedule "D" - Transportation; and
  - b) normally, road widening shall be required equally from both sides of the road allowance. However, in certain instances, due to such factors as topography or the existing building line, this will not be possible. In such cases, a greater road widening may be required from one side of the road up to the maximum extent indicated above.
- 10.1.13.6 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 address the matters set out in the provisions of the Planning Act.
- 10.1.13.7 Council will review and establish guidelines for the transfer of its authority to approve site plans to the Director of Planning or a Committee of Council.
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**10.1.14 Subdivision of Land****10.1.14.1 Plans of Subdivision**

Council, when considering plans of subdivision shall only recommend to the Region of Durham those plans of subdivision which comply with the provisions of this Plan and the Planning Act.

10.1.14.2 Regard shall be had to the policies in Sections 20.7 of the Durham Regional Official Plan in determining when a plan of subdivision or division by severance is deemed necessary.

10.1.14.3 In particular, 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 may 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.

**10.1.14.4 Severances**

If a plan of subdivision is not deemed necessary, consideration of application for severance shall ensure conformity to the intent of this Plan and to the following criteria:

- a) scattered isolated residential development throughout the Municipality shall be prevented;
  - b) ribbon development along arterial roads shall be prevented and direct access from arterial roads should be restricted;
  - c) where public sewer and water services are not available, severances shall be granted only with the approval of the Regional Health Unit and provincial agencies involved;
  - d) severances shall only be given when land fronts on an open public road which is of a reasonable standard of construction;
  - e) the size of any parcel of land created by severance should be appropriate for the use proposed and, in general, no parcel should be created which does not conform to the provisions of this Plan and the implementing Zoning By-law;
  - f) severances shall not be granted for land adjacent to a road from which access is to be obtained if a traffic hazard would be created because of limited sight lines on curves or grades;
  - g) severances to be granted shall be conditional upon an agreement being entered into with the Municipality, if required by the Council, pursuant to the provisions of the Planning Act;
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- h) the fulfilment of the requirements of Section 20.7 of the Durham Regional Official Plan; and
  - i) the Municipality is satisfied that a plan of subdivision is not required. Generally, three additional lots may be considered as the maximum number of new lots that may be created by severance.

### **10.1.15 Preconsultation and Complete Application Requirements**

- 10.1.15.1 In accordance with the Planning Act, the Municipality is permitted to require that a person or public body that makes requests or applications for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, and Plans of Condominium, provide any other information or material that the Municipality considers it may need, in addition to the Planning Act requirements. This may include additional information to address the policies in the Provincial Policy Statement, applicable provincial plan(s), and any other stipulated requirements in the Official Plan, in order to provide a thorough planning review and to deem the application complete. Such other information or material may include, but is not limited to, mapping, drawings, reports and technical studies described in sub-section 10.1.15.3.
  - 10.1.15.2 Prior to the submission of any development application to the Ministry, applicants shall pre-consult with the Municipality in accordance with the provisions of the Municipality's Pre-consultation By-law. The pre-consultation process is intended to scope issues associated with a specific development proposal, address matters requiring agency comments, and to identify the information and materials required, including reports and studies, as described in sub-section 10.1.15.3, prior to the submission and acceptance of a development application, as items necessary for the application to be deemed complete under the Planning Act and the Whitby Official Plan.
  - 10.1.15.3 Such other information or material 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 the following:
    - Planning Considerations: Planning Rationale Report; Settlement Capacity Study; Social Impact Assessment;
    - Engineering Considerations: Functional Servicing Report; Servicing Options Report; Grading and Drainage Plan; Stormwater Management Plan; Hydrogeology Report; Well Impact Study; Soils and Slope Stability Report(s); Geotechnical Report; Noise Study (including but not limited to vehicular and stationary noise); Vibration Study; Construction Management Plan;
    - 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; Contaminant Management Plan; Natural Hazard Study; Coastal Engineering Study; Watershed Study; Subwatershed Study; Tree Inventory and Preservation Study; contour information including Conservation
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Authority regulatory lines; Refuse/Recyclable Storage and Pick-up Plan; Edge Management Plan; Air Quality Study; Mineral Aggregate Extraction Study;

Agricultural Considerations: Agricultural Assessment; Statement of Conformity with Minimum Separation Formula;

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

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

Heritage/Cultural Considerations: Heritage Impact Assessment; Archaeological Assessment; Cultural Heritage Assessment; any requirements of a Heritage Conservation Plan;

Design Considerations: Site Plan; Landscape Plans/Analysis; Open Space and Parks Plan; Urban Design Study; Exterior Building Colour Sample Board; Sun/Shadow Study; Lighting Plan; Signage Study; Wind Study; any requirements of a Heritage Conservation Plan; pedestrian accessibility/walkability; having regard for accessibility for persons with disabilities.

- 10.1.15.4 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 government agencies.
- 10.1.15.5 All required reports and technical studies shall be prepared in accordance with any standard or specifications applicable within the Municipality by qualified professional consultants retained by and at the expense of the proponent. 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.
- 10.1.15.6 The reports and technical studies outlined in sub-section 10.1.15.3 are not intended to preclude the Municipality from requiring additional reports and 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.
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**10.1.16 Agreements and Planning Application Fees**

10.1.16.1 Agreements shall be in respect of such matters as the following:

- a) Subdivision 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 the draft plan of subdivision;
- 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 Agreements under the Development Charges Act;
- e) Cost-sharing Agreements for expediting the provision of hard and soft services in development areas; and
- f) Heritage, Conservation and Access Agreements.

10.1.16.2 Where any study or peer review is required to be undertaken by the Municipality in its consideration of an official plan or zoning application, or environmental impact study, the expense of such a study shall be borne by the proponent as part of the processing fee under the provisions of the Planning Act.

**10.1.17 Municipal Land Acquisition**

10.1.17.1 The Municipality may acquire, manage and dispose of any lands, building or structure in order to implement any feature of this Plan in accordance with the provisions of the Municipal Act, Planning Act, Region of Durham Act, Development Charges Act, or any other applicable legislation.

10.1.17.2 Also, lands for open space and other public purposes will be acquired through the Planning Act, in accordance with Sections 4.8.4.1 and 4.8.4.2 of this Plan.

**10.1.18 Public Consultation**

10.1.18.1 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;
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- b) actively seek input and comments from the public, Committees of Council, and agencies in the review of planning matters as active participants in the decision-making process; and
- c) ensure that adequate reporting mechanisms are in place to provide Council with a complete and unbiased record of the public consultation process undertaken on various planning and development matters.

10.1.18.2 Council shall seek to obtain public input during:

- a) the course of considering amendments to and/or review of this Official Plan and comprehensive Zoning By-law;
- b) the formal steps in the land development approval process;
- c) the preparation and/or review of Secondary Plans, Neighbourhood Development Plans, and Community Improvement Plans;
- d) the preparation of special issue-based planning studies; and
- e) for any other planning or development situation where Council deems it necessary to solicit public input and/or involvement.

10.1.18.3 The Municipality shall notify affected individuals, community and special interest groups on secondary planning processes underway in an area during the early phase of associated planning exercises in accordance with established public participation policy and notification procedures.

**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 southern boundary of the Oak Ridges Moraine as identified on the schedules of this Plan conforms to the requirements of the Oak Ridges Moraine Conservation Plan and shall not be amended.

10.2.1.2 All numerical figures in the Plan, except those indicating density and floor space allocations, should not be interpreted as absolute and rigid. Minor variations will be tolerated providing the intent and spirit of the Plan is maintained. Minor variations are a very small percentage of amount of the total statistics.

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. Precise routes of new roads will be determined by 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 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.
- 10.2.1.6 The words “subject to the satisfaction of Council” are intended to mean that the matter under consideration complies with good planning principles that fulfil the intent of the relevant policies of this Plan.
- 10.2.1.7 In the case of a discrepancy between the policy statements and related schedules of this Plan, the policies will supersede.
- 10.2.1.8 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. Otherwise an Official Plan amendment may be required to create conformity between the Plans, with the approval of subsequent Secondary Plans.
- 10.2.1.9 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 or Structure** - 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 Use** - The use of any land, building or structure which is subordinate to, and exclusively devoted to, the principal use located on the same lot.

**Affordable Housing** - Housing with market price or rent that is affordable to households of low and moderate income, which are households within the lowest 60 percent of the income distribution for the Housing Region, as determined by the Ministry of Housing. Affordable in this context means annual housing costs do not exceed 30 percent of gross annual household income.

**Agricultural Minimum Distance Separation Formulae** - Includes distance formulae for the separation of farm operations from other uses that may be sensitive to farm odour or emissions, as issued by the Ministry of Agriculture, Food and Rural Affairs.

**Agriculture or Agricultural Industry or Farming** - Animal husbandry, horticulture, beekeeping, dairying, field crops, fruit farms, fur farming, market gardening, pasturage, poultry keeping, mushroom farming or any other farming activity and may include growing, raising, small scale packing and storing of produce on the premises and other similar activities customarily carried out in the field of general agriculture.

**Amenity Area** - An interior area within a residential building or an outdoor area exterior to the residential 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 Resource** - The remains of any building, structure, activity, place, or cultural feature or object which, because of the passage of time, is on or below the surface of land or water, and is of significance to the understanding of the history of a people or place.

**Area of Natural and Scientific Interest (ANSI)** - Are areas of land and water containing natural landscapes or features which have been identified as having values related to protection, natural heritage appreciation, scientific study or education.

**Best Management Practices** - Refers to contemporary environmental management practices applied to water quality facilities such as extended detention and wet ponds, infiltration systems, and constructed wetlands. It also includes land management techniques such as regulations on urban development and requirements for various vegetative practices, and public education programs regarding activities such as application of pesticides, herbicides and fertilizers, car washing and/or pet waste disposal etc.

**Buffer** - A natural area intended to minimize potential conflict between human activities and sensitive environmental features. This is done by providing a natural separator and by rounding out irregularities and minimizing the length of interface with the human dominated landscape.

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**Business Park** - An employment area which provides for light industrial uses and service/office uses in combination with limited retail and service commercial uses in a campus setting.

**Class Environmental Assessment** - Refers to the process established under the Environmental Assessment Act, RSO 1990 for certain types of projects.

**Conservation** - The wise management of resources in a way to maintain, restore, enhance and protect their quality and quantity for sustained benefit to man and the environment.

**Consent** - A legal permission, generally given by area municipalities or Regional Land Division Committee, to sever a property into two or more parcels.

**Cultural (Heritage) Resources** - Archaeological or built heritage resources and structural remains of historical and contextual value, as well as human made rural, village, and urban districts, or landscapes and tree lines of historic and scenic interest.

**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.

**Design Guidelines** - A set of discretionary statements to guide land development to achieve a desired level of quality for the physical environment.

**Development** - (1) The construction, erection, or placing of a building or structure; (2) the making of an addition or alteration to a building or structure; (3) the change in use or in intensity of use of any building, structure, or premises; (4) activities such as site grading, excavation, removal of topsoil or peat, or the placing or dumping of fill; or (5) drainage works, except for the maintenance of existing municipal and agricultural drains.

**Ecosystem** - Systems of plants, animals, and micro-organisms, together with the non living components of their environment and related ecological processes, essential for the functioning of the biosphere in all its diversity.

**Ecosystem Approach** - The ecosystem approach to land use planning refers to the process where the goal of ecosystem integrity is to be achieved by balanced decision-making, and an understanding of the interactions and interrelatedness of air, water, land, man and other living things.

**Environment** - For the purpose of this Plan, Environment refers to both the natural and man made environments, which include air, soil, water, plant and animal life, social and cultural conditions, buildings or structures, or any combination thereof and the direct or indirect impacts of human activities.

**Environmental Evaluation** - The evaluation of a development proposal which examines potential effects to the physical or biological features of the surrounding environment and identifies methods to reduce identified environmental impacts.

**Environmental Impact Study (EIS)** - A study which examines the effect of development proposals and other major actions which significantly affect the environment.

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**Environmentally Sensitive Areas (ESAs)** - Areas identified as comprising natural landscapes, including those lands and water of inherent biological sensitivity, such as those areas containing aquifer recharges, headwaters, unusual plants, wildlife or landforms, breeding or over wintering habitats, vital ecological functions, rare or endangered species, and/or other combinations of habitat and landform which could be valuable for scientific research or conservation education, including Areas of Natural and Scientific Interest.

**Existing Use** - The use of any land, building or structure legally existing on the day of adoption of the Official Plan.

**Fill Line** - A line delineating that area of a watershed which is subject to the Fill, Construction and Alteration to Waterway Regulations of the Conservation Authority.

**Financial 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.

**Floodplain** - The area of land adjacent to a watercourse that may be subject to flooding during the defined storm. It includes the floodway and the flood fringe.

**Floor Space Index (FSI)/Floor Area Ratio (FAR)** - 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 in a side or rear yard of an existing residential property, designed primarily to provide temporary residential accommodation for aged or disabled persons.

**Gateways** - Entrances into the Municipality or parts of the Municipality along major transportation corridors which provide strategic opportunities for projecting a positive Town image.

**Greenway System** - An open space connector system linking parks, nature reserves, cultural features or historic sites with each other and populated areas for pedestrian and/or bicycle use.

**Gross Residential Hectare** - Gross Residential Hectare shall mean the area of land measured in hectares utilized for residential dwellings including the lot area, local residential streets; local parks, including walkways and bicycle ways; public and separate elementary schools; churches and other institutions such as day care centres and nursing homes; and local municipal facilities such as firehalls. 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 three storeys in height.

**Ground Water Recharge Area** - An area in which there is a significant addition of water by natural processes to the ground water system.

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**Hazard Lands** - Hazard lands are defined as 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.

**Infill** - Development on vacant lots or through redevelopment to create additional new residential units and/or commercial space.

**Infrastructure** - The collection of public capital facilities including highways, transit terminals and rolling stock, municipal water and waste water systems, transient material management facilities, storm water systems, schools, hospitals, libraries, community and recreation centres, and any other public projects involving substantial capital investment. It includes not only the provision of new facilities but also the maintenance and rehabilitation of existing ones.

**Intensification** - The development of a property or a site at a higher density than previously existed. It includes (1) redevelopment, or development within existing urban communities where demolition of the previous structures is to take place or has taken place; (2) infill development, or development on vacant lots or redevelopment within a built up area that existed on June 5, 1991; (3) conversion, or the change of use of an existing structure or land use, such as from industrial to residential; (4) creation of apartments or rooming, boarding, and lodging accommodation in houses.

**Massing** - The overall bulk, size, physical volume, or magnitude of a structure or project.

**Natural Heritage System** - A connected group of natural areas, and the native flora, fauna, and related geological features and landforms that contribute to the health and biodiversity of the natural environment. Natural heritage systems may include natural core areas (such as areas of natural and scientific interest, wetlands, or wildlife habitat), natural corridor (such as rivers, streams, lakeshores, or ravines), and natural connecting links (such as hedgerows, tree lines, or restored road or rail allowances) that connect natural core and corridor areas.

**Net Residential Hectare** - Net Residential Hectare shall mean 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 (NEF)** - A prediction of outdoor and indoor noise levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

**Portable Asphalt Plant** - A temporary facility which is not of permanent construction but is designed to be dismantled and moved to another location as required, and comprises equipment designed to heat and dry aggregate and mix aggregate with bituminous asphalt to produce asphalt paving material, including stockpiling and storage of bulk materials used in the process.

**Preserve** - To maintain the quality or condition of a resource in its current form, and to retard the deterioration of the resource.

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**Prime Agricultural Soils** - Lands having agricultural soils Classes 1, 2, 3 and 4 (and combination equivalents thereof), as defined in the Canada Land Inventory of Soil Capability for Agriculture.

**Provincially Significant Wetlands** - Class 1, 2 or 3 wetlands defined in accordance with the Provincial Wetlands Policy Statement.

**Redevelopment** - Development within existing communities, where demolition of the previous structures is to take place, or has taken place.

**Regional Storm** - A storm of the magnitude of Hurricane Hazel in the southern Ontario region, determined in accordance with provincial policy currently in effect.

**Regionally and Locally Significant Wetlands** - Class 4, 5, 6 and 7 wetland defined in accordance with the Provincial Wetlands Policy Statement.

**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.

**Secondary Plan** - A plan for a specific geographic area containing specific policies to guide future development which can form the basis of an amendment to an Official Plan.

**Settlement Areas** - An existing built up area and that surrounding land which has been designated for development over the long term planning horizon.

**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 visual appearance of a roadway formed by the location of physical features such as buildings, pedestrian, cycling and vehicular facilities and landscaping.

**Sustainable Development** - Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**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.

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**SCHEDULES “A” TO “E”**

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**Schedule “C” – Environmental Management**

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**Schedule “D” – Transportation**

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**Schedule “E” – Secondary Plans**

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**PART II**  
**SECONDARY PLANS**

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**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 9.2, 10.1.4 and 10.1.5 of this Plan.

**11.1 Port Whitby Community Secondary Plan**

**11.1.1 Goal**

11.1.1.1 To encourage the development and redevelopment of the Port Whitby Community through both private and public initiatives by maximizing its tourism opportunities, and promoting its potential as a unique small-craft recreational harbour and residential community, while also protecting and enhancing the natural features of the harbour area.

**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 reinforcement of a Port Whitby Community land-based residential community. It shall be the Municipality’s policy to encourage infilling and/or intensification in order to provide affordable housing and to ensure that in areas of mixed use, redevelopment is compatible with existing development in terms of scale, traffic generated and demand on municipal services.

11.1.2.3 To permit the Port Whitby Community to develop to a population capacity of 7,000 persons.

**11.1.3 Residential**

11.1.3.1 The residential land area indicated on Schedule “F” shall be developed in accordance with the following policies:

- a) detached or attached ground related dwellings such as and similar in kind to single-detached housing, semi-detached housing, townhouses, links and clusters, or other ground related dwelling units, shall be permitted uses;
- b) new apartment development shall not be permitted, however, sites upon which apartments have been developed and are in use as such on the date of adoption of this Plan may be developed in accordance with the densities set out in subsection c) below;

- c) residential uses may be developed to an overall average density of 35 units per net hectare and to a maximum height of three storeys. Townhouse development may be permitted to a maximum density of 50 units per net hectare. Apartment sites which may be developed in accordance with subsection b) above may be redeveloped to a maximum density of 80 units per net hectare;
- d) notwithstanding subsections a), b), and c), high density residential development in the form of new apartments may be permitted by amendment to this Plan; and
- e) Notwithstanding Subsection c) to the contrary, townhouse development may 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 as Assessment Roll #18-09-030-012-9300 and Assessment Roll #18-09-030-012-9400, subject to inclusion in the implementing Zoning By-law.

11.1.3.2 The high density residential area indicated on Schedule "F" shall be for residential units not exceeding a density of 115 units per net hectare and shall be developed in accordance with the applicable provisions of Sections 4 and 7 of this Plan.

11.1.3.3 The high density residential area indicated on Schedule "F" shall contain a range of building forms and heights so as to provide variety of massing of buildings.

#### **11.1.4 Harbour Development Area**

11.1.4.1 The uses permitted in the Harbour Development areas shown on Schedule "F" are as follows:

a) Harbour Development Area No. 2 - Watson and Charles Street:

The primary use of the lands in this area shall be for residential development not exceeding a density of 115 units per net hectare. Notwithstanding this maximum residential density, the maximum density permitted at the southwest corner of Charles Street and Victoria Street West shall be 202 units per net hectare. Notwithstanding this maximum residential density, the maximum density permitted at 1606, 1610, and 1614 Charles Street shall be 300 units per net hectare, with a maximum building height of up to 18 storeys. A hotel with ancillary retail and personal service uses and harbour-related retail and personal service uses such as, and similar in kind to, boat and marine accessory sales, may also be permitted;

b) Harbour Development Area No. 3 - Front Street:

The primary use of the lands in this area shall be for harbour-related retail and personal service uses such as, and similar in kind to, boat chandleries, boutiques and restaurants. Residential uses not exceeding a density of 55

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units per net hectare of land deemed developable in accordance with Section 11.1.3.1 may also be permitted in association with the above uses;

c) Harbour Development Area No. 4 - Brock Street:

The primary use of the lands in this area shall be for residential development not exceeding a density of 115 units per net hectare of land deemed developable in accordance with Section 11.1.3.2. In the portion of Harbour Development Area No. 4 west of Brock Street, the minimum residential density shall be 115 units per net hectare and a maximum residential density of 370 units per net hectare, based on the land area deemed developable in accordance with Section 11.1.3.2. 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 'Harbour Development Area 4'.

d) Harbour Development Area No. 5 - Transit Gateway Area:

Harbour Development Area 5 recognizes the potential intensification of lands bounded by Highway 401, Brock Street, Victoria Street and Henry Street as a transportation Gateway facility. This area shall generally provide for transportation facilities, residential, office and hotel redevelopment opportunities, and cultural and public open space activities.

All development/redevelopment within the Harbour Development Area 5 shown on Schedule "F" shall be generally guided by the Preferred Concept as enunciated in the GO Station Gateway Study, 1992, as prepared by M.M. Dillon Limited, and subject to further detailed urban design plans as a condition of rezoning and as described in Section 11.1.4.5.

While the existence and continued use of the Whitby Jail is recognized by this Plan and may be zoned for such use, it is the intent of this Plan to encourage the relocation of this use to facilitate the ultimate redevelopment of Harbour Development Area 5 for higher intensity uses. To this end, the Municipality will enter into negotiations with the Province to investigate the possibility of the Jail's relocation to another site outside the Harbour Development Area. Council shall not encourage the Jail's further expansion which could detrimentally affect the relocation of this facility over the longer term.

Medium Density Residential within Harbour Development Area 5, bounded by Byron Street, the proposed Local Park and Victoria Street West, shall permit ground related residential development including the opportunity for a mixed use professional office component up to three (3) storeys in height and a maximum density of 50 units per net hectare.

High Density Residential development within Harbour Development Area 5 shall be located south of the rail corridor and shall provide for apartment

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buildings not exceeding twelve (12) storeys in height and 115 units per net hectare, and related parking structures.

Any apartment building east of Byron Street shall be developed on the basis of property consolidation, and redevelopment shall exhibit a pronounced gradation of building heights in proximity to the Victoria and Brock Street intersection. Any new apartment building adjacent to this intersection may also permit limited and integrated ancillary office uses.

Residential redevelopment within Harbour Development Area 5 will be subject to noise and vibration attenuation requirements due to the proximity of the rail lines, Highway 401 and adjacent arterial roads.

Within Harbour Development Area 5 north of the rail corridor, the continued existence and expansion of the O.P.P. detachment and the GO Transit Station facility are recognized and permitted. In addition, by exception, consideration can be given to more intensive use opportunities including hotel and office development up to twelve (12) storeys, and ancillary retail and personal service uses serving hotel and transit patrons, subject to rezoning and the provision of adequate parking and access. Traffic impact studies will be required to demonstrate the continued adequate operation of the Highway 401 interchange to the satisfaction of the Ministry of Transportation.

- 11.1.4.2 In considering any retail and personal service uses proposed to be developed in a Harbour Development Area, Council shall have regard to:
- a) the intent of this Plan that such retail and personal service uses will be harbour-related and primarily serve the recreational and tourist function of the harbour area; and
  - b) the intent of this Plan and the Durham Regional Official Plan to develop Central Areas as the central focal points of activity, interest and identity for the residents of the Municipality and the Region.
- 11.1.4.3 The residential use component of each Harbour Development Area shall contain a range of building types, forms and heights so as to provide a variety of housing opportunities to take advantage of views of the waterfront and major open space areas.
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- 11.1.4.4 Harbour Development Areas shall be placed in a holding zone category in the Zoning By-law. These areas shall be zoned for the uses permitted in this Plan upon the approval of a design plan in accordance with Section 11.1.4.5 of this Plan.
- 11.1.4.5 To assist Council in preparing an implementing Zoning By-law for development proposals within a Harbour Development Area, Design Plans shall be required. Such Design Plans will interpret the physical layout of the proposal and address such matters as:
- a) the ownership of lands within the Harbour Development Area;
  - b) the contemplated land use components;
  - c) the interrelationship of the physical planning components within the Harbour Development Area and their relationship to adjoining land uses;
  - d) contemplated vehicular and pedestrian movements within the Harbour Development Area and in relation to neighbouring lands;
  - e) development parameters for elements such as coverage, height, bulk, setbacks, common internal traffic circulation, parking, landscaping, architectural treatment of structures and access points with adjacent land uses; and
  - f) basic engineering requirements including roads, storm sewers, storm water management facilities subject to Section 5.3.10 and 8.2.3 of this Plan, and sanitary sewers.
- 11.1.4.6 It is the intent of this Plan to encourage each Harbour Development Area to be developed in an integrated fashion by encouraging the consolidation or joint development of the lands within each Harbour Development Area.
- 11.1.4.7 Notwithstanding Section 11.1.4.6, where consolidation or joint development is not possible or desirable within a Harbour Development Area, development may be permitted on individual properties provided that the Design Plan submitted in accordance with Section 11.1.4.5 indicates how the proposed development of the specific parcel will permit the progressive, orderly and harmonious development of the Harbour Development Area as a whole.
- 11.1.4.8 Schedule “F” indicates activity nodes and parts of the pedestrian system to be located within Harbour Development Areas 3 and 4. In accordance with Section 11.1.5.3 and 11.1.5.4, provision shall be made for the incorporation of the activity nodes and the pedestrian link into the development of Harbour Development Areas 3 and 4.
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11.1.4.9 Low Hazard Land areas are indicated on Schedule “F” over portions of Harbour Development Areas 3 and 4. However, with filling and other remedial works, the existing or potential hazard can be overcome. These Low Hazard Land areas will not be deemed to be developable or zoned to permit major development in accordance with the designations in this Plan until such time as the existing or potential hazard has been overcome or agreements have been entered into between the appropriate landowners and authorities for works to overcome the hazard, and the development proposal is shown to meet the requirements of the Authorities having jurisdiction.

### **11.1.5 Major Open Space**

11.1.5.1 The maximum use of the small-craft, harbour-related recreational potential of the harbour and adjoining Major Open Space lands on Schedules “A” and “F” for as wide a range of users as possible shall be encouraged.

11.1.5.2 Schedule “F” also indicates the location of marinas. Docking areas and related on-shore facilities shall be permitted in the areas designated Major Open Space on Schedules “A” and “F”.

11.1.5.3 In addition, Schedule “F” indicates Activity Nodes which are illustrative of existing and future activity areas supportive of the recreational potential for the Port Whitby Community. For the most part, these activity areas are located in areas designated Major Open Space. Where these nodes fall outside the Major Open Space designation, the development of activity nodes shall be encouraged in conjunction with the development of the lands in accordance with such land use designation.

11.1.5.4 Schedule “F” indicates an integrated pedestrian system linking the areas designated Major Open Space within the Port Whitby Community. Where this system falls within a land use designation other than Major Open Space, the pedestrian link shall be provided in conjunction with the development of the lands in accordance with such land use designation. The system shall form part of the continuous Waterfront Trail along the Lake Ontario shoreline.

11.1.5.5 The Major Open Space lands shown on Schedule “F” over the rail corridor reflect the need for a suitable buffer strip between future residential uses to the south and the rail lines. The size and nature of this buffer strip will be defined through the development review process and may include landscaped decked parking structures associated with future high density residential development located south of the railway in order to assist in the attenuation of noise and vibration impacts.

11.1.5.6 A future local park north of Victoria Street shall provide for uninterrupted views and vistas of the lake, a strong pedestrian linkage to the waterfront, active and passive recreational uses such as a landscaped public open square, and the continuation of the Station Arts Gallery.

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11.1.5.7 The continued existence of St. John's Church, cemetery and grounds shall be permitted and is recognized as one of the most significant heritage sites in Port Whitby Community. Notwithstanding any other policies to the contrary, any further redevelopment of these lands for other unrelated uses shall require an amendment to this Plan.

#### **11.1.6 Utilities**

11.1.6.1 The use of lands designated as Utilities on Schedule "F" shall be in accordance with the provisions of the Durham Regional Official Plan.

11.1.6.2 The lands designated Utilities south of Water Street recognize the continued existence of the Regional Water Treatment Plant.

The lands designated Utilities north of Victoria Street and east of Brock Street recognize the continued existence of the Regional Sewage Treatment Plant.

11.1.6.3 Redevelopment and intensification of the Port Whitby Community, as proposed by this Plan, will require extensions, improvements and upgrading of components of the water supply, sanitary sewer and storm sewer services.

11.1.6.4 The lands north of the rail corridor shall permit transportation related uses, including vehicular parking for GO Transit if required.

#### **11.1.7 Heritage Considerations**

11.1.7.1 Schedule "F" indicates a number of buildings which are eligible for designation as Ontario Heritage Sites.

11.1.7.2 Notwithstanding the designation on Schedule "F", these potential Ontario Heritage Sites may be zoned to permit such uses as personal service or limited retail uses in order to support the economic viability of retaining the structure, providing compatibility with adjacent land uses and conformity with the general intent of this Plan are maintained.

#### **11.1.8 Hazard Lands**

11.1.8.1 The Hazard Land Areas indicated within the Port Whitby Community shall be governed by the provisions of Section 4.9 of this Plan.

#### **11.1.9 Implementation**

11.1.9.1 The provisions of Section 11.1 apply to the Port Whitby Community Secondary Plan Area as shown on Schedule "F" and provides more precise illustrations of the land use designations shown on Schedules "A" and "B" and in the policies of Part I of this Plan.

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**Insert**

**Schedule “F” – Port Whitby Community  
Secondary Plan**

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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 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 neighbourhood which will integrate with, and shares various community facilities with, the adjacent Port Whitby area.
- 11.2.2.3 To develop a neighbourhood which shall provide 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 provide for the ultimate needs of the two hospitals in a manner which is both compatible and integrated with the adjacent recreational and residential development.
- 11.2.2.6 To develop an open space system which provides recreational opportunities to the residents of Whitby utilizing the Lake Ontario waterfront while respecting the environmentally sensitive nature of the Class 1 wetlands on the western boundary of the area, and the sensitive nature of 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 Part I of the Whitby Official Plan.
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11.2.3.2 The land use shown on Schedule “G” establishes the pattern of land use in the Secondary Plan area for the following categories:

Low Density Residential;  
Medium Density Residential; Medium Density Residential 1;  
High Density Residential 1, 2 and 3;  
Community Commercial;  
Business Park;  
Institutional; and  
Major Open Space.

The planned population capacity guideline for the Residential lands within the Secondary Plan is 6,700 including potential population within the Community Commercial designation.

#### **11.2.4 Residential**

11.2.4.1 The intent of the Residential designations is to provide a variety of housing densities and forms such that people with a broad range of economic requirements will be afforded an opportunity to live in this area.

11.2.4.2 Development within the Residential designations shall be in accordance with the following policies:

- a) Low Density Residential areas shall be developed at densities up to 35 units per net hectare similar in kind to single-detached, semi-detached, linked and duplex dwellings and other ground related built forms which are physically and contextually compatible;
  - b) Medium Density Residential areas shall be developed at densities between 35 and 75 units per net hectare similar in kind to linked dwellings, cluster homes, townhouses and low-rise apartments to a maximum height of four storeys. In addition to these housing types, the Medium Density Residential 1 area may also be developed for semi-detached dwellings at a minimum density of 30 units per net hectare;
  - c) High Density Residential 1 areas shall be developed at densities between 75 and 100 units per net hectare similar in kind to stacked townhouses and apartments;
  - d) High Density Residential 2 areas shall be developed at densities between 80 to 170 units per net hectare similar in kind to apartments;
  - e) High Density Residential 3 areas shall be developed at densities between 100 and 275 units per hectare similar in kind to apartments; and
  - f) Development in High Density Residential 1 and 2 areas shall not exceed 12 storeys in height. Development in the High Density Residential 3 area shall not exceed 14 storeys in height.
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- 11.2.4.3 Appropriate buffering measures shall be required for the low density residential development along Victoria Street.
- 11.2.4.4 Development within all Residential designations shall be encouraged to incorporate energy conserving land use planning design principles.
- 11.2.4.5 Two elementary school sites of at least 2.4 hectares in size shall be permitted adjacent to a district park.
- 11.2.4.6 Notwithstanding Section 11.2.4.5 of this Plan to the contrary, a second public elementary school site is also identified in the southern portion of the lands designated for Low Density Residential development. Should it be determined that this site is not required for an elementary school such lands can, without an amendment to this Plan, be developed for Low Density Residential purposes. Furthermore, this public elementary school may also be developed within the area designated Institutional, without an amendment to this Plan. However, should such a site within the Institutional area be developed, the presently identified site subject to this policy shall be developed for Low Density Residential purposes in accordance with the provisions of this Plan.

### **11.2.5 Community Commercial**

- 11.2.5.1 The Community Commercial designation may develop in accordance with Section 4.3 of this Plan.
- 11.2.5.2 Residential development shall be permitted within the Community Commercial designation on the second and above floors of the 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 Notwithstanding Sections 4.3 and 4.4 of this Plan to the contrary, the minimum and maximum floor space capacity for the commercial component within the Community Commercial designation shall be 3,000 square metres and 8,900 square metres respectively.

### **11.2.6 Business Park**

- 11.2.6.1 The purpose of the Lynde Shores Business Park is to establish a comprehensively planned, high intensity employment area to meet the demands of business and information services, new advanced industrial and health related technologies in a campus setting.
- 11.2.6.2 The permitted uses in the Lynde Shores Business Park may include research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, light assembly and manufacturing operations for the production and/or distribution of high value and high technology products. In addition, a regional warehouse and distribution centre may be permitted within the northeast section, subject to inclusion of the appropriate provisions in the implementing Zoning By-law.
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11.2.6.3 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.

11.2.6.4 On-site water detention facilities shall be required to contain industrial spills.

11.2.6.5 Appropriate public access to the open space system to the west and Iroquois Park to the east shall be required through separate pedestrian walkways or sidewalks within road rights-of-way.

11.2.6.6 To encourage a special identity and image, high urban, architectural and landscape design standards shall be used together with:

- a) the minimal use of at-grade parking;
- b) restricting service areas to interior and rear yards where feasible; and
- c) minimizing and restricting outdoor storage areas.

In addition to the above, berms, landscaping and other appropriate measures shall be required 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 of this Plan, the lands within the Community Central Area 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 Montecort Street:

- a) A minimum and maximum height restriction of 3 and 20 storeys respectively; and
- b) Notwithstanding the policy provisions set out in Section 10.1.13, 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.

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11.2.6.8 Remedial work shall be required to bring the Low Hazard Land area indicated on Schedule "G" up to a standard that would permit development. The Low Hazard Land area shall not be deemed developable or zoned to permit development until such time as the existing or potential hazard has been overcome or agreements have been entered into between landowners and the Ministry of Natural Resources and the Central Lake Ontario Conservation Authority for works to overcome the hazard, and the development proposal is shown to satisfy the requirements of the authorities having jurisdiction. Basements shall not be permitted in developments within the Low Hazard Land area.

11.2.6.9 An automobile service station consistent with the intent of Section 4.4.3.3 of this Plan may be permitted after due consideration and subject to rezoning within the Community Central Area, at the collector road intersection on the north side of Victoria Street.

### **11.2.7 Institutional**

11.2.7.1 The "Institutional" designation identifies an area for the present and future spatial requirements of the Whitby General Hospital and the Whitby Mental Health Centre. Lands within the "Institutional" designation may also be used for those purposes indicated in Section 4.7.3.1 of this Plan, and other medical related and research and development facilities.

11.2.7.2 The Whitby General Hospital shall maintain its vehicular access and facility orientation to Gordon Street.

11.2.7.3 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 Whitby Mental Health Centre, public use and a clinic.

### **11.2.8 Major Open Space**

11.2.8.1 The development of all lands within the Lynde Shores Secondary Plan and the preparation of the Master Plan referred to in Section 11.2.8.2 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.

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- 11.2.8.2 Prior to any development in the Business Park and Residential areas within the Lynde Shores Secondary Plan Area, a detailed Open Space Master Plan shall be prepared by the applicant to implement the Environmental Management Plan referred to in Section 11.2.8.1.
- This Master Plan will not only outline the detailed design but also establish an operations program to facilitate implementation and ongoing maintenance. The Master Plan shall be prepared to the satisfaction of the Municipality in consultation with the Central Lake Ontario Conservation Authority and Ministry of Natural Resources.
- 11.2.8.3 An Environmental Monitoring Program shall be in place during the implementation of the management system components in the Major Open Space area as well as construction of adjacent lands, and continued for a least a period of ten (10) years following the completion of development in the Lynde Shores Secondary Plan Area. The monitoring program should be designed to provide specific quantitative information on any changes in key natural features and associated use levels.
- 11.2.8.4 The Municipality will establish and administer a public environmental advisory committee to oversee the Environmental Monitoring Program described in Section 11.2.8.3 in accordance with the Environmental Management Plan. The Committee will operate in accordance with the recommendations contained in the Environmental Management Plan and submit an annual report to Whitby Council.
- 11.2.8.5 A looped open space system shall be required to facilitate public pedestrian and bicycle access such that Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area are linked in an integrated manner. This system, 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 useability of this public recreational resource.
- 11.2.8.6 Access for the servicing of public utilities, where necessary, shall be provided through all lands within the Major Open Space designation.
- 11.2.8.7 It is the intent of the Central Lake Ontario Conservation Authority to acquire all those privately-owned, non-government lands below the Regional floodline and within the Major Open Space designation.
- 11.2.8.8 A District and two Local parks shall be required to serve the needs of the residential areas. The District park shall be adjacent to the designated elementary school sites. One local park of a passive nature shall be located west of the collector ring road and a small active parkette shall be located north of the Whitby Mental Health Centre.
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**11.2.9 Transportation**

- 11.2.9.1 The internal collector road network is based on a looped system designed to facilitate easy movement of vehicles into and out of the area. The final road alignments for both collector and local roads shall be determined at the time of development review and approval.
- 11.2.9.2 As part of the studies identified in Section 11.2.7.3, the feasibility of linking the collector road system between the southern end of Gordon Street and the collector road system to the west shall be investigated in order to provide a continuous collector road system.
- 11.2.9.3 Within the Business Park, the final design of the intended road system shall generally follow a looping route focusing on Victoria Street. A collector road linkage shall be provided to Annes Street while respecting the road widening requirements of the future Annes Street - Highway No. 401 grade separation.
- 11.2.9.4 The east limit of the collector ring road south of Victoria Street and adjacent to the Lynde Creek shall represent the limit of urban development. The ring road is an important component of the Environmental Management Plan identified in Section 11.2.8.1. This road supports the maintenance and security system for the Major Open Space area and encourages public appreciation.
- 11.2.9.5 Public pedestrian and bicycle access shall be required in the open space corridor along the Lake Ontario waterfront and Lynde Creek.
- 11.2.9.6 A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.
- 11.2.9.7 Beyond the Victoria Street widening, the following major works projects shall require undertaking in order to accommodate the forecasted traffic volumes:
- a) Annes Street construction to a level of service consistent with the planned function of the road; and
  - b) Gordon Street improvement to full municipal standards.
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**11.2.10 Heritage Conservation**

- 11.2.10.1 The archaeological significance of the Secondary Plan Area has been reviewed in detail through reports prepared by Archaeological Services Inc. (1991) and the Museum of Indian Archaeology (1988). Reference shall be made to the recommendations of these reports prior to any development approvals, grading or any other soil disturbance and the issuance of any demolition permits for structures associated with the Whitby Mental Health Centre.

More specifically, on lands south of Victoria Street and west of the Jeffery Street road allowance, including lands within the Major Open Space designation, further examination of the candidate sites identified in the above noted reports shall be required to determine the need for mitigation and/or salvage excavation to the satisfaction of the Ministry of Culture and Communications.

**11.2.11 Servicing**

- 11.2.11.1 Development shall proceed in an orderly fashion, dependent in part on the availability of municipal water and sewage systems. Water and sewage systems are immediately available to the majority of the area and, as such, a servicing concept has been established. The servicing concept makes provisions for two pumping stations and ultimate twinning of existing trunk sanitary sewers through the Port Whitby Community. In this regard, the Lynde Shores Secondary Plan Area shall be serviced by looped extensions of existing trunk watermains and sanitary sewers in the vicinity of the Victoria Street and Gordon Street intersection. In addition, the internal sanitary servicing shall be dictated by local topographical constraints such that the northern two-thirds shall be serviced by a gravity fed sanitary sewer system, whereas the southern third and the extreme western portion of the area shall be serviced by a pumped sanitary sewer system.
- 11.2.11.2 A master storm water management plan for the Lynde Shores Secondary Plan Area shall be undertaken in accordance with recommendations of the Environmental Management Plan and the requirements of the Ministry of the Environment. An engineering report detailing the storm water management plan shall be brought forward for Council approval once these studies have been prepared and reviewed by Public Works staff in consultation with the Ministry of Environment and Energy, the Ministry of Natural Resources and the Conservation Authority.
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**11.2.12 Implementation**

11.2.12.1 The provisions of Section 11.2 together with Schedule "G" shall comprise the Secondary Plan for Lynde Shores.

11.2.12.2 Forthwith, upon the approval of this Secondary Plan, the existing Zoning By-law, as it affects the Secondary Plan Area, shall be reviewed and amended to conform to the policies of the Plan.

**11.2.13 Interpretation**

11.2.13.1 The provisions of Section 11.2 together with Schedule "G" shall comprise the Secondary Plan as contemplated by this Plan.

11.2.13.2 The provisions of Section 11.2 to the Lynde Shores Secondary Plan Area are delineated on Schedule "G". Schedule "G" provides more precise illustrations of the land use designations and provisions that are shown on Schedule "A".

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**Schedule “G” – Lynde Shores Secondary Plan**

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### **11.3 Downtown Whitby Secondary Plan**

#### **11.3.1 Goal**

11.3.1.1 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.

#### **11.3.2 Objectives**

11.3.2.1 To provide for a pedestrian-oriented, compact, commercial core offering a full range of retail and personal service uses which emphasize human scale and the historic and social aspects of the core.

11.3.2.2 To provide for a strong residential component with a variety of housing types to complement and support the commercial core and to encourage affordable housing through intensification and/or redevelopment.

11.3.2.3 To provide for a balance between higher density residential redevelopment and the preservation of existing, stable, residential areas.

11.3.2.4 To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary.

11.3.2.5 To provide for the efficient movement of both through traffic and local traffic that will minimize traffic congestion in the Downtown.

11.3.2.6 To provide sufficient sewer and water servicing to accommodate the level of development proposed as efficiently as possible.

#### **11.3.3 General Development Policies**

11.3.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan Area boundary on Schedules "H" and "I". The area shown on these Schedules, but lying outside of this boundary, is governed by the general land use designations and policies of this Plan.

The area bounded by Ontario, Green, Burns and Byron Streets is part of the Brock Street Corridor Study from Ontario Street to Highway 401. The detailed development guidelines contained in this study shall be referred to in the review of development applications.

11.3.3.2 The Secondary Plan Area boundary shown on Schedule "H" coincides with the Downtown Whitby Major Central Area boundary shown on Schedule "A".

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- 11.3.3.3 The land use shown on Schedule “H” establishes the pattern of land use in the Secondary Plan Area for the following categories:
- Commercial;
  - Mixed Use;
  - High Density Residential;
  - Medium Density Residential;
  - Low Density Residential;
  - Institutional; and
  - Open Space.
- 11.3.3.4 Schedule “I” provides maximum heights for buildings which are in addition to the policies related to each land use. Generally, buildings shall not exceed the number of storeys indicated on Schedule “I” except as provided for in Sections 11.3.3.5 and 11.3.7.3.
- 11.3.3.5 Within the Commercial, Mixed Use and High Density Residential areas, Council may, through a site-specific Zoning By-law or Bonus Provision By-law, permit development to a height exceeding the maximum height indicated on Schedule “I” for a comprehensive development scheme comprising a significant land area and following a thorough review of the proposal having consideration for the following:
- a) maintaining in Commercial areas, a compatible height at the street-line where development to the street-line already exists on adjacent properties;
  - b) providing for increased setbacks or a tapering of buildings as height increases; and
  - c) providing for compatibility with the permitted building heights on adjacent lands.
- 11.3.3.6 No new automotive uses, including car lots, public garages and service stations shall be permitted within the area affected by this Plan. Such existing uses will be encouraged to relocate. However, existing automobile service stations may be recognized as permitted uses in the implementing Zoning By-law.
- 11.3.3.7 New government agency offices and health and social service agency facilities shall be encouraged to locate in the Downtown.
- 11.3.3.8 Senior Citizen and Special Needs housing shall be encouraged to locate in Medium and High Density Residential Areas and Mixed Use Areas.
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- 11.3.3.9 The quality and character of the Downtown should be maintained and enhanced. This is particularly important in the existing low density residential areas and the established commercial core. The Municipality can play an active role in this regard through:
- a) Community Improvement Plans and related government programs for downtown and neighbourhood revitalization;
  - b) the continued enhancement of the streetscape in the Downtown commercial core in co-operation with the Board of Management of the Downtown Business Improvement Area;
  - c) streetscape enhancement and street improvements throughout the Downtown through the Municipality's capital budget;
  - d) a tree replacement program for residential streets where mature trees are reaching the end of their life cycle;
  - e) the encouragement of the provision of seating areas and other quasi-public open spaces in conjunction with new development; and
  - f) the encouragement of the use of urban design guidelines for new development which are sympathetic to the character of the area in which it is located. In this regard, the Municipality has prepared a set of urban design guidelines to be used in the review of development proposals.
- 11.3.3.10 Flexibility may be considered in applying zoning and other regulations in order to encourage rehabilitation and redevelopment which is in keeping with the existing character of the area.
- 11.3.4 Commercial**
- 11.3.4.1 The Commercial designation on Schedule "H" shall permit retail, personal service and office uses, as well as entertainment, open space, institutional and parking uses. Residential uses in conjunction with any of the above uses shall also be permitted to a maximum density of 170 units per net hectare.
- 11.3.4.2 Development within the Commercial Area shall be encouraged to have a continuous commercial facade, a minimum height of two storeys and retail and personal service uses located on the ground floor with office and residential uses above.
- 11.3.4.3 Parking shall only be permitted underground, to the rear of the building or otherwise restricted from view from the streets which abut the property.
- 11.3.4.4 Development abutting or facing a Low Density Residential Area shall provide a residential character.
- 11.3.4.5 All new buildings in the Commercial area shall incorporate good urban design principles.
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**11.3.5 Mixed Use**

- 11.3.5.1 The Mixed Use designation shown in Schedule “H” shall permit High Density Residential uses in accordance with Section 11.3.6. In addition, commercial uses may be permitted if integrated in the same building as the residential use.
- 11.3.5.2 The total floor space for commercial uses which may be permitted in a new building shall be calculated on the basis of one square metre of commercial floor space for each two square metres of residential floor space. For the purposes of this policy statement, commercial floor space refers to retail, personal service and corporate or government office uses.
- 11.3.5.3 Parking shall only be permitted underground, to the rear of the building or otherwise restricted from view from the streets which abut the property.
- 11.3.5.4 As an interim use, where a property designated for Mixed Use contains an existing single detached dwelling, the existing dwelling may be converted to limited commercial use provided that such conversion is within the existing building and is compatible with surrounding uses. Where a building of architectural and/or historic significance is involved, provision shall be made to ensure that the architectural features of the building are maintained.
- 11.3.5.5 Public or private parking may be permitted in the Mixed Use areas as a temporary use prior to redevelopment.
- 11.3.5.6 All new buildings in the Mixed Use areas shall incorporate good urban design principles.

**11.3.6 Residential**

- 11.3.6.1 The Residential designations shall permit residential dwellings as well as schools, places of worship, parks, day care centres, cultural and community centres, public utilities, home occupations, nursing homes and homes for the aged.
- 11.3.6.2 There are three Residential designations of varying densities shown on Schedule “H” as follows:
- a) the Low Density Residential area shall be developed up to a maximum of 37 units per net hectare and may consist of single-detached, semi-detached, linked, duplex and street townhouse units;
  - b) the Medium Density Residential area shall be developed up to a maximum of 75 units per net hectare, and may consist of block townhouse, stacked townhouse, triplex and apartment dwelling units, converted dwellings and boarding and lodging houses, as well as those unit types permitted in the Low Density designation; and
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- c) the High Density Residential area shall be developed up to a maximum of 170 units per net hectare, and may consist of street townhouse, block townhouse, stacked townhouse and apartment dwelling units, converted dwellings and boarding and lodging houses.

The unit types listed above are for illustrative purposes and shall not preclude the development of new, innovative housing forms which are similar in nature to those listed for each density category.

- 11.3.6.3 Public or private parking may be permitted in areas designated as High Density Residential as a temporary use prior to redevelopment.

- 11.3.6.4 Wherever possible, a transition in the density and height of development from Commercial, High Density Residential and Mixed Use areas to Low Density Residential areas shall be provided.

- 11.3.6.5 Linked dwelling units or street townhouses within the Low Density Residential Area shall only be considered as a permitted use in the implementing Zoning By-law in blocks:

- a) which are partially designated Medium Density Residential, High Density Residential, Mixed Use or Commercial, or abut other blocks which are so designated; or

- b) where the redevelopment of certain properties is deemed appropriate by Council in order to improve the appearance of the area or to replace non-conforming uses.

- 11.3.6.6 Notwithstanding the provisions of the Low Density Residential designation for the lots fronting onto Brock Street South between Ontario Street and St. John Street, conversion of single detached dwellings to limited personal service and office uses may be permitted subject to zoning.

- 11.3.6.7 Notwithstanding the provisions of the Low Density designation for the lots fronting onto Brock Street South between St. John Street and Pitt Street, conversion of single detached dwellings to multiple residential units may be permitted subject to zoning.

### **11.3.7 Institutional**

- 11.3.7.1 The Institutional designation shall permit schools, places of worship, hospitals, day care centres, cultural and community centres, public utilities, nursing homes and homes for the aged.

- 11.3.7.2 The Institutional designation is intended to recognize Fairview Lodge, the Centennial Building and Trafalgar Castle School. If any of these sites is intended for redevelopment for uses other than those permitted in the Institutional designation, an amendment to this Plan will be required.
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11.3.7.3 The maximum height for buildings shown on Schedule "I" does not apply to the Institutional designation. The maximum height for buildings in these areas will be governed by the applicable Zoning By-law with consideration given to the height of existing buildings on each site.

11.3.7.4 The existing public elementary schools in the Secondary Plan are all located in Residential Areas and are permitted uses in these areas. In the event that any of these sites are deemed surplus by the Durham Board of Education, Schedule "H" provides land use designations for their redevelopment.

### **11.3.8 Open Space**

11.3.8.1 The Open Space designation, as shown on Schedule "H", shall permit various forms of active and/or passive recreation uses.

11.3.8.2 No new parks and open spaces are specifically proposed for the Downtown; however, they are permitted in any land use designations in the Secondary Plan area. Emphasis shall be placed on improvements to, and enhancement of, existing parks.

11.3.8.3 The expansion of the Cenotaph parkette in conjunction with the closing of Green Street (see Section 11.3.10.2) shall be investigated.

11.3.8.4 The feasibility of developing a civic square shall be investigated.

### **11.3.9 Architectural and Historical Preservation**

11.3.9.1 Council shall request the Local Architectural Conservation Advisory Committee to maintain a complete and up-to-date inventory of all buildings of architectural and/or historic interest within the Secondary Plan Area.

11.3.9.2 Buildings named in the inventory referred to in Section 11.3.9.1 shall be encouraged to be designated under Part IV of the Ontario Heritage Act.

11.3.9.3 Where redevelopment takes place, Council shall encourage developers to incorporate buildings of architectural and/or historic interest satisfactorily into new development.

11.3.9.4 Where a building of architectural and/or historic interest cannot be incorporated satisfactorily into a new development, Council shall consider proposals to relocate the building to another site within the Municipality with priority given to the Secondary Plan Area.

11.3.9.5 Council may, by By-law passed pursuant to Part V of the Ontario Heritage Act, define the Secondary Plan Area or a portion thereof as an area to be examined for designation as a Heritage Conservation District.

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**11.3.10 Transportation and Parking**

- 11.3.10.1 Schedule “D” illustrates the collector and arterial road pattern in and around the Secondary Plan Area.
- 11.3.10.2 In order to improve north-south traffic movements crossing Dundas Street, the following improvements shall be implemented in a coordinated manner:
- a) improvements to the intersection of Ash and Athol Streets with Dundas Street, including the possible realignment of these streets, through property acquisition and redevelopment to remove the offset intersection; and
  - b) the closing of Green Street from Dundas Street southward to prohibit turning movements in the vicinity of the four corners and eliminate the offset intersection with Perry Street.
- 11.3.10.3 Local roads which abut Commercial, High Density Residential or Mixed Use areas or are located within one block of an arterial road may be reconstructed to accommodate two lanes of traffic and parking on one side of the street.
- 11.3.10.4 Pedestrian movement throughout the Downtown Area will be improved and integrated with the street system shown on Schedule “D”.
- 11.3.10.5 The use of public transit to and from the Downtown will be encouraged. The Downtown Commercial Area will continue to be an important convergence/destination point for the Town’s transit system as it expands to accommodate new growth and development.
- 11.3.10.6 Private and public parking in both the Commercial and Mixed Use areas shall be provided on a minimum basis of four spaces per 93 square metres of ground floor commercial area and two spaces per 93 square metres of commercial floor space above the ground floor.
- 11.3.10.7 Where parking is not provided on-site or in an alternate location by the developer, the Municipality shall require cash-in-lieu of parking. This will require that the Municipality and the Developer 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.
- 11.3.10.8 The Municipality shall prepare a short and long-term strategy for Downtown parking to accommodate the need for the increased number of parking spaces as commercial development occurs. Such a strategy will consider the use of surface parking and parking structures.
- 11.3.10.9 The Municipality shall work with property owners to provide for more efficient use of present private parking areas for existing commercial development.
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**11.3.11 Servicing**

- 11.3.11.1 The development and redevelopment of the Downtown, as proposed by this Plan, will require extensions, improvements and upgrading of the existing water, sanitary sewer and storm sewer systems.
- 11.3.11.2 Council shall place a high priority on the improvement of the storm sewer system in the Secondary Plan Area.
- 11.3.11.3 Council shall encourage the Region of Durham to place a high priority on the renewal and upgrading of the water and sanitary sewer systems in the Secondary Plan Area.
- 11.3.11.4 Council shall investigate the possibility of participating in any Provincial and Federal programs designed to improve hard services in the Secondary Plan Area.
- 11.3.11.5 Landowners may be required to contribute towards the cost of hard service improvements as a condition of development, if such improvements are required in order to provide servicing capacity for the development.

**11.3.12 Implementation**

- 11.3.12.1 Areas designated for development in this Plan may be placed in a holding zone category, in accordance with Section 10.1.7.2. They will be zoned for their respective uses, in accordance with the policies of this Plan once Council has reviewed and approved a detailed development proposal.
- 11.3.12.2 Areas designated for redevelopment in this Plan may be placed in a specific zoning category with the holding symbol "H" as a prefix, in accordance with Section 10.1.8, in areas where there is insufficient servicing capacity to accommodate such redevelopment. Development will only proceed once Council is satisfied that adequate servicing will be provided and removes the holding symbol by amendment to the Zoning By-law. Specifically, a release from the Region will be required stating that suitable arrangements have been made for Regional sanitary sewer and water services.
- 11.3.12.3 If areas designated as Mixed Use are zoned to permit development, they shall be zoned, in the first instance, in a category which will only permit uses in accordance with the High Density Residential use provisions. Proposals for Mixed Use development or the conversion of existing detached dwellings to commercial use will require a site-specific Zoning By-law amendment.
- 11.3.12.4 Prior to the passing of a Zoning By-law to allow an increase in residential density, the developer shall satisfy the Municipality and the Region of the provision of adequate sanitary and storm sewer and water services.
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11.3.12.5 The Secondary Plan Area incorporates two Community Improvement Areas as indicated in Section 6.3 of the Whitby Official Plan. In accordance with Section 6.3, Community Improvement Plans will be prepared to co-ordinate the implementation of various municipal improvements in the Secondary Plan Area.

**11.3.13 Interpretation**

11.3.13.1 The provisions of Section 11.3 together with Schedules “H” and “I” comprise the Downtown Secondary Plan of this Plan.

11.3.13.2 The provisions of Section 11.3 apply to the Downtown Secondary Plan Area delineated on Schedules “H” and “I”. Schedules “H” and “I” provide more precise illustrations of the land use designations and policies than is shown on Schedule “A” and in the policies of Part I of this Plan.

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**Insert**

**Schedule “H” – Downtown Secondary Plan  
Land Use**

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**Insert**

**Schedule “I” – Downtown Secondary Plan  
Building Height**

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## **11.4 Rossland/Garden Major Central Area Secondary Plan**

### **11.4.1 Goal**

11.4.1.1 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.

### **11.4.2 Objectives**

11.4.2.1 To provide maximum flexibility within the Central Area to accommodate the future partial needs of various levels of government.

11.4.2.2 To provide an opportunity within the Central Area for a full range of retail and personal service uses while ensuring other Central Areas do not experience undue economic decline.

11.4.2.3 To establish a significant centre of employment through private and public sector office development within the core of the Central Area.

11.4.2.4 To encourage the creation of a dynamic, multiple-use core area with activities continuing day and night.

11.4.2.5 To provide a variety of housing types that complement and give support to other Central Area land uses.

11.4.2.6 To provide safe, convenient and efficient pedestrian and vehicular access to, and transit facilities for, all Central Area land uses.

11.4.2.7 To provide an open space system to serve the needs of the adjacent community and to function as a visual buffer between high and low intensity uses.

11.4.2.8 To provide a policy framework to ensure that future development exhibits a high standard of urban design, thereby promoting the Central Area as a prominent place of significant symbolic and physical interest in the Region of Durham.

### **11.4.3 General Development Policies**

11.4.3.1 The boundary of the Rossland/Garden Major Central Area is shown on Schedule "J". The Central Area policies contained in the Durham Regional Official Plan shall apply to development within the Major Central Area boundary.

11.4.3.2 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.

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11.4.3.3 Schedule “J” displays the detailed land use designations for the Major Central Area. The land use designations contained in the intensive core area shall include Major Commercial, Institutional, Mixed Use, and higher density residential uses.

#### **11.4.4 Major Commercial**

11.4.4.1 This area is defined as a “Multi-Function” Major Commercial designation and accordingly, the relevant policies of Sections 4.3 and 4.4 of this Plan shall apply to all development. A fully integrated array of shopping, personal and business services, office, institutional, community, recreational and residential uses shall be permitted.

11.4.4.2 No automotive retail and service uses, or gas stations which have direct exposure or frontage on Rossland Road shall be permitted.

11.4.4.3 The development of the Major Commercial Area shall be based on the following principles:

- a) the division of the Major Commercial Area into Development Blocks of approximately 1.6 to 4.0 hectares in size separated by a regular pattern of public rights-of-way (vehicular and/or pedestrian) for future development requirements; and
- b) parking may be permitted in any Development Block as a temporary use to serve uses in the same and/or adjacent Development Blocks.

11.4.4.4 In accordance with Section 11.4.10, an Urban Design Plan approved by Council, in consultation with the Region, shall be required prior to zoning of any Development Block in this area. In addition to the requirements outlined in Section 11.4.10, the Urban Design Plan for the Major Commercial Area shall include:

- a) the integration of the adjacent Major Central Area uses with the Major Commercial Area; and
- b) a visual interpretation which provides a three-dimensional perspective of the requirements of Section 11.4.4.3 for development of the Major Commercial Area to be prepared by the developer which will be used as a guide in evaluating development proposals in this designation.

11.4.4.5 In addition, prior to zoning, the following will be required:

- a) in accordance with Section 4.4.4.2, a retail analysis for the particular development proposal may be undertaken. Such analysis shall demonstrate to the satisfaction of Council that existing retail facilities within designated Central Areas in Whitby shall not experience undue economic decline;
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- b) a subdivision and/or site plan agreement for the respective Development Block under consideration which will include appropriate architectural treatment, landscaping, parking including the option of cash-in-lieu for parking and the dedication and development of public rights-of-way; and
- c) appropriate agreements with the Region with respect to the provision of services under the jurisdiction of the Region.

#### **11.4.5 Mixed Use Areas**

- 11.4.5.1 Taking full advantage of the Rossland/Garden intersection, these areas shall allow for an integrated mixture of land use activities, including high density residential uses up to a maximum of 110 units per net hectare, hotel and entertainment facilities, government, corporate and professional offices, ancillary recreational facilities and retail and personal service uses as detailed in the implementing Zoning By-law. However, commercial uses such as, and similar in kind to, department stores and supermarkets that would economically detract from the Major Commercial Area shall not be permitted.
- 11.4.5.2 Integrated, mixed use development with a residential component shall be encouraged within these areas. Substantial consolidation and the integrated development of the existing residential properties shall be encouraged prior to any redevelopment within the Mixed Use Area north of Rossland Road.

#### **11.4.6 Residential**

- 11.4.6.1 The High Density Residential 2 area shall be developed at densities between 110 and 170 units per net hectare, allowing for a range of apartments that will not only provide population to support and benefit from adjacent core area activities but also contribute to a more intensive built form in the core area.
  - 11.4.6.2 The High Density Residential 1 area shall be developed at a density between 65 and 110 units per net hectare allowing for a range of vertically integrated housing types. Within each building site, the higher density apartment forms shall be encouraged to locate closest to the core area.
  - 11.4.6.3 Medium Density Residential areas shall be developed at densities between 30 and 65 units per net hectare and up to a maximum height of four (4) storeys. Any Medium Density Residential units having frontage on Kenneth Hobbs Avenue may be permitted to convert to mixed commercial/residential use, subject to the inclusion of appropriate provisions in the Zoning By-law. In the case of the 10 hectare parcel at the southwest corner of Dryden Boulevard and Garden Street, a mix of single, semi-detached and street townhouses is permitted.
  - 11.4.6.4 Low Density Residential areas shall be developed at densities up to 30 units per net hectare.
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11.4.6.5 Nursing homes, day care centres and homes for the aged are permitted in all Residential designations subject to appropriate zoning. Such a use shall be compatible with the residential density category in which it is to be located.

#### **11.4.7 Institutional**

11.4.7.1 This designation shall be the primary location for various administrative government activities within the Major Central Area. Intensification and expansion of existing government facilities, either by enlargement of existing buildings or by construction of new structures, shall be encouraged within this area. Retail, business office and personal service uses may be permitted within government facilities as part of an integrated development.

11.4.7.2 Places of worship and cultural facilities such as libraries, museums, theatres and community centres are permitted in any land use designation in the Major Central Area. However, such uses, where possible, shall be encouraged to locate within the core area where shared parking facilities can be accommodated.

11.4.7.3 In accordance with the requirements of Section 11.4.10 of this Plan, as part of any development within the Institutional designation, the Urban Design Plan shall focus on efficient pedestrian and vehicular access. A circulation system integrating the various government facilities internally and with adjacent land use components of the core area shall be developed. Prior to approval by the Municipality of this Urban Design Plan, consultation with the Region shall be required.

#### **11.4.8 Open Space System**

11.4.8.1 The open space system comprises local parks, parkettes, an open space corridor and the existing cemetery.

11.4.8.2 Local parks shall be located in all quadrants of the Secondary Plan and are intended to serve the surrounding residential areas.

11.4.8.3 A linear open space pedestrian corridor shall be developed between Dryden Boulevard (mid-arterial road) and Rossland Road, and on the southerly edge of the Institutional designation connecting to the Civic Park, as conceptually shown on Schedule "J". This corridor shall function as part of the pedestrian walkway system, ultimately linking the various parks and different land uses up to Taunton Road. As well, it shall serve to enhance adjacent land uses by providing contrast to the built environment and a visual break between high and low intensity uses.

11.4.8.4 The section of the open space pedestrian corridor immediately south of the Institutional designation shall maintain the prominent visual exposure of the public buildings and preserve scenic vistas to the south in a park setting.

11.4.8.5 Lands for park purposes shall be acquired at the time of development in accordance with the parkland dedication requirements of Section 4.8.4 of this Plan.

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**11.4.9 Transportation**

- 11.4.9.1 The planned network of arterial and collector roads required to serve the Major Central Area is shown on Schedule “J” and Schedule “D”. Finalized alignments of future major roads as well as the provision of local streets shall be determined at the time of development review and approval.
- 11.4.9.2 Rossland Road, a Regional controlled Type “B” major arterial, shall be the main east-west axis for the Major Central Area.
- 11.4.9.3 Midway between Brock and Garden Streets, a planned north-south collector road shall function as a “main street” for the Major Central Area. Notwithstanding Section 8.1.3.4 of this Plan to the contrary, this road shall have a 30 metre right-of-way, providing access to both the multiple uses of the core area, as well as linking Rossland Road and the proposed east-west arterial.
- 11.4.9.4 A planned east-west collector road shall link Brock Street to the future north-south collector road, Garden Street, and core area land uses.
- 11.4.9.5 East of Garden Street, Bassett Boulevard, a designated collector road, provides access to the medium and low density residential areas, and also forms the southeastern boundary of the Institutional designation.
- 11.4.9.6 Future public transit routes shall converge on the Major Central Area in order to provide optimum service to the various land use components. To further maximize direct public access to the core area by local transit, at the time of development, a bus depot may be provided within the Major Commercial Area in a functionally central location.
- 11.4.9.7 Provisions shall be made in the development of all Central Area uses for transit facilities such as the placement of bus bays, stops and shelters at appropriate locations.

**11.4.10 Urban Design Plans**

**11.4.10.1 General**

- 11.4.10.1.1 An Urban Design Plan shall be approved by Council for each of the following five design precincts within the Major Central Area, prior to the approval of any development or rezoning within that precinct: the Institutional designation; the Major Commercial designation; the Residential area west of the planned north-south collector road; the northeast and the southeast quadrants of the Rossland/Garden intersection. Each Urban Design Plan shall be used as a guide in evaluating development proposals within the respective design precinct.

The design criteria itemized in Sections 11.4.10.2 to 11.4.10.5 inclusive shall be incorporated in the respective Urban Design Plan to the satisfaction of Council. Sections 11.4.4.4 and 11.4.7.3 provide further requirements for certain Urban Design Plans in addition to those indicated below.

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**11.4.10.2 Pedestrian Circulation**

- 11.4.10.2.1 All core area land uses shall have an adequate, safe and convenient pedestrian circulation system comprising the following elements:
- a) well-lighted sidewalks with minimal road crossings where intersection controls can facilitate pedestrian movements; and
  - b) hard surfaced pedestrian walkways: coloured to contrast with road pavements; landscaped for visual emphasis and to provide wind screening; linked to major road crossing points and various transit facilities; and provided with safe lighting of a consistent standard.
- 11.4.10.2.2 In place of a road crossing requiring traffic control, consideration shall be given to a Rossland Road pedestrian overpass or underpass linking the Major Commercial Area with the various civic buildings within the Institutional designation.
- 11.4.10.2.3 Sidewalks along newly constructed roads, walkways and access points internal to properties shall be required by the Municipality at the time of development.

**11.4.10.3 Parking**

- 11.4.10.3.1 Sufficient off-street parking shall be required within the core area in accordance with the following standards:
- a) a parking index of 5.5 spaces per 93 square metres of floor space for commercial parking needs;
  - b) a parking index of 2.5 spaces per 93 square metres of floor space for corporate office needs;
  - c) where there may be demonstrated efficiencies in parking utilization gained through the mixing of major office and retail commercial uses, Council shall permit a reduced standard that would apply to office uses of 2.5 spaces per 93 square metres of floor space minus 20% of the total retail parking spaces; and
  - d) for High Density Residential uses, a parking index of 1.5 spaces per unit shall be provided of which 0.2 spaces per unit will be clearly identified for visitor use. Council may consider a reduction in this standard without amendment to this Plan should it be satisfactorily demonstrated that a reduced standard is justified.
- 11.4.10.3.2 In meeting the off-street parking standards of Section 11.4.10.3.1, underground, decked and rooftop parking solutions shall be encouraged wherever possible and practical, in order to create an intensive urban built form while minimizing the visual effect of expansive areas of outdoor surface parking.
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11.4.10.3.3 In addition to Sections 11.4.10.3.1, and 11.4.10.3.2, Council may accept cash-in-lieu for parking as a substitute for the parking space normally required. The monies collected pursuant to the provisions of the Planning Act may be used for the construction of a parking building to be located centrally in the core area.

#### **11.4.10.4 Landscaping**

11.4.10.4.1 Appropriate landscaping measures shall enhance the appearance of, and give identity to, the core area by including such aspects as:

- a) a landscaped public space between Rossland Road and the adjacent government buildings which shall serve as a prominent Community Activity Node, the general location of which is indicated on Schedule “J”;
- b) extensive tree planting and landscaping along the boulevards of Rossland Road, Garden Street, the east-west mid-arterial and the north-south collector roads to create an attractive visual impression;
- c) a “softening” of the visual impact of any parking area within the core area by means of tree planting, terracing, berms and seating areas; and
- d) use of sculpture, co-ordinated park furniture and other ornamental landscaping techniques to create a varied and interesting environment.

#### **11.4.10.5 Building Design Criteria**

11.4.10.5.1 The following building design criteria are provided for all buildings in the core area:

- a) maximum height for high density residential, commercial and mixed use buildings shall be up to 12 storeys;
  - b) within the core area, reduced building setbacks from adjacent major roads, particularly the north-south collector road, shall be encouraged where possible, in order to provide a more intensive urban built form, a greater sense of enclosure and convenient pedestrian interaction;
  - c) within the core area, off-street parking areas shall be encouraged to locate at the rear of buildings, where possible, in order to achieve continuous street facades and high quality streetscape; and
  - d) future building designs within the core area shall be closely related in order to create a sense of continuity.
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**11.4.11 Implementation**

- 11.4.11.1 The provisions of Sections 11.4 together with the Rossland/Garden Major Central Area Schedule “J” to the Town of Whitby Official Plan shall comprise the Secondary Plan for the Rossland/Garden Major Central Area.

**11.4.12 Interpretation**

- 11.4.12.1 The provisions of Section 11.4 apply to the Rossland/Garden Major Central Area delineated on Schedule “J”.
- 11.4.12.2 The Rossland/Garden Major Central Area Secondary Plan Schedule “J” provides more precise illustrations of the land use designations and provisions for residential densities and parks than is shown on Schedule “A”.
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**Insert**

**Schedule “J” – Rossland / Garden Major Central  
Area Secondary Plan**

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**11.5 Brooklin Community Secondary Plan****11.5.1 Goals**

- 11.5.1.1 To manage new growth and development which respects and enhances the vitality and character of the community of Brooklin as it matures.
- 11.5.1.2 To provide for the development of a small urban area which offers a choice in community size and living environment to that of other large urban communities.
- 11.5.1.3 To establish a Major Central Area that reinforces and allows for the expansion of the historic business area as a traditional pedestrian oriented shopping district with commercial and residential areas providing a full range of retail, personal service, residential, institutional and cultural uses.

**11.5.2 Objectives**

- 11.5.2.1 To permit new residential growth within the designated residential areas and intensification of residential uses over the longer term.
- 11.5.2.2 To encourage the development of a range of land uses so as to create a balanced community.
- 11.5.2.3 To ensure that the existing character of Brooklin is complemented by new development and growth.
- 11.5.2.4 To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary.
- 11.5.2.5 To encourage the growth and expansion of commercial development in the Brooklin Major Central Area to serve existing and future residents.
- 11.5.2.6 To maintain and enhance Lynde Creek and associated valley land.

**11.5.3 General Development Policies**

- 11.5.3.1 Any new urban development within the Secondary Plan Area shall only proceed on the basis of full municipal water and sanitary sewage services.
- 11.5.3.2 The Municipality will encourage the development of passive and active solar energy opportunities through the orientation of streets, exterior architectural design and location of buildings and responsive landscape.
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**11.5.4 Residential**

- 11.5.4.1 The classification of land for residential use shall mean that the predominant use in the areas so designated shall be for residential purposes. In addition, certain home occupations and certain public and recreational uses and community uses such as day care centres, nursing homes, homes for the aged, schools and parks, may also be permitted subject to the inclusion of appropriate requirements in an implementing Zoning By-law. Notwithstanding Section 4.4.3.1 of this Plan to the contrary, a Local Commercial Area shall not exceed 0.8 ha in size.
- 11.5.4.2 The mix of densities over the total new residential development areas on a unit basis shall endeavour to reflect the housing production targets as contained in the Municipality's Municipal Housing Statement outlined in Section 4.2 of this Plan. General locations for high and medium density residential opportunities are schematically shown on Schedule "K".
- Appropriate provisions regarding types and styles of housing units will be considered in an implementing Zoning By-law.
- 11.5.4.3 Within a Low Density Residential area the main permitted uses shall primarily include single detached, semi-detached and duplex residential buildings.
- 11.5.4.4 Medium Density Residential areas shall be for residential units between 30 and 40 units per net hectare and shall not exceed three storeys in height.
- 11.5.4.5 High Density Residential area shall be for residential units between 40 and 115 units per net hectare and shall not exceed 6 storeys in height.
- 11.5.4.6 The Brooklin Memorial Park shall be comprehensively planned as the district park for the Brooklin area. Local parks are schematically shown on Schedule "K" and shall be further defined at the time of development review and approval.
- 11.5.4.7 Council, in conjunction with the Durham District School Board, will monitor and review the need for a secondary school in Brooklin. Future elementary schools are schematically shown on Schedule "K" and shall be further defined at the time of development review and approval and the adoption of the implementing Zoning By-law.
- 11.5.4.8 Limited residential intensification in its various forms will be permitted in Brooklin provided that it is compatible with the scale and physical character of the local area and full municipal services are available.
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**11.5.5 Mixed Use**

- 11.5.5.1 Development within the Mixed Use area shall include two or more of the following activities: limited retail; personal service; office; and, residential uses. These shall be integrated in a building or group of buildings. 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. Buildings shall range between two and three storeys, and shall incorporate good urban design principles with on-site parking to the rear of the building or otherwise restricted from view of the abutting roads.
  
- 11.5.5.2 Where a property designated for Mixed Use contains an existing dwelling, the dwelling may be converted to limited commercial use provided that such conversion is within the 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 maintained.
  
- 11.5.5.3 When Mixed Use areas are zoned to permit development, they shall be zoned in a category which includes provisions for residential uses in accordance with the High Density Residential use provisions. Proposals for Mixed Use development or the conversion of existing detached dwellings to commercial use may require a site-specific Zoning By-law amendment.
  
- 11.5.5.4 Consolidation and the integrated development of the properties shall be encouraged prior to any redevelopment.

**11.5.6 Major Central Area**

- 11.5.6.1 The boundary of the Major Central Area of the Brooklin community is defined on Schedule “K”.
  
- 11.5.6.2 The Major Central Area of the Brooklin community shall provide, as may be permitted by the respective land use designations, for shopping, personal and business service, office, institutional, community, recreational and range of residential uses.
  
- 11.5.6.3 High and Medium Density Residential uses may be permitted within the residential use area of the Major Central Area, subject to their inclusion in the Zoning By-law. Low density residential uses by way of the continuation of existing uses may be permitted provided such uses are included in the Zoning By-law.
  
- 11.5.6.4 Bed and breakfast lodgings for temporary accommodation serving the travelling public, may be permitted within existing residential dwellings located in the Major Central Area, provided the residential appearance of the property is maintained, there is adequate on-site parking and the dwelling is owner-occupied.

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- 11.5.6.5 To assist in the formulation of any implementing Zoning By-law for the Major Central Area and the establishment of development standards and design guidelines for same, Council shall, upon adoption of this secondary plan, initiate the preparation of a development plan for the Major Central Area.
- 11.5.6.6 The development plan for the Major Central Area will, among other matters, provide guidelines for the provision of parking for commercial uses of the Major Commercial Area on an minimum basis of 4 spaces per 93 square metres of ground floor retail and personal service floor space, and 2 spaces per 93 square metres of commercial floor space above the ground floor.
- 11.5.6.7 Local roads which abut Commercial, High Density Residential or Mixed Use areas or are located within one block of an arterial road may be reconstructed to accommodate two lanes of traffic and parking on one side of the street.
- 11.5.6.8 Where parking is not provided on-site or in an alternate location by the developer, the Municipality shall require cash-in-lieu of parking. This will require that the Municipality and the Developer 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.
- 11.5.6.9 The Municipality shall prepare a short and long-term strategy for Downtown parking to accommodate the need for the increased number of parking spaces as commercial development occurs. Such a strategy will consider the use of surface parking and parking structures.
- 11.5.6.10 The Municipality shall work with property owners to provide for more efficient use of present private parking areas for existing commercial development.
- 11.5.6.11 The Major Central Area in Brooklin will function similar to other Major Central Areas in the Municipality but will be of a smaller scale. As a general guideline, the maximum gross retail and personal service floor space in the Major Central Area will be 19,000 square metres.

As Brooklin grows beyond 13,000, there will also be an increased need to provide for even further commercial floor space capacities to serve the needs of a population of 25,000, as it is recognized that the designated Major Commercial Area is not of sufficient size to accommodate this amount of commercial floor space.

In response to these needs, Council shall encourage and support the expansion of Major Commercial development within the Major Central Area such that further commercial development requirements continue to be provided within a contiguous Major Central Area focused on the Baldwin Street Corridor. As part of the development plan initiative referenced in Section 11.5.6.5, a planning study shall address how best to provide for such additional floor space within the Major Central Area, including types of use, urban form and design, location, transportation considerations, and staging of sequential development.

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11.5.6.12 The Municipality, as part of its land use studies for the Brooklin Major Central Area, will examine the opportunity to expand Grass Park as a 'Village Green' with the closing of Roebuck Street.

### **11.5.7 Special Purpose Commercial**

11.5.7.1 The Special Purpose Commercial Areas designated in Brooklin shall be governed by the provisions of Section 4.4.3.1 e). In addition, screening or buffer planting shall be provided between Commercial uses and adjacent residential uses to the satisfaction of Council.

11.5.7.2 Notwithstanding any other provisions of this Plan to the contrary, Special Purpose Commercial uses may be permitted in the designated industrial area located at the southwest corner of the Columbus Road and Baldwin Street (Highways 7 and 12) intersection.

11.5.7.3 Those sites designated as Special Purpose Commercial may be zoned to permit one or more Special Purpose Commercial uses. Notwithstanding the provisions of Section 11.5.7.1 to the contrary, a bus depot facility and associated uses may be allowed on lands totalling approximately 1 ha. and located in the southeast quadrant of Highway 7/12 and Columbus Road East, subject to the inclusion of appropriate provisions in the Zoning By-law.

### **11.5.8 Industrial**

11.5.8.1 Permitted uses in the General Industrial and Prestige Industrial areas shall be governed by the policies of Section 4.6 of this Plan.

11.5.8.2 Industrial uses which are heavy users of water shall not be permitted in Brooklin.

11.5.8.3 Council shall encourage the location of prestige industrial and office-campus uses in the industrial area south of Winchester Road which shall have high exposure and convenient access to the proposed Highway 407/transitway.

11.5.8.4 Parkland dedication or cash-in-lieu shall be required by the Municipality as part of any new development in accordance with the Planning Act.

11.5.8.5 Generous and appropriate landscape treatments shall be required for all development. In particular, berms, landscaping and other appropriate measures shall be required to adequately buffer the Highway 407/transitway alignment.

11.5.8.6 The Municipality will consult with the Ministry of the Environment and Energy in the establishment of suitable buffers between industrial and residential areas.

11.5.8.7 The development of the industrial lands in Brooklin that lie within the Pringle Creek drainage area shall be undertaken with the implementation of environmental safeguards which are to the satisfaction of the Municipality and other governmental agencies having jurisdiction.

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- 11.5.8.8 Special Purpose Commercial uses may be allowed in the designated industrial area located at the southwest corner of Columbus Road and Baldwin Street (Highways 7 and 12).

### **11.5.9 Architectural and Historical Preservation**

- 11.5.9.1 Council shall request the Local Architectural Conservation Advisory Committee to maintain a complete and up-to-date inventory of all buildings of architectural and/or historic interest within the Secondary Plan Area.
- 11.5.9.2 Buildings named in the inventory referred to in Section 11.5.9.1 shall be encouraged to be designated under Part IV of the Ontario Heritage Act.
- 11.5.9.3 Where redevelopment takes place, Council shall encourage developers to incorporate buildings of architectural and/or historic interest satisfactorily into new development.
- 11.5.9.4 Where a building of architectural and/or historic interest cannot be incorporated satisfactorily into a new development, Council shall consider proposals to relocate the building to another site within the Municipality with priority given to the Secondary Plan Area.
- 11.5.9.5 Council, may, by By-law passed pursuant to Part V of the Ontario Heritage Act, define the Secondary Plan Area or a portion thereof as an area to be examined for designation as a Heritage Conservation District.

### **11.5.10 Future Urban Development Areas**

- 11.5.10.1 Lands south of Winchester Road lying west of Highway 12 shall be reserved for major commercial opportunities to serve the needs of a Brooklin population beyond 13,000. In order to support and enhance the planned function of the Major Central Area of the Brooklin community area, as outlined in Section 11.5.6.11 of this Plan, additional commercial lands to those identified on Schedule K are not contemplated until these Future Urban Development Area #4 lands are available for development. For the purposes of this policy, Section 4.4.4.2 type studies will also apply to any Official Plan amendments or applications for additional commercial facilities within Brooklin and are to particularly include an assessment of impacts on the Brooklin Major Central Area and on the Future Urban Development Area #4.

Prior to urban development, lands within the Future Urban Development Area #4 may be used for those purposes specified in the Agricultural and Major Open Space policies of this Plan, subject to inclusion in the Zoning By-law.

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**11.5.11 Servicing and Staging**

- 11.5.11.1 The development of the designated Residential land in Brooklin shall proceed in an orderly and progressive manner. Nothing herein shall prevent the zoning for Residential use of all or any part of the designated residential lands at one time. The Municipality shall, however, be encouraged to enter into one or more agreements with the owner or owners of any such residential lands to include appropriate restrictions in the issuance of building permits in order to ensure general compliance with this policy.
- 11.5.11.2 Upon the extension of services to the Brooklin Community Area, the servicing of the existing residential and the industrial areas shall be commenced and completed as expeditiously as possible and in an orderly and progressive manner to the satisfaction of the Municipality and the Regional Municipality of Durham.
- 11.5.11.3 With the extension of services to Brooklin, priority should be given to the early extension of full municipal services to the Major Central Area.
- 11.5.11.4 The re-alignment of Anderson Street as shown on Schedules "K" and "D" is schematic. The finalized alignment will be subject to further study and review by the Municipality, in consultation with the Region of Durham and the Ministry of Transportation.

**11.5.12 Implementation**

- 11.5.12.1 Council may require the preparation of development plans to set forth urban design and physical planning details of a part of the Secondary Plan area.
- 11.5.12.2 The provisions of Section 11.5, together with Schedule "K", shall comprise the Secondary Plan Area for the Brooklin Community.

**11.5.13 Interpretation**

- 11.5.13.1 The provisions of Section 11.5 and Schedule "K", together with the provisions of Section 8 - Secondary Plans and Special Study Areas, shall apply to the future planning and development of the Brooklin Community.
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**Schedule “K” – Brooklin Secondary Plan**

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**11.6 Macedonian Village Secondary Plan****11.6.1 Goal**

To maintain the rural area consistent with the preservation of its natural amenities and the recognition of existing permanent residences and limited infilling.

**11.6.2 Objectives**

11.6.2.1 To acknowledge and permit residential development in Macedonian Village while still maintaining its rural nature.

11.6.2.2 To encourage improvement of existing residential development.

11.6.2.3 To permit development of existing vacant lands but only so as to protect and maintain the existing environmentally sensitive areas.

11.6.2.4 To ensure provision of adequate public parks.

**11.6.3 Policies**

11.6.3.1 Macedonian Village is to be a rural residential hamlet community.

11.6.3.2 Development will be considered on an infilling basis by way of severance or plan of subdivision provided that the aesthetic qualities of the area are not jeopardized.

11.6.3.3 No development will be considered or permitted that could destroy the natural function of the watercourses and valleys, and significant trees and woodlots in the area.

11.6.3.4 The following criteria shall apply when considering the creation of any new lots in the area whether by severance or subdivision:

a) no driveways or public streets giving access to Coronation Road will be permitted other than those in existence at the time of adoption of this Secondary Plan (1980), and those existing driveways may be closed should alternate access be made available through development or redevelopment;

b) development will be permitted only on lots which:

i) are served by a drilled well constructed into the deep aquifer which underlies the impervious clay;

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- ii) are served by septic tank and septic field system located within the lot and only on those areas of the lot which are relatively level and away from watercourses and hills; in particular no sewerage facilities will be permitted in the areas designated as “Non-Developable Areas” on Schedule “L”; and
  - iii) have adequate area to allow a reserve for relocation of any septic facility within the confines of the lot and according to Subsection ii) above;
  - c) lot sizes and configuration shall be such that the aesthetics of the area as well as consistency with neighbouring lots is maintained; and
  - d) no structure is located where a hazardous condition may occur such as on a steep slope or within the valley or natural watercourses.

11.6.3.5 Development in the area, as far as possible, shall be compatible with, and not disruptive to, the setting and function of the Heber Down Conservation Area which abuts the easterly boundary of Macedonian Village.

#### **11.6.4 Implementation**

11.6.4.1 The provisions of Section 11.6, including Schedule “L”, constitute the Secondary Plan for Macedonian Village. The balance of the Official Plan continues to apply to the area covered by this Secondary Plan.

11.6.4.2 Any Zoning By-law implementing the provisions of this Secondary Plan may establish appropriate Residential Zones or exemptions to the existing Agricultural Zone or by zoning any area or areas in a Development Zone. Any implementing By-law may require that development be in accordance with an agreement entered into with the Municipality pursuant to the provisions of the Planning Act.

#### **11.6.5 Boundaries**

11.6.5.1 This Secondary Plan covers the area located in part of the south half of Lot 32, Concession V, bounded by the Heber Down Conservation Area on the north and east, Coronation Road on the west, and some 259 metres north of the 5th Concession Road on the south, and shown on Schedule “L”.

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**Schedule “L” – Macedonian Village  
Secondary Plan**

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**11.7 Hamlet of Ashburn Secondary Plan****11.7.1 Purpose**

- 11.7.1.1 The purpose of this Secondary Plan is to define the scale and type of development within the limits of the Hamlet of Ashburn.
- 11.7.1.2 This Plan describes policies for the future land uses in the Hamlet. It also describes the controls and conditions to be placed on development in implementing these policies.

**11.7.2 General Development Policies**

- 11.7.2.1 The following text and Schedule “M” constitute the Secondary Plan for the Hamlet of Ashburn and should be read in conjunction with this Official Plan Part I, the Durham Regional Official Plan and the Oak Ridges Moraine Secondary Plan. Where a conflict occurs between the policies of the Ashburn Secondary Plan and the policies of the Oak Ridges Moraine Secondary Plan, the Oak Ridges Secondary Plan shall prevail.
- 11.7.2.2 Development or redevelopment within the Hamlet shall be serviced with individual private drilled wells with water-tight casing and individual private waste disposal systems which comply with all applicable Provincial and Municipal regulations.
- 11.7.2.3 Development or redevelopment within the Hamlet shall comply with the Agricultural Minimum Distance Separation Formulae and be in accordance with Section 5.3.6 of this Plan.

**11.7.3 Residential**

- 11.7.3.1 The predominant use of land permitted in the Hamlet shall be single detached dwellings. In addition, group homes and home occupations which do not create a nuisance through noise, smell, unsightly storage or traffic may also be permitted subject to the inclusion of appropriate provisions in the Zoning By-law.
- 11.7.3.2 New residential lots may be created by severance or by plan of subdivision.
- 11.7.3.3 The minimum lot size for new residential lots shall be 0.2 hectares. Where soil and ground water conditions dictate, larger lots may be necessary in order to meet the requirements of Section 11.7.3.4.
- 11.7.3.4 The actual lot sizes required shall be such that any or all new lots shall meet the following conditions:
- a) satisfy the requirements of the Durham Health Unit;
  - b) be located on soils appropriate to the efficient operation of septic tanks and tile fields;
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- c) be of a size such that a reserve area is retained for the construction of an alternative tile field;
- d) an adequate separation between the tile field and the water table can be provided;
- e) adjacent wells and septic systems will not adversely be affected; and
- f) no permanent structures, buildings, septic tanks or tile fields are located within the area indicated on Schedule "M" as Non-Developable Area.

11.7.3.5 The Municipality shall encourage and, where possible, may require that new residential dwellings in the Hamlet complement the architectural character of Ashburn in terms of a variety of height, siting and design.

11.7.3.6 Notwithstanding the policies of Section 4.2 of this Plan to the contrary, subject to the provisions of Section 11.7.4.2, the residential property at the north-east corner of Myrtle Road and Ashburn Road may also be zoned for commercial purposes.

#### **11.7.4 Commercial**

11.7.4.1 Areas designated Commercial 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.

11.7.4.2 The property at the north-east corner of Myrtle Road and Ashburn Road indicated as being subject to a Heritage Use Policy on Schedule "M" is the former Wilson House Hotel. This property may be zoned to permit a commercial use in the existing building if it is designated as a heritage structure under Part IV of the Ontario Heritage Act.

#### **11.7.5 Community Uses and Parks**

11.7.5.1 Community uses such as parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs may be permitted in any land use designation within the Hamlet.

11.7.5.2 The existing park shown on Schedule "M" is of sufficient size to provide for the long term open space needs of the Hamlet.

11.7.5.3 As new development in Ashburn occurs, the Municipality shall examine the feasibility of improving the park and community facilities in the Hamlet having regard for such matters as:

- a) acquisition of lands for the expansion of the existing park;
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- b) acquisition of lands for a pedestrian access from the park to Myrtle Road and/or the Ashburn Community Centre; and
- c) improved facilities in the park.

### **11.7.6 Non-Developable Area**

- 11.7.6.1 The Non-Developable Area indicated on Schedule “M” reflects one or more of: hazard lands, flood plain, environmentally sensitive areas, lands with slopes greater than 10%, and lands within 15 metres of organic soils and open water courses.
- 11.7.6.2 It is the intent of this Plan that these lands be left in a natural state wherever possible; however, they may be retained in private ownership and used as part of a lot in accordance with the underlying land use designation.
- 11.7.6.3 Notwithstanding Section 11.7.6.2 of this Plan to the contrary, no permanent structures or buildings, septic tanks or tile fields shall be permitted in the Non-Developable Area.
- 11.7.6.4 The actual extent of the Non-Developable Area shall be defined at the time of development approval and may be implemented in the Zoning By-law.

### **11.7.7 Roads**

- 11.7.7.1 Myrtle Road (Regional Road 5) is designated as a Type B Arterial Road in the Durham Regional Official Plan and is under the jurisdiction of the Region of Durham. Road widenings, access restrictions and intersection spacing on Myrtle Road shall be applied to new development to the satisfaction of the Region of Durham Works Department.
  - 11.7.7.2 Ashburn Road is designated as a Type B Arterial Road on Schedule “D” and is under the jurisdiction of Whitby. Road widenings, access restrictions and intersection spacing on Ashburn Road shall be applied to new development to the satisfaction of the Whitby Public Works Department.
  - 11.7.7.3 Council shall encourage the use of the minimum required right-of-ways for arterial roads in the Hamlet.
  - 11.7.7.4 It is intended that the Hamlet shall develop in depth rather than in strips. To facilitate possible future development of rear lands, regard shall be given when approving severances and plans of subdivision to the provision of rights-of-way or potential rights-of-way to such rear lands.
  - 11.7.7.5 Local roads shall be designed to maximize access to parks, service and community facilities and to discourage through traffic.
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**11.7.8 Servicing and Staging**

- 11.7.8.1 An application for consent to a severance shall be accompanied by a brief engineering report which confirms to the satisfaction of the Municipality and the Durham Region Health Unit:
- a) an adequate supply of potable water is available; and
  - b) the lot size and soil conditions are adequate to meet the requirements of Section 11.7.3.4.
- 11.7.8.2 An application for approval of a draft plan of subdivision shall be accompanied by a detailed engineering report based on test drilling and pumping, and on-site soils tests which confirm to the satisfaction of the Municipality and the Durham Region Health Unit:
- a) the existence of a safe yield of the aquifer to ensure water quality and quantity sufficient to serve the proposed development with no adverse effects on the water supplies of existing development; and
  - b) the proposed lot sizes and soil conditions are adequate to meet the requirements of Section 11.7.3.4.
- 11.7.8.3 As a condition of draft plan approval, applicants shall be required to submit for the approval of the Whitby Public Works Department a grading and drainage plan which shows how storm water runoff from the development will be accommodated.
- 11.7.8.4 The Municipality shall, in consultation with the Region of Durham, the Durham Region Health Unit and the Ministry of the Environment and Energy, monitor growth in the Hamlet in order to preclude ground water or private waste disposal system problems which might arise as a consequence of development.
- 11.7.8.5 In order to facilitate the monitoring program as described in Section 11.7.8.4 and to lessen the impact of new development on the existing community, Council shall regulate the rate of growth of new subdivisions through the inclusion of staging and water and soil testing provisions in individual subdivision agreements.
- 11.7.8.6 Where the monitoring program described in Section 11.7.8.4 indicates the existence of a problem with regard to ground water or private waste disposal systems, Council shall consider an amendment to this Plan to limit further residential development until the problem is satisfactorily resolved.
- 11.7.8.7 Council shall encourage the Region of Durham in consultation with the Ministry of Environment and Energy, to investigate the provision of a communal water supply system.
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**11.7.9 Implementation**

- 11.7.9.1 The provisions of this Plan shall be implemented as opportunities arise when undertaking public works' projects and through the development control process using Zoning By-laws, subdivision, severance and site plan approvals and agreements.
- 11.7.9.2 Upon the adoption of this Plan, the existing zoning in the Hamlet shall be amended to bring it into conformity with this Plan, and to specify the requirement that new wells be drilled and have water-tight casings.
- 11.7.9.3 It is not intended that all areas designated for new development on Schedule "M" shall necessarily be zoned for such uses immediately. Some areas may be zoned "Agricultural", "Development" or "Holding" in order to delay their development for the designated use until they appear ready for such development.
- 11.7.9.4 All Commercial development and re-development shall be subject to site plan control.
- 11.7.9.5 The Municipality shall encourage and require tree planting and preservation through the terms of subdivision agreements and development approvals so that all areas are provided with sufficient vegetation to maintain a high standard of amenity and appearance.

**11.7.10 Interpretation**

- 11.7.10.1 The boundaries between land uses designated on Schedule "M" are approximate only and will be precisely determined in Zoning By-laws. Minor adjustments to these boundaries will not require an amendment to this Plan provided the general intent of the Plan is maintained.
- 11.7.10.2 Lot lines shown on Schedule "M" are for information purposes only.
- 11.7.10.3 The extent of development in Ashburn as shown on Schedule "M" is also designated on Schedule "A" of the Whitby Official Plan. Any amendment to the boundary of the Hamlet shown on Schedule "M" shall require an amendment to Schedules "A", "M" and "R" and can only be considered if the boundary has been changed in the Oak Ridges Moraine Conservation Plan.
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**Schedule “M” – Hamlet of Ashburn  
Secondary Plan**

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**11.8 Brock/Taunton Major Central Area Secondary Plan****11.8.1 Goal**

11.8.1.1 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, and respects the hazard lands and environmentally sensitive areas associated with Lynde Creek.

**11.8.2 Objectives**

11.8.2.1 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.

11.8.2.2 To provide for a full range of retail and personal service uses which are appropriately timed to address the needs of the market place.

11.8.2.3 To encourage the creation of mixed use developments which provide a suitable integration of uses within the Major Central Area context and which provide a variety of employment and residential opportunities.

11.8.2.4 To provide a range of housing opportunities 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.

11.8.2.5 To respect, and protect the natural environmental features within the area and where appropriate, incorporate them into the built environment.

11.8.2.6 To provide an appropriate balance between the traffic movement functions of the arterial roads and the need for access, safety and comfort in the Major Central Area.

11.8.2.7 To create an area which is pedestrian/bicyclist friendly and ensures their comfort, safety and convenience.

11.8.2.8 To encourage development which is transit supportive through both its density and the provision for and integration of, transit facilities.

11.8.2.9 To provide policies which establish the urban design framework for development in the Major Central area.

**11.8.3 General Development Policies**

11.8.3.1 The boundary of the Brock/Taunton Major Central Area is shown on Schedule "N". The boundary of the Secondary Plan includes some lands not included within the Major Central Area boundary.

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- 11.8.3.2 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.
- 11.8.3.3 Schedule “N” provides the detailed land use designations for both the Major Central Area and Secondary Plan area. The land use designations shall include Major Commercial, Mixed Use, Institutional, Institutional/Corporate Office, High Density Residential, Medium Density Residential, Low Density Residential, Hazard Land and Park.
- 11.8.3.4 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.
- 11.8.3.5 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, as well as Garden Street and Taunton Road, and there shall be a gradual 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.
- 11.8.3.6 Throughout the development review process, the municipality will encourage the use and implementation of urban design standards throughout the Major Central Area, with specific regard to development adjacent to the arterial roads and, as appropriate, the tributary of the Lynde Creek.
- 11.8.3.7 Automobile service stations and gas bars may be permitted within the Major Central Area, in accordance with the provisions of Section 4.4.3.3 of this Plan.
- 11.8.3.8 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Section 2.3.20 of the Durham Regional Official Plan.
- 11.8.3.9 Applications for development adjacent to Brock Street or Taunton Road, which include residential uses, shall be required to submit a noise study which will demonstrate how appropriate noise levels for residential development can be achieved, including the identification of any required mitigation measures.
- 11.8.4 Major Commercial**
- 11.8.4.1 The Major Commercial designation shall permit a complete range of retail, personal service, office, institutional, community, recreational, residential, and entertainment uses, in accordance with the relevant policies of Sections 4.3 and 4.4 of this Plan.
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- 11.8.4.2 The maximum gross leasable floor space assignment for retail and personal service uses, north of Taunton Road, within the Major Commercial designation shall generally be: 40,700 square metres on the west side of Baldwin Street South; 7,800 square metres on the east side of Baldwin Street South; 23,740 square metres on the east side of Garden Street for a total of 113,240 square metres.
- 11.8.4.3 Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to the requirements of the implementing Zoning By-law. 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 identification of any required mitigation measures.
- 11.8.4.4 Development shall be encouraged to provide an appropriate built form and landscaping at Brock/Baldwin Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East. Within the Major Commercial designations, at the intersection of Brock Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East, a publicly accessible pedestrian Urban Square shall be provided in accordance with the provisions of Section 11.8.4.10 and Section 11.8.14.
- 11.8.4.5 Development will be encouraged to take advantage of the views of the tributary of the Lynde Creek bordering the north side of the designation and to allow for the integration of development with a pedestrian trail system along the tributary of the creek. Pedestrian connections through the designation, from the Urban Square to the trail system along the tributary of the creek, shall also be encouraged.
- 11.8.4.6 Development shall be required to coordinate access with: Valleywood Drive to the south of Taunton Road; and the access to the Institutional designation to the east of Brock Street.
- 11.8.4.7 Development shall accommodate a continuous transit route through the Major Commercial designation from Brock Street to Taunton Road.
- 11.8.4.8 Consideration will be given to relocating the existing Hydro Electric Power Corridor to a location within the Taunton Road right-of-way.
- 11.8.4.9 The minimum building height shall generally be two (2) storeys and the maximum building height shall be eight (8) storeys. Buildings located in proximity to the arterial roads shall be encouraged to be multi-storey, up to a maximum of eight (8) storeys.
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- 11.8.4.10 Development of lands within the Major Commercial designation shall be undertaken in accordance with the following:
- a) An Urban Design Plan shall be prepared for the Major Commercial designation, in accordance with Section 11.8.14, to illustrate: the integration of the uses; the Urban Square features; the pedestrian connections; the opportunities for transit integration; the potential relocation of the existing hydro corridor; and the views of the Lynde Creek tributary.
  - b) Development adjacent to the Lynde Creek Environmentally Sensitive Area and/or the Lynde Creek tributary shall be required to undertake an Environmental Impact Study, in accordance with Section 5.3.2.3, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measure which may be required.
- 11.8.4.11 The “Crawforth House” heritage building indicated with a ‘D’ – Building Eligible for Heritage Designation symbol on Schedule ‘N’ shall be subject to the policies and provisions of Section 4.3.2.3 and Section 6.1 of the Official Plan.

## **11.8.5 Mixed Use**

- 11.8.5.1 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. Recreational, institutional and community uses permitted in accordance with Section 4.2.3.1a) of this Plan, shall also be permitted in Mixed Use designations, subject to an amendment to the Zoning By-law.
- 11.8.5.2 The residential component of a mixed use development may be located either within the same building as permitted non-residential uses 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. Applications for mixed use development which include single-purpose land uses shall be discouraged within the Mixed Use designation.
- 11.8.5.3 Development in the Mixed Use designation shall be carried out on the basis of comprehensive site plans which take into consideration the Urban Design policies established in Section 11.8.14.
- 11.8.5.4 The highest intensity of uses within the Mixed Use designations shall be encouraged to locate in the vicinity of the intersection of Brock Street and Taunton Road and there shall be a gradation of densities towards the boundaries of the Mixed Use designations.
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11.8.5.5 The minimum building height should generally be two storeys and the maximum building height shall be eight (8) storeys. Maximum building heights shall only be permitted where buildings are located in proximity to the arterial roads.

11.8.5.6 Retail commercial development which involves large, freestanding, independent buildings including, but not limited to, department stores, retail warehouse stores, and supermarkets that would detract from the Major Commercial designation shall not be permitted in the Mixed Use designation.

11.8.5.7 Food stores with a gross leasable floor space of less than 1,200 square metres shall be permitted within a Mixed Use designation. Development of food stores with a gross leasable floor space of greater than 1,200 square metres may be considered in accordance with the following:

- a) Subject to an application for re-zoning;
- b) A supermarket has been developed within the Major Commercial designation of this Plan;
- c) The submission of a retail market impact analysis, in accordance with Section 4.4.4.2 of this Plan to justify to the satisfaction of Council that no undue adverse impact will occur on supermarket facilities.

11.8.5.8 Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including: co-ordination of access points; internal traffic circulation; parking; and integrated landscaping.

11.8.5.9 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.

11.8.5.10 Specific policies have been developed for each Mixed Use designation as illustrated on Schedule "N". Development shall proceed in accordance with the following:

**11.8.5.10.1 Mixed Use Area 1**

- a) The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 1 shall generally be 6,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.
- b) Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.

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- c) Development of Mixed Use Area 1 shall be required to include medium and high density residential uses. Approximately fifty percent of the residential units proposed shall be comprised of high density residential uses, in accordance with Section 4.2.3.11 of this Plan. There shall be a transition of densities with the highest densities occurring closest to the Brock Street and Taunton Road intersection.
  - d) In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 1, to illustrate: the integration of uses; building placement; the park location and features; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit integration.

#### **11.8.5.10.2 Mixed Use Area 2**

- a) The gross leasable floor area assignment for retail and personal service uses within Mixed Use Area 2 shall generally be 5,300 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.
- b) Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.
- c) Development of Mixed Use Area 2 shall be required to include medium and/or high density residential uses, in accordance with Sections 4.2.3.10 and 4.2.3.11 of this Plan.
- d) In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 2, to illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit connections.

#### **11.8.5.10.3 Mixed Use Area 3 – deleted by Official Plan Amendment 62.**

#### **11.8.5.10.4 Mixed Use Area 4**

- a) The gross leasable floor area assignment for retail and personal service uses shall generally be 3,400 square metres within Mixed Use Area 4. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.
  - b) Commercial uses and buildings shall be encouraged to be situated in close proximity to Baldwin Street.
  - c) In accordance with Section 11.8.14, any site plan application in Mixed Use Area 4, shall illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; opportunities for transit connections, landscaping; and proposed buffering to adjacent uses.
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**11.8.6 Institutional/Corporate Office**

- 11.8.6.1 The predominant uses permitted within Institutional/Corporate Office designation shall include business and corporate offices, entertainment uses, recreational uses and institutional uses including health care and medical facilities, civic administration centres, government facilities, education facilities, places of worship, community centres, libraries, transit, art and cultural facilities, banquet halls and fraternal organizations.
- 11.8.6.2 For the purposes of this designation, corporate offices are defined as offices which provide business headquarters or main office functions but generally do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres gross leasable area.
- 11.8.6.3 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.

**11.8.7 Residential**

- 11.8.7.1 The predominant use of lands within a Residential designation shall be for residential purposes.
- 11.8.7.2 A range of tenure types and built forms shall be encouraged to serve a variety of housing needs within the Major Central Area.
- 11.8.7.3 Permitted uses within the Medium Density Residential designation shall include street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, in accordance with Section 4.2.3.10 of this Plan. Development shall occur at densities between 30 and 65 units per net hectare and shall not exceed a maximum height of 4 storeys.
- Notwithstanding Section 4.2.3.10 of this Plan, linked and semi-detached dwelling units shall be permitted on the northeast quadrant of the Brock/Taunton Major Central Area Secondary Plan, in the area designated Medium Density Residential.
- 11.8.7.4 Day care centres, nursing homes and homes for the aged may be permitted in all Residential designations in the Major Central Area subject to an amendment to the Zoning By-law. Such uses shall be compatible with the residential areas in which they are located. Where appropriate, uses generating moderate to high levels of vehicular traffic shall be encouraged to locate adjacent to arterial roads.
- 11.8.7.5 Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Section 4.2.3.1b) and 4.2.3.1c) of this Plan, shall be prohibited within the Residential designations of the Major Central Area.
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11.8.7.6 A variety of built forms will be encouraged within the Medium Density areas and consideration will be given to innovative housing types which fall within the density parameters established in Section 11.8.7.3.

11.8.7.7 Low Density Residential Areas are located within the boundaries of the Secondary Plan but outside of the Major Central Area. Permitted uses within the Low Density Residential designation shall include single detached, semi-detached or linked, and duplex dwellings, in accordance with Section 4.2.3.9 of this Plan. Development shall occur at densities of up to 30 units per net hectare.

### **11.8.8 Institutional**

11.8.8.1 A variety of Institutional uses currently exist within the Major Central Area. New institutional uses, including schools, places of worship, community centres, libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.

11.8.8.2 Integrated access points and circulation routes with adjacent uses shall be encouraged.

11.8.8.3 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.

11.8.8.4 Where institutional uses are proposed adjacent to a Low or Medium Density Residential designation, the provisions of Section 4.7.3.7 of this Plan shall apply.

### **11.8.9 Hazard Lands**

11.8.9.1 Hazard Lands within the Secondary Plan area comprise the open space corridor along the Lynde Creek tributary.

11.8.9.2 The provisions of Section 4.9.3 of this Plan shall apply to all Hazard Lands within this Secondary Plan.

11.8.9.3 The boundaries of the Hazard Lands designation along the Lynde Creek tributary shall be determined to the satisfaction of the Town of Whitby in association with the Conservation Authority, and may include the greater of top of bank, flood hazard, erosion setbacks, slope stability setbacks, and/or maintenance access, where required. Hazard Lands as identified are encouraged to be transferred to the Town.

11.8.9.4 The exact location and extent of Hazard Lands shall be determined through the subdivision and site plan approval process in accordance with the required Environmental Impact Study.

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- 11.8.9.5 The location of Hazard Lands shall be specified in the Zoning By-law.
- Where boundaries are adjusted, the abutting land use designation shall apply without amendment to this Plan, provided the intent of the Plan is maintained.
- 11.8.9.6 A trail system shall be developed in proximity to the Lynde Creek tributary, to provide pedestrians and bicyclists with recreational opportunities which take advantage of the views and ambiance of the natural environment.
- 11.8.9.7 Where the trail is to be accommodated within the Hazard Lands designation, the trail shall generally be established in accordance with the following:
- a) A location within areas of low environmental sensitivity;
  - b) A design which avoids sensitive soils and erosion-prone areas;
  - c) A location which minimizes disruption to existing vegetation and fragmentation of wildlife habitat; and
  - d) A design which ensures user safety for a wide range of users. The exact location of the trail shall be determined through the site plan approval process and shall take into consideration any relevant recommendations of the Environmental Impact Study required for the Major Commercial designation. Connections between the trail system and the public sidewalks shall be provided and access to the trail through the adjacent development shall be encouraged.
- 11.8.9.8 A pedestrian crossing of the northern reach of the Lynde Creek tributary within the Major Commercial designation shall be encouraged, in order to provide connections between the Major Central Area and the residential lands to the north.
- 11.8.10 Open Space**
- 11.8.10.1 The park located within the south west quadrant of the Major Central Area is intended to primarily serve the residential uses within the Mixed Use Area 1 designation. The size of the park shall be determined based on the actual density of residential lands being developed within Mixed Use Area 1, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the site plan approval process and may be relocated without amendment to this Plan.
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**11.8.11 Environmental Management**

- 11.8.11.1 Development shall have regard to its effect on the natural environment and measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value.
- 11.8.11.2 Applications for subdivision, severance or site plan approval which include or are in close proximity to, lands identified as Hazard lands shall be required to submit an Environmental Impact Study satisfactory to the Town, in consultation with the Conservation Authority which addresses one or more of the following elements:
- a) A detailed delineation of the on-site existing physical and biological features and functions, including the determination of flood hazards, sensitive soils, and erosion-prone areas;
  - b) An assessment of the proposed servicing and grading plan, its potential environmental impacts on the lands (e.g. the vegetation), and the potential mitigative measures to be undertaken during and after grading;
  - c) The identification of potential environmental impacts resulting from the proposed development;
  - d) Measures to be undertaken which will retain or enhance existing environmental features and conditions, or to mitigate potential negative impacts on these features and conditions that may result from development;
  - e) An engineering analysis to address erosion and sediment control both pre- and post-development, and its potential impacts;
  - f) An engineering analysis of surface and sub-surface drainage, both pre- and post-development, and its potential impacts;
  - g) Mitigative measures to be undertaken during construction of the development; and
  - h) A determination of the width of the buffer or setback required between the adjacent development and the Hazard Lands or Environmentally Sensitive lands, and/or the confirmation of any buffer or setback that may be determined by the Town, or other relevant agency.
- 11.8.11.3 The recommendations of the Environmental Impact Study shall generally be consistent with Section 5 of this Plan.
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**11.8.12 Transportation**

- 11.8.12.1 Taunton Road is a Type “A” major arterial road which is intended to provide cross regional transportation opportunities; however, this road also provides the main east-west transportation connection and individual property access within the Major Central Area.
- 11.8.12.2 Brock Street is a Type “B” arterial road which is intended to provide the main north-south transportation connection through the Major Central Area and also currently provides individual property access opportunities.
- 11.8.12.3 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 coordinate with other development in order to ensure adequate vehicular and pedestrian safety. The Region of Durham shall determine these requirements during the subdivision, severance or site plan approval process.
- 11.8.12.4 A vehicular and pedestrian movement pattern may be encouraged which reduces conflict between residential and non-residential traffic.
- 11.8.12.5 The use of selective traffic control measures may be required in the future to address the impacts of through traffic, or locally generated non-residential traffic, on local streets within the Residential designations shown on Schedule “N”.
- 11.8.12.6 The location of the collector roads which are shown on Schedule “N” shall be determined through the subdivision approval process and may be modified without amendment to this Plan, as long as the intent of the Plan is maintained. The roads shall be developed to municipal standards in accordance with Section 8.1.3.4 of this Plan.
- 11.8.12.7 Future public transit routes shall serve the Major Central Area and be designed to provide optimum service to the various land uses within the Major Central Area. Transit connection opportunities for both local and regional transit services may be required in the Major Commercial designation and all land uses shall make provision for transit connections, where necessary.
- 11.8.12.8 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 site plan approval process where appropriate.
- 11.8.12.9 Bicycle use shall be encouraged in and through the Secondary Plan area. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process, where necessary.
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11.8.12.10 Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards where specific land uses share a common building or site and have non-coincident peak parking requirements.

**11.8.13 Servicing**

11.8.13.1 Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.

11.8.13.2 Applications for development shall be required to employ appropriate storm water management techniques and practices, in accordance with Section 8.2.3 of this Plan.

11.8.13.3 The Town, in consultation with the Conservation Authority shall require the use of Best Management Practices (BMPs) 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 condition of the receiving watercourses.

11.8.13.4 Storm water management facilities may be permitted in any land use designation on Schedule "N", subject to any required approvals from the Town, in consultation with the Conservation Authority.

11.8.13.5 Storm water quality control measures shall be provided for all new development located north of Taunton Road. Storm water quantity controls shall be provided for all new development located north of Taunton Road and east of Brock Street, in accordance with Section 8.2.3 of this Plan.

11.8.13.6 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.

11.8.13.7 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.

**11.8.14 Urban Design**

11.8.14.1 The provisions of Section 6.2 of this Plan shall apply to all development within the Major Central Area.

11.8.14.2 An Urban Design Plan shall be prepared as part of any development application to assist Council in the evaluation of development proposals within the Major Commercial and Mixed Use designations.

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11.8.14.3 The Urban Design Plan shall address and include the following:

- a) The location and distribution of all land uses and general building envelopes through a detailed concept plan. The concept plan will establish visual and functional relationships between individual buildings and groups of buildings establish the visual relationship with the Lynde Creek tributary, where appropriate and define building setbacks which reinforce the streetscape and the valley open space area.
- b) Within the Major Commercial designation, the provision for a publicly accessible Urban Square on the northwest corner of Brock Street and Taunton Road, the purpose of which is to:
  - i) promote the identity of the Central Area;
  - ii) to add a visually attractive feature to that corner; and
  - iii) to provide the opportunity for pedestrian comfort, convenience and enjoyment.

The Urban Square shall be encouraged to have edges which are defined by buildings and landscaping which contributes to the prominence of the location within the Major Central Area. The Urban Square may include lands within the existing hydro corridor;

- c) The location and coordination of access points onto the arterial roads;
  - d) The location of vehicular and service circulation and access, including the integration of parking and loading areas. Parking and loading areas should have regard to both convenience and visual impact from the street;
  - e) The provision of safe and convenient pedestrian access and connections and the provision of connections from the public sidewalks and the Urban Square, to the trail system along the Lynde Creek tributary;
  - f) Where relevant, the location of a pedestrian trail system adjacent to the Lynde Creek tributary which takes into consideration recommendations of the required Environmental Impact Statement;
  - g) The provision for and distribution of integrated transit facilities which may include on-site transit routes and which provides for convenient access to all land uses and buildings;
  - h) Guidelines addressing: the design and massing of buildings in order to create a sense of continuity and contextual harmony, building locations which encourage building placement in close relation to the arterial roads, landscaping, streetscape and other matters; and
  - i) Where lands are under more than one ownership, the Urban Design Plan should demonstrate how development of the land uses can be integrated.
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- 11.8.14.4 The following policies shall be used to evaluate the urban design aspects of development applications for areas of this Plan not required to undertake an Urban Design Plan:
- a) Existing natural features are preserved and wherever possible, incorporated into the man made environment;
  - b) The road pattern reduces the need for, or distance of local vehicular trips and addresses the road pattern established in Section 11.8.12;
  - c) The road pattern contributes to the efficient provision of public transit services;
  - d) Building entrances are encouraged to be placed in close relationship to transit stops;
  - e) The provision of safe and comfortable pedestrian movements;
  - f) Reverse-frontage residential lots are to be avoided, where possible;
  - g) Shadow and privacy impacts on residential areas and public open space shall be minimized; and
  - h) Where lands are under more than one ownership, the development application should demonstrate how development of the land uses can be integrated.
- 11.8.14.5 Roads form an important aspect of the public realm within the Major Central Area. The following urban design criteria shall be used to evaluate the urban design aspects of proposals adjacent to arterial roads:
- a) A coordinated streetscape theme shall be encouraged within both the public and private realms in order to enhance the identity of the Major Central Area;
  - b) Landscaping enhancement shall be encouraged through regularly placed tree plantings that are aligned with street lighting and through the arrangement of street furniture to assist in defining the streetscape and pedestrian environment and not obstructing pedestrian movements or vehicular sight lines;
  - c) The provision of entrance landscaping treatments shall be encouraged where collector roads intersect with arterial roads;
  - d) Building design may provide selective placement of the buildings and reduced building setbacks 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;
  - e) Transit connections along arterial and collector roads are provided for in locations providing safe, convenient and direct access to buildings or uses in those locations;
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- f) Primary access shall be coordinated between adjacent landowners to minimize pedestrian and vehicular conflicts; and
  - g) Appropriate sidewalk widths are incorporated within the right of way, where necessary, to maximize opportunities for pedestrian movement.
- 11.8.14.6 The more intensive land uses and the tallest buildings shall be encouraged to be adjacent to Brock Street and Taunton Road, wherever appropriate with a transition of development densities and building heights radiating away from these arterial roads.
- 11.8.14.7 Maximum building heights for individual sites shall be determined through the zoning development control process. A minimum building height of two (2) storeys shall generally be encouraged for all residential, mixed use and, where appropriate, commercial development situated along arterial roads. Building heights shall generally be restricted to a maximum of eight storeys for high density residential, commercial and mixed use buildings.
- 11.8.14.8 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 permitted and the treatment of such structures shall be consistent with the building materials and landscaping used elsewhere on the site. Where parking is located adjacent to an arterial or collector road, enhanced landscaping techniques shall be encouraged in order to reduce the visual impact, while maintaining safety for pedestrians and vehicles.
- 11.8.14.9 Commercial service areas shall be encouraged to locate away from residential areas. Service areas shall be screened with a combination of fencing and landscaping.
- 11.8.14.10 Landscaping and planting shall be used to:
- a) Screen unattractive views and buffer adjacent land uses;
  - b) Define pedestrian and vehicular routes;
  - c) Establish a uniform and coordinated street edge;
  - d) Shelter and enhance outdoor activities;
  - e) Enhance existing natural features; and
  - f) Reinforce the prominence of focal points within the Major Central Area.
- 11.8.14.11 Landscaping plans shall include native local species, where appropriate.
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11.8.14.12 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.

11.8.14.13 The Town will work with Whitby Hydro, Durham Region and landowners, to secure the re-location of the existing hydro facilities to a location within the Taunton Road right-of-way.

#### **11.8.15 Implementation**

11.8.15.1 The provisions of Sections 11.8 together with Schedule “N” of the Town of Whitby Official Plan shall comprise the Brock/Taunton Major Central Area Secondary Plan.

#### **11.8.16 Interpretation**

11.8.16.1 The provisions of Section 11.8 apply to the Brock/Taunton Major Central Area Secondary Plan delineated on Schedule “N”.

11.8.16.2 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.

11.8.16.3 The Brock/Taunton Major Central Area Secondary Plan Schedule “N” provides more precise illustrations of the land use designations than is shown on Schedule “A”.

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**Insert**

**Schedule “N” – Brock / Taunton Major Central  
Area Secondary Plan**

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**11.9 Thickson/Taunton Community Central Area Secondary Plan****11.9.1 Goal**

11.9.1.1 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.

**11.9.2 Objectives**

11.9.2.1 To provide for a range of retail and personal service facilities which serve the daily and weekly shopping needs of the Community Central Area and surrounding residential neighbourhoods and employment areas.

11.9.2.2 To encourage a range of housing types and tenures which increase the housing opportunities in the area, support the Community Central Area and are developed at densities which are transit supportive.

11.9.2.3 To protect significant natural features and lands which are not suitable for development due to their inherent physical constraints and to incorporate these lands into the adjacent hazard land and open space system.

11.9.2.4 To encourage the creation of a mixed use node which incorporates mixed use developments combining residential and non-residential uses.

11.9.2.5 To provide an environment which is pedestrian/bicyclist friendly and ensures their comfort, safety and convenience.

11.9.2.6 To provide an appropriate balance between the traffic movement functions of the arterial roads and the need for access, safety and comfort in the Community Central Area.

11.9.2.7 To encourage development which is transit supportive through both its density and the provision for and integration of, transit facilities.

11.9.2.8 To provide policies which establish the urban design framework for development in the Community Central Area.

**11.9.3 General Development Policies**

11.9.3.1 The boundary of the Thickson/Taunton Community Central Area is shown on Schedule "O". The boundary of the Secondary Plan includes certain lands not inside the Community Central Area boundary.

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- 11.9.3.2 Development within the Community Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan, which establishes a floor space assignment for retail and personal service uses of 12,000 square metres, and the Durham Regional Official Plan.
- 11.9.3.3 Schedule “O” provides the detailed land use designations for the Community Central Area and the Secondary Plan area. The land use designations shall include Community Commercial, Mixed Use, Medium Density Residential, Low Density Residential, Hazard Land and Park.
- 11.9.3.4 Development within the Community 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.
- 11.9.3.5 The highest intensity of uses within the Community Central Area shall be encouraged to locate in the vicinity of the intersection of Thicksen Road and Taunton Road and there shall be a gradual transition of densities towards the boundaries of the Community 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.
- 11.9.3.6 Throughout the development review process, the municipality will encourage the use and implementation of urban design standards throughout the Community Central Area, with specific regard to development adjacent to the arterial roads.
- 11.9.3.7 Automobile service stations and gas bars may be permitted within the Community Central Area, in accordance with the provisions of Section 4.4.3.3 of this Plan.
- 11.9.3.8 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Section 2.3.20 of the Durham Regional Official Plan.
- 11.9.3.9 Applications for development adjacent to Thicksen Road or Taunton Road, which include residential land uses, shall be required to submit a noise study which will demonstrate how appropriate noise levels for residential development can be achieved, including the identification of any required mitigation measures.
- 11.9.4 Community Commercial**
- 11.9.4.1 The Community Commercial designation shall permit a range of retail, personal service, office, entertainment, and community uses, in accordance with the relevant policies of Section 4.3 and 4.4 of this Plan.
- 11.9.4.2 The gross leasable floor space assignment for retail and personal service uses shall generally be 7,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a commercial development.
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- 11.9.4.3 Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to an amendment to the Zoning By-law.
- 11.9.4.4 Development shall be required to undertake an Environmental Impact Study in accordance with Section 5.3.2.3 prior to consideration of an application for rezoning, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measures which may be required.
- 11.9.4.5 Development shall be encouraged to provide an appropriate built form adjacent to Thickson Road and Taunton Road, in accordance with the Urban Design policies of Section 11.9.12.
- 11.9.4.6 The minimum building height shall generally be two (2) storeys and the maximum building height shall be six (6) storeys. Maximum building heights shall only be permitted where buildings are located in proximity to the arterial roads.
- 11.9.4.7 Development along Taunton Road shall co-ordinate access points with the location of any road on the south side of Taunton Road, east of Thickson Road. Access points along Thickson Road shall be co-ordinated with development on the west side of Thickson Road, where feasible.
- 11.9.4.8 Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards where specific land uses share a common building or site and have non-coincident peak parking requirements.
- 11.9.5 Mixed Use**
- 11.9.5.1 Development within the Mixed Use designation shall be required to provide for an integration of medium and high density residential uses and non-residential uses. Recreational, institutional and community uses permitted in accordance with Section 4.2.3.1a) of this Plan, shall also be permitted in Mixed Use designations, subject to an amendment to the Zoning By-law.
- 11.9.5.2 The residential component of a mixed use development may be located either within the same building as permitted non-residential uses 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. Applications for mixed use development which include single-purpose land use proposals shall be discouraged within the Mixed Use designation.
- 11.9.5.3 Development in the Mixed Use designation shall be carried out on the basis of comprehensive site plans which take into consideration the Urban Design policies established in Section 11.9.12.
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- 11.9.5.4 Retail commercial development which involves large, freestanding, independent buildings including, but not limited to, department stores, retail warehouse stores, and supermarkets that would detract from the Community Commercial designation shall not be permitted in the Mixed Use designation.
- 11.9.5.5 Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including: co-ordination of access points; internal traffic circulation; parking and integrated landscaping.
- 11.9.5.6 The minimum building height shall generally be two (2) storeys and the maximum building height shall be six (6) storeys. Maximum building heights shall only be permitted where buildings are located in proximity to the arterial roads.
- 11.9.5.7 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.
- 11.9.5.8 Specific policies have been developed for each Mixed Use designation on Schedule "O", and development shall proceed in accordance with the following:
- 11.9.5.8.1 Mixed Use Area 1**
- a) The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 1 shall generally be 2,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.
  - b) Commercial uses and buildings shall be encouraged to locate in close proximity to the Thickson Road and Taunton Road intersection.
  - c) Development shall proceed in accordance with the Urban Design policies of Section 11.9.12.
  - d) Residential development shall be in accordance with the Medium Density Residential policies in Section 4.2.3.10
- 11.9.5.8.2 Mixed Use Area 2**
- a) Residential development shall not be required in Mixed Use Area 2.
  - b) The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 2 shall generally be 3,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.
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- c) Development adjacent to the Pringle Creek Environmentally Sensitive Area shall be required to undertake an Environmental Impact Study, in accordance with Section 5.3.2.3, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measure which may be required.
- d) Development shall be encouraged to take into consideration the Urban Design policies in Section 11.9.12.

## **11.9.6 Residential**

- 11.9.6.1 The predominant use of lands within a Residential designation shall be for residential purposes.
- 11.9.6.2 A range of tenure types and built forms shall be encouraged to serve a variety of housing needs within the Town.
- 11.9.6.3 Permitted uses within the Medium Density Residential designation shall include street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, in accordance with Section 4.2.3.10 of this Plan. Development shall occur at densities between 30 and 65 units per net hectare and shall not exceed a maximum height of four (4) storeys.

Notwithstanding, the additional use of single detached dwellings on 8.0 metre frontages, may also be permitted as an exception, on lands generally located in Part of Lot 21, Concession 3, in the south-west quadrant of Taunton Road East and Thickson Road North, subject to the inclusion in the Zoning By-law.

An application for rezoning to permit a medical clinic in the southwest quadrant of Thickson Road and Taunton Road may be considered subject to the following:

- a) The permitted use shall be limited to a medical clinic which includes medical practitioners' offices, treatment facilities, laboratories, dispensaries, and other similar functions; and
  - b) Submission of a traffic impact study satisfactory to the Region of Durham.
- 11.9.6.4 Low Density Residential Areas are located within the boundaries of the Secondary Plan but outside of the Community Central Area. Permitted uses shall include single detached, semi-detached or linked and duplex dwellings, in accordance with Section 4.2.3.9 of this Plan. Development shall occur at densities of up to 30 units per net hectare.
  - 11.9.6.5 Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Section 4.2.3.1b) and 4.2.3.1c) of this Plan, shall be prohibited within the Residential designations of the Community Central Area.

**11.9.7 Hazard Lands**

- 11.9.7.1 Hazard Lands within the Secondary Plan area comprise portions of the Pringle Creek Environmentally Sensitive Area.
- 11.9.7.2 The provisions of Section 4.9.3 of this Plan shall apply to all Hazard Lands within this Secondary Plan.
- 11.9.7.3 The boundaries of the Hazard Lands designation along the Pringle Creek Environmentally Sensitive Area and/or the Pringle Creek valley south of Taunton Road shall be determined to the satisfaction of the Town of Whitby in association with the Conservation Authority and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, and/or maintenance access, where required. Hazard Lands as identified are encouraged to be transferred to the Town.
- 11.9.7.4 The exact location and extent of Hazard Lands shall be determined through the subdivision, severance and site plan approval process in accordance with the required Environmental Impact Study.
- 11.9.7.5 The location of Hazard Lands shall be specified in the Zoning By-law. Where boundaries are adjusted, the abutting land use designation shall apply without amendment to this Plan, provided the intent of the Plan is maintained.

**11.9.8 Open Space**

- 11.9.8.1 The parks within the Community Central Area are intended to primarily serve the residents of the Secondary Plan area.
- 11.9.8.2 The size of the parks shall be determined on the basis of the actual density of residential development based on the requirements of the Planning Act, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

**11.9.9 Environmental Management**

- 11.9.9.1 Development shall have regard to its effect on the natural environment and measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value.
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- 11.9.9.2 Applications for subdivision, severance or site plan approval which include or are in close proximity to, lands identified as Hazard lands shall be required to submit an Environmental Impact Study to the satisfaction of the Town, in consultation with the Conservation Authority which addresses one or more of the following elements:
- a) A detailed delineation of the on-site existing physical and biological features and functions, including the determination of flood hazards, sensitive soils, and erosion-prone areas;
  - b) An assessment of the proposed servicing and grading plan, its potential environmental impacts on the lands (e.g. the vegetation), and the potential mitigative measures to be undertaken during and after grading;
  - c) The identification of potential environmental impacts resulting from the proposed development;
  - d) Measures to be undertaken which will retain or enhance existing environmental features and conditions, or to mitigate potential negative impacts on these features and conditions that may result from development;
  - e) An engineering analysis to address erosion and sediment control both pre- and post-development, and its potential impacts;
  - f) An engineering analysis of surface and sub-surface drainage, both pre- and post-development, and its potential impacts having regard to existing ground water and water table characteristics;
  - g) Mitigative measures to be undertaken during construction of the development; and
  - h) A determination of the width of the buffer or setback required between the adjacent development and the Hazard Lands or Environmentally Sensitive lands, and/or the confirmation of any buffer or setback that may be determined by the Town, or other relevant agency.
- 11.9.9.3 The recommendations of the Environmental Impact Study shall generally be consistent with Section 5 of this Plan.

#### **11.9.10 Transportation**

- 11.9.10.1 Taunton Road and Thickson Road are Type “A” Arterial Roads which are intended to accommodate large volumes of regional traffic. Within the Community Central Area these roads also provide the main east-west and north-south access to individual properties.
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- 11.9.10.2 In order to respect the designated functions of these roads, and yet provide appropriate access to the Community Central Area land uses, access to these roads may be restricted and may be required to coordinate with other development, where feasible, in order to ensure adequate vehicular and pedestrian safety. The Region of Durham shall determine these requirements during the subdivision, severance or site plan approval process.
- 11.9.10.3 Local public roads are intended for local traffic. A vehicular and pedestrian movement pattern shall be encouraged which reduces conflict between residential and non-residential traffic, and ensures the safety of pedestrians, particularly in the vicinity of local parks.
- 11.9.10.4 The use of selective traffic control measures may be required in the future to address the impacts of through traffic, or locally generated non-residential traffic, on local streets within the Residential designations shown on Schedule "O".
- 11.9.10.5 Future public transit routes shall serve the Community Central Area and be designed to provide optimum service to the various land uses within the Community Central Area. Transit connection opportunities for local transit services may be required in the Community Commercial area and all land uses shall make provision for transit connections, where necessary.
- 11.9.10.6 Safe and convenient pedestrian circulation systems shall be provided within all areas of the Community Central Area. The pedestrian system shall include sidewalks and walkways which shall be well lit and hard surfaced. Appropriate pedestrian road crossing locations shall be provided. Landscaping and buffering of the pedestrian system shall be encouraged and shall be addressed through the site plan approval process, where appropriate.
- 11.9.10.7 Bicycle use shall be encouraged in and through the Secondary Plan area. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process, where necessary.
- 11.9.10.8 Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards where specific land uses share a common building or site and have non-coincident peak parking requirements.
- 11.9.11 Servicing**
- 11.9.11.1 Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.
- 11.9.11.2 Applications for development shall be required to employ appropriate storm water management techniques and practices, in accordance with Section 8.2.3 of this Plan.
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- 11.9.11.3 The Town, in consultation with the Conservation Authority shall require the use of Best Management Practices (BMPs) based on local soil and ground water conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off, to maintain ground water functions and to maintain or enhance the condition of the receiving watercourses. In particular, areas of ground water recharge and/or high water tables must be addressed in all storm water management facilities.
- 11.9.11.4 Storm water management facilities may be permitted in any land use designation, subject to any required approvals from the Town, in consultation with the Conservation Authority.
- 11.9.11.5 For commercial development, storm water quality and quantity control measures may be accommodated through on-site controls.
- 11.9.11.6 For residential development, located south of Taunton Road, storm water quality facilities have been addressed on a comprehensive conceptual basis but interim or alternate facilities may be required if the ultimate facilities are not available prior to development proceeding. Storm water quantity controls are addressed through existing facilities.
- 11.9.11.7 For residential development located north of Taunton Road, storm water quality and quantity management has not been addressed on a comprehensive basis. Prior to residential development proceeding, a comprehensive solution which considers all of the developable lands north of Taunton Road shall be required in accordance the policies of Section 8.2.3, particularly Section 8.2.3.4, of this Plan. The final location of storm water management facilities determined through such study, may impact on the ultimate development plan in this area.

### **11.9.12 Urban Design**

- 11.9.12.1 The provisions of Section 6.2 of this Plan shall apply to all development within the Community Central Area.
- 11.9.12.2 During the subdivision, severance and site plan approval process the following shall be used to evaluate the urban design aspects of development applications:
- a) Existing natural features are preserved and, wherever possible, incorporated into the man made environment;
  - b) The road pattern reduces the need for, or distance of local vehicular trips;
  - c) The road pattern contributes to the efficient provision of public transit services;
  - d) Building entrances are encouraged to be placed in close relationship to transit stops;
  - e) The provision of safe and comfortable pedestrian movements;
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- f) Reverse-frontage residential lots are to be avoided, where possible;
- g) Shadow and privacy impacts on Low Density Residential and public Open Space shall be minimized; and
- h) Where lands are under more than one ownership, the development application should demonstrate how development of the land uses can be integrated.

11.9.12.3 Roads form an important aspect of the public realm within the Community Central Area. The following urban design criteria shall be used to evaluate the urban design aspects of proposals adjacent to arterial roads:

- a) A coordinated streetscape theme shall be encouraged within both the public and private realms in order to enhance the identity of the Community Central Area;
- b) Landscaping enhancement shall be encouraged through regularly placed tree plantings that are aligned with street lighting and through the arrangement of street furniture to assist in defining the streetscape and pedestrian environment and not obstructing pedestrian movements or vehicular sight lines;
- c) The provision of gateway landscaping treatments shall be encouraged where local roads intersect with arterial roads;
- d) Building design may provide selective placement of the buildings and reduced building setbacks 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;
- e) Transit stops are provided along arterial roads in locations providing safe, convenient and direct access to buildings or uses in those locations;
- f) Primary access shall be coordinated between adjacent landowners to minimize pedestrian and vehicular conflicts;
- g) Appropriate sidewalk widths are incorporated within the right of way, where necessary, to maximize opportunities for pedestrian movement.

11.9.12.4 Development shall orient the more intensive land uses and the tallest buildings adjacent to Thickson Road and Taunton Road, with a transition of development densities and building heights radiating away from these arterial roads.

11.9.12.5 Maximum building heights for individual sites shall be determined through the zoning process. A minimum building height of two (2) storeys will be encouraged for residential, mixed use and, where appropriate, commercial development situated along arterial roads. Building heights shall generally be restricted to a maximum of six (6) storeys for residential, commercial and mixed use buildings.

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- 11.9.12.6 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. The design and treatment of parking areas shall be encouraged to be consistent with the landscaping and, where relevant, building materials used elsewhere on the site. Where parking is located adjacent to an arterial road, landscaping techniques such as tree plantings, berms or terracing shall be encouraged in order to reduce the visual impact, while maintaining safety for pedestrians and vehicles.
- 11.9.12.7 Commercial service areas shall be encouraged to locate away from residential areas. Service areas shall be screened with a combination of fencing and/or landscaping.
- 11.9.12.8 Landscaping and planting shall be used to:
- a) Screen unattractive views and buffer adjacent land uses;
  - b) Define pedestrian and vehicular routes;
  - c) Establish a uniform and coordinated street edge;
  - d) Shelter and enhance outdoor activities;
  - e) Enhance existing natural features; and
  - f) Reinforce the prominence of focal points within the Community Central Area.
- 11.9.12.9 Landscaping plans shall include native local species, where appropriate.
- 11.9.12.10 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.
- 11.9.13 Implementation**
- 11.9.13.1 The provisions of Sections 11.9 together with Schedule “O” of the Town of Whitby Official Plan shall comprise the Thickson/Taunton Community Central Area Secondary Plan.
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**11.9.14 Interpretation**

- 11.9.14.1 The provisions of Section 11.9 apply to the Thickson/Taunton Community Central Area Secondary Plan delineated on Schedule "O".
- 11.9.14.2 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.
- 11.9.14.3 The Thickson/Taunton Community Central Area Secondary Plan Schedule "O" provides more precise illustrations of the land use designations than is shown on Schedule "A".
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**Insert**

**Schedule “O” – Thickson / Taunton Community  
Central Area Secondary Plan**

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**11.10 Taunton North Community Secondary Plan****11.10.1 Goal**

- 11.10.1.1 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.
- 11.10.1.2 To ensure that all decisions are based on an “Environment First” principle which preserves, protects and enhances the significant environmental features, functions and linkages.

**11.10.2 Objectives**

- 11.10.2.1 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.
- 11.10.2.2 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, uncommon species, wetlands and important terrestrial functions within the community.
- 11.10.2.3 To create a safe, livable, and healthy community that has a sense of community identity.
- 11.10.2.4 To ensure that the community is integrated with the rest of Whitby and adjacent communities, is linked to the Brock/Taunton and Thickson/Taunton Central Areas and is internally integrated with community facilities.
- 11.10.2.5 To encourage innovative and alternative forms of development which respond to and enhance the environmental attributes of the area.
- 11.10.2.6 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.
- 11.10.2.7 To provide safe, comfortable and convenient opportunities for pedestrian, bicycling and other similar movements through streets, paths and greenways such as utility corridors throughout the community and to provide a connection from the Lynde Creek to the Oshawa boundary.
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- 11.10.2.8 To encourage a high standard of urban design for both public and private sector lands to ensure the creation of an attractive community.
  - 11.10.2.9 To provide parks, open space, linkages and recreational opportunities that meet the needs of the community, respect the environment and create meeting places.
  - 11.10.2.10 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.
  - 11.10.2.11 To provide for business opportunities which benefit the community, provide employment opportunities, take advantage of existing and future transportation linkages and are sensitive to environmental conditions.
  - 11.10.2.12 Where higher intensity uses are appropriate from an environmental perspective, to encourage them to locate close to major transportation routes and community and service facilities.
  - 11.10.2.13 To preserve and incorporate existing cultural features wherever possible.

### **11.10.3 General Development Policies**

- 11.10.3.1 The boundary of the Taunton North Secondary Plan is shown on Schedule "P". The urban boundary is also shown on Schedule "P" and coincides with the boundaries of the Secondary Plan.
  - 11.10.3.2 Schedule "P" provides the detailed land use designation for the Secondary Plan Area. The land use designations include Low Density Residential, Medium Density Residential, High Density Residential, Institutional, High School, Special Purpose Commercial, General Industrial, Prestige Industrial, Hazard Lands, Environmental Protection/Conservation Lands, Special Policy Area, Parks and Major Open Space. Many of these designations have been further refined through provision of a number following the designation. The number refers to policies in the Secondary Plan that must be read in conjunction with the designation.
  - 11.10.3.3 Schedule "Q" identifies areas within which an Environmental Impact Study (EIS) shall be required prior to any development or development approvals being permitted to occur and is based on the Taunton North Environmental Study prepared by Gartner Lee Limited (February, 1999). For the purposes of this Secondary Plan, the term development as it relates to Schedule "Q" is defined to include the construction of any building or structure which requires regrading, vegetation removal or installation of services. Policies outlining the EIS requirements are found in section 11.10.4.
  - 11.10.3.4 New development will occur in an orderly manner that is consistent with the efficient use and provision of municipal and community services, including transit.
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- 11.10.3.5 There are a number of buildings that have been identified as significant by LACAC. These buildings contribute to the architectural history and character of the area and the Municipality shall encourage the retention of these buildings in their current state or the incorporation of these buildings into future development.
- 11.10.3.6 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Section 2.3.20 of the Durham Regional Official Plan.
- 11.10.3.7 Applications for development adjacent to arterial roads which include residential land uses shall be required to submit a noise study that will demonstrate how appropriate noise levels of the residential development can be achieved, including the identification of any required mitigation measures.

**11.10.4 Environmental Policies**

- 11.10.4.1 All owners in the Secondary Plan area shall be encouraged to protect, preserve and enhance to the greatest extent possible, the significant natural heritage values of their land. Development will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority (Conservation Authority) that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.
- 11.10.4.2 Reference should be made to Section 5.3 of the Official Plan for further policies regarding Environmental Management.
- 11.10.4.3 Existing core woodlands as identified by the Taunton North Environmental Study prepared by Gartner Lee Limited shall be protected and maintained in a natural state subject to the policies of this Plan. All owners shall also be encouraged to promote restoration of forest edge and interior gaps through either active planting or passive natural succession processes.
- 11.10.4.4 Lands that are within the Environmental Protection/Conservation Lands designation that are part of a large parcel of land which also contains lands that are outside of the Environmental Protection/Conservation Lands or Hazard Lands designation and for which a development application has been submitted, may be eligible for bonusing provisions under the Planning Act for woodlands that are protected or restored. Such bonusing will be in accordance with the provisions of Section 5.3.12.5 of this Plan.

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- 11.10.4.5 Schedule “Q” identifies those lands that are required to prepare an Environmental Impact Study (EIS) prior to any development or development approvals being permitted to occur on the land. Schedule “Q” identifies whether a full EIS is necessary or whether the EIS can be scoped to focus on certain issues. A full EIS is intended to apply to all those lands that are designated Hazard Lands or Environmental Protection/Conservation Lands 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 through the Taunton North Environmental Study as having a high or moderate groundwater resource or lands within approximately 50 metres of such lands. The Municipality in consultation with the Conservation Authority shall be responsible for the interpretation of the limits of the boundaries as shown on Schedule “Q” and the need for preparation of an EIS.
- 11.10.4.6 Where the preparation of an EIS is required, the EIS report shall be prepared to the satisfaction of the Municipality in consultation with the Conservation Authority and other agencies as required. The recommendations of the EIS shall be consistent with Section 5 of this Plan.
- 11.10.4.7 All Environmental Impact Studies shall be prepared by experts qualified in the fields of ecology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Municipality in consultation with the Conservation Authority. The work plan shall identify the boundaries of the area to be studied and may include lands beyond the area for which the EIS is being carried out. The objective of the EIS is to identify and assess the potential impacts of a specific development proposal on the key environmental functions, attributes and linkages of the potentially affected area and to ensure that the proposed development complies with the policies and intent of the Secondary Plan for protection and enhancement of the environment. For development on individual lots of record, the Municipality in consultation with the Conservation Authority may consider modifying the requirements of a full EIS to reflect the scale of development.
- 11.10.4.8 Components of a full EIS shall generally include, but are not necessarily limited to:
- a detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions, biological setting and hazard lands;
  - 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;
  - a detailed description of the proposed development or land use activities including servicing and grading plans and building envelopes where appropriate;
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- a prediction of the potential direct, indirect and cumulative effects of the proposed development on the environment compared with the overall environmental objectives;
  - 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;
  - 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;
  - a strategy for implementing the recommended mitigation measures;
  - a summary of predicted net effect following mitigation/rehabilitation compared with overall environmental objectives;
  - recommendations to be applied to the Construction Management Plan and an evaluation of the need for a post construction monitoring program; and
  - recommendations on information to be incorporated into the environmental education/awareness program.

11.10.4.9 A scoped EIS shall generally focus on maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems. Provided that the issues are restricted to groundwater recharge/discharge functions, then only a hydrogeological study will be required. The study shall include the 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. It shall also identify the need for a construction and post-construction monitoring program and make recommendations on information to be incorporated into the environmental education/awareness program.

11.10.4.10 Buildings and structures which require substantial below-ground excavation that could cause groundwater interference and dewatering may not be permitted in areas requiring an EIS unless an appropriate mitigation plan is approved as part of the EIS.

11.10.4.11 Where the EIS recommends that minor modifications can be made to the boundary of the Hazard Lands or Environmental Protection/Conservation Lands 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.

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- 11.10.4.12 A Construction Management Plan shall be required for all lands requiring an EIS. The Construction Management Plan shall be prepared in accordance with Section 5.3.11.2 of this Plan.
- 11.10.4.13 Special construction and servicing techniques shall be 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. The specific techniques to be utilized shall be identified in a Construction Management Plan.
- 11.10.4.14 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, design and construction techniques.
- 11.10.4.15 In accordance with the Durham Regional Official Plan and Section 4.8.3 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.
- 11.10.4.16 An environmental education/awareness program which informs homeowners of the environmental sensitivities of the Taunton North Community shall be prepared by all developers to the satisfaction of the Municipality in consultation with the Conservation Authority. Preparation of this program shall be addressed through the subdivision approval process and will include recommendations from the EIS.
- 11.10.5 Hazard Lands**
- 11.10.5.1 The Hazard Lands designation in this Secondary Plan comprise lands associated with the Lynde and Pringle Creek valleys and the provisions of Section 4.9.3 shall apply to all Hazard Lands within this Secondary Plan.
- 11.10.5.2 The intent of the Hazard Lands policies is to address lands that have inherent environmental hazards and to ensure the preservation, conservation and enhancement of the natural environment. Lands having a Hazard Lands 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. Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. In keeping with the goals and objectives of this Secondary Plan the protection, enhancement and restoration where possible of the vegetation, groundwater, surface water quality and quantity, uncommon species, fish habitat and wetlands within the Hazard Lands designation will be given the highest priority.
- 11.10.5.3 Permitted uses in a Hazard Lands designation include conservation and passive recreational uses. Additional uses as identified in Section 4.9.3.1 may be permitted subject to the provisions of an EIS.
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11.10.5.4 The exact limit of the Hazard Lands shall be defined in the Zoning By-law. The boundary shall be determined through 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.

11.10.5.5 Hazard Lands as identified are encouraged to be transferred to the Municipality through the development review process.

### **11.10.6 Environmental Protection/Conservation Lands**

11.10.6.1 The goal of the Environmental Protection/Conservation Lands is to protect and enhance the natural features, functions and linkages of these lands.

11.10.6.2 The objective of the Environmental Protection/Conservation Lands is to ensure that the natural heritage features are not compromised through urban development and that the quality of the ecosystem as a whole is maintained for present and future generations.

11.10.6.3 Environmental Protection/Conservation 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 Hazard Lands, the Environmental Protection/Conservation Lands form 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.

11.10.6.4 Permitted uses will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation functions such as trails may also be permitted provided such uses are compatible with environmental conditions. The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Section 12 of the Durham Regional Official Plan and shall be strongly discouraged. Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record is permitted subject to the approval of an Environmental Impact Study as defined in Section 11.10.4 of this Plan. Further subdivision or severance of land within this designation is not permitted without amendment to this Plan.

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- 11.10.6.5 Removal, modification or destruction of natural features, functions or linkages within this designation shall not provide the rationale for removal of these lands from their existing designation. Restoration of the natural features that have been damaged, modified or destroyed shall be strongly encouraged and is subject to the approval of the Municipality in consultation with the Conservation Authority.
- 11.10.6.6 The exact limit of the Environmental Protection/Conservation Lands shall be defined in the Zoning By-law. The boundary shall be determined through the findings of the EIS.
- 11.10.6.7 Where lands designated Environmental Protection/Conservation Lands are under private ownership, it shall not be construed as implying that such areas are free and open to the public or will be purchased by the municipality or other public agency. However, where a plan of subdivision or severance has been submitted, the dedication of Environmental Protection/Conservation 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.
- 11.10.6.8 Where new development is proposed on a site, those lands which are Environmental Protection/Conservation Lands shall not be acceptable as part of the parkland dedication requirements under the Planning Act.

#### **11.10.7 Major Open Space**

- 11.10.7.1 The intent of the Major Open Space designation is to recognize existing uses that occur in the Major Open Space category such as cemeteries and golf courses, to recognize lands that form part of open space corridors and linkages, or to recognize areas where contamination of lands may have occurred and restoration is strongly encouraged.
- 11.10.7.2 The permitted use in the Major Open Space 1 designation shall be for active and/or passive recreational and conservation uses including parks, trails, conservation areas and greenways, existing golf courses and existing cemeteries. Forest, fisheries and wildlife management, agriculture, nurseries, gardening and other private recreational uses may also be permitted. New golf courses shall require an amendment to this Plan and are subject to the provisions of Section 12 of the Durham Regional Official Plan. In addition to the uses permitted in Section 4.8.3, existing single detached dwelling units or the creation of a new single detached dwelling unit on a lot of record shall be permitted. Where lands in Major Open Space 1 are intended to form part of an open space corridor identified in this Plan, owners shall be encouraged to restore the environmental features, functions and linkages of the lands where appropriate and to minimize the impacts from development on adjacent environmentally sensitive lands. The provisions of Section 4.8.3 of this Plan shall apply to all Major Open Space 1 lands.
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- 11.10.7.3 Lands that are designated Major Open Space 2 have been identified as having some environmental sensitivities and have also been filled or used for landfill purposes in the past. In some areas, there is the potential for the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past. Prior to any development being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore their lands to its former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required. If it demonstrated to the satisfaction of the Municipality that these lands can be safely utilized, then the uses and provisions of Section 4.8.3 of this Plan shall apply to the lands designated Major Open Space 2.
- 11.10.7.4 There are existing residential and commercial uses on lands designated Major Open Space 3. The provisions of Section 4.8.3 shall apply to all lands designated Major Open Space 3 within this Secondary Plan. In addition to the uses permitted in Section 4.8.3.1 of this Plan, the existing uses shall be permitted to continue and Council may zone to permit the minor expansion or enlargement of the existing uses or the variations to similar uses subject to the recommendations of an Environmental Impact Study in accordance with Section 11.10.4 of this Plan and provided the uses have no adverse effect on the present uses of the surrounding lands or the implementation of the provisions of this Plan.
- 11.10.8 Residential**
- 11.10.8.1 The predominant use of land in areas designated 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. These include recreational, institutional, and community uses such as places of worship, community centres, day care centres, nursing homes, branch libraries, schools and parks. Home occupation uses shall be permitted in accordance with the policies of Section 4.2.3.1 d) of this Plan. Business and professional offices and personal service uses may be permitted in accordance with the policies in Section 4.2.3.1 c) of this Plan. Local Commercial Areas and Convenience Commercial Centres shall require an amendment to this Plan.
- 11.10.8.2 Provision has been made in this Secondary Plan area for a variety of residential densities to accommodate a variety of housing opportunities. Residential development shall be sequential.
- 11.10.8.3 Alternative and innovative housing forms and development design techniques which allow for greater protection or enhancement of the environmental conditions shall be encouraged.
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- 11.10.8.4 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.
- 11.10.8.5 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.
- 11.10.8.6 Residential development may be required to prepare an EIS in accordance with Section 11.10.4 of this Plan and to address other matters as identified within this Plan prior to development being permitted to proceed.
- 11.10.8.7 The development of new medium and high density residential units shall be encouraged to contribute to the affordable housing targets in the municipality as identified in the Municipal Housing Statement.
- 11.10.8.8 Medium and High Density Residential development shall address the requirements of Sections 4.2.3.13 and 4.2.3.14 of this Plan.
- 11.10.8.9 Low Density Residential**
- 11.10.8.9.1 The provisions of Section 4.2.3.9 of this Plan shall apply to all lands designated Low Density Residential 1. Development within lands designated Low Density Residential 1 may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an 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.
- 11.10.8.9.2 Lands that are designated Low Density Residential 2 are currently developed with single detached houses that are privately serviced. The permitted uses shall be single detached houses on existing lots of record. Home occupations may be permitted subject to the provisions of Section 4.2.3.1 d) of this Plan. Due to servicing constraints in this area, 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 shall review this policy.
- 11.10.8.9.3 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 the long term potential land uses for this area. The uses permitted in Section 4.2.3.9 of this Plan shall apply to all land designated Low Density Residential 3. In addition to the uses permitted under Section 4.2.3.9 of this Plan, the uses permitted in the Major Open Space designation under Section 4.8.3.1 of this Plan shall also be permitted in the Low Density Residential 3 designation. Given the location of
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these lands which are on the edge of the residential community and in order provide for greater sensitivity to the existing environmental conditions, executive housing shall be encouraged and the maximum density shall be up to 15 dwelling units per net residential hectare. Development in this area shall be subject to the provision of an EIS in accordance with Section 11.10.4 of this Plan and shall be sensitive to the adjacent Hazard Lands and Environmental Protection/Conservation Lands. Additional buffering and enhancement adjacent to the open space corridor along the Trans Northern Pipeline shall be required at the time of development.

Notwithstanding any other provisions in this plan to the contrary, the maximum permitted residential density for lands identified by Assessment Roll No.s 18-09-010-037-15500 and 18-09-010-037-15400 shall be 17 units per net residential hectare.

11.10.8.9.4 Lands that are designated Low Density Residential 4 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Low Density Residential 4 shall be limited to a maximum net density of 15 dwelling units per net hectare. For the purposes of this calculation, net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of an overall plan of subdivision may exceed the maximum net density as long as the overall density within the draft plan of subdivision generally remains within the maximum density permitted, subject to the approval of the Regional Works Department. The uses permitted within Low Density Residential 4 shall include single detached, semi-detached or link and duplex dwellings and other similar ground related built forms. Development within Low Density Residential 4 shall be required to prepare an EIS as identified in Section 11.10.4 of this Plan and shall be sensitive to the groundwater recharge functions of this area.

11.10.8.9.5 Lands that are designated Low Density Residential 5 are completely surrounded by Hazard Lands and Environmental Protection/Conservation Lands and have major groundwater resource constraints. Development within lands designated Low Density Residential 5 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan. The form of development will be encouraged to respond to the environmental sensitivities of the area by limiting the development envelope and reducing the environmental impact on adjacent lands. In accordance with this principle, block townhouses and other forms of multiple dwellings not exceeding a height of four storeys arranged in clusters shall be permitted and encouraged. Such development shall be permitted to a maximum of 40 dwelling units per net hectare although the density of ground oriented units shall be lower. Freehold subdivision development shall be restricted to single detached dwellings at a maximum net density of 15 dwelling units per net hectare. For the purpose of this calculation, net density is defined as the land on which the lot is situated and the local road adjacent to the lot.

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11.10.8.9.6 Lands that are designated Low Density Residential 6 shall permit uses in accordance with Section 11.10.8.9.1 of this Plan. In order to encourage any redevelopment to occur in an integrated manner and to minimize direct access to the adjacent arterial roads, medium density residential uses in accordance with Section 4.2.3.10 of this Plan may also be permitted, subject to property consolidation and internal road access being provided to the satisfaction of the Municipality.

#### **11.10.8.10 Medium Density Residential**

11.10.8.10.1 The provisions of Section 4.2.3.10 of this Plan shall apply to all lands that are designated Medium Density Residential 1. Development within lands designated Medium Density Residential 1 may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an 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 address environmental conditions identified.

11.10.8.10.2 Lands that are designated Medium Density Residential 2 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Medium Density Residential 2 shall be limited to a net density of 32 dwelling units per net hectare. For the purposes of this calculation, net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of this designation may exceed the maximum net density as long as the overall density within the designation remains within the maximum density permitted. The uses permitted in Medium Density Residential 2 designation shall include street and block townhouse, triplex, fourplex and other forms of multiple dwellings, not exceeding four storeys.

11.10.8.10.3 Lands that are designated Medium Density Residential 3 are adjacent to Hazard Lands and Environmental Protection/Conservation Lands and have major groundwater constraints. Development within lands designated Medium Density Residential 3 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan. 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. Such development shall be permitted at a density of 20 to 65 units per net hectare.

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**11.10.8.11 High Density Residential**

11.10.8.11.1 The provisions of Section 4.2.3.11 of this Plan shall apply to all lands that are designated High Density Residential within this Secondary Plan. Development within lands designated High Density Residential may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an 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 address environmental conditions identified.

**11.10.9 Special Purpose Commercial**

11.10.9.1 The permitted uses within the Special Purpose Commercial 1 designation shall be in accordance with Section 4.4.3.1e) of this Plan. Development shall be located with exposure to arterial roads and is encouraged to develop in a “comprehensive block” manner as defined in Section 4.4.3.4 (a) of this Plan. Development within Special Purpose Commercial 1 areas may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and layout of development that will be permitted shall be determined through the EIS process and may be required to address environmental conditions identified.

**11.10.10 Prestige Industrial**

11.10.10.1 The lands designated Prestige Industrial within this Secondary Plan are intended to provide the opportunity for a variety of industrial lands uses within the Secondary Plan and to provide the ability to encourage greater sensitivity to adjacent Environmental Protection/Conservation Lands.

11.10.10.2 The use of land in Prestige Industrial areas shall be in accordance with Section 4.6.3.3.2, 4.6.3.3.3 and 4.6.3.3.4 of this Plan.

11.10.10.3 Open storage shall generally not be permitted within the Prestige Industrial designation, however if there is a demonstrated need, Council may permit limited accessory outdoor storage areas provided they are located in rear yard, and are adequately screened from adjacent roadways and Environmental Protection/Conservation Land and do not exceed the ground floor area of the primary use.

11.10.10.4 Development adjacent to Environmental Protection/Conservation Lands shall be required to carry out an EIS in accordance with Section 11.10.4 of this Plan and shall provide appropriate buffers and landscape treatments adjacent to those lands. Development shall also address the requirements in Section 11.10.17.9 and 11.10.17.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established which protect, maintain and enhance adjacent environmentally sensitive areas.

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**11.10.11 General Industrial**

- 11.10.11.1 The permitted uses for all lands designated General Industrial shall be governed by the policies of Section 4.6.3.2 of this Plan.
- 11.10.11.2 Development adjacent to Hazard Lands or Environmental Protection /Conservation Lands shall be required to carry out an EIS in accordance with Section 11.10.4 of this Plan and shall provide appropriate buffers and landscape treatments adjacent to those lands. Development shall also address the requirements in Section 11.10.17.9 and 11.10.17.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established which protect, maintain and enhance adjacent environmentally sensitive areas.
- 11.10.11.3 New development or expansion of existing development adjacent to Major Open Space 3 lands or existing residential uses within the General Industrial designation shall be sensitive to existing residential and commercial uses and shall provide appropriate buffers as determined by the Municipality in consultation with the Ministry of Environment.

**11.10.12 Parks**

- 11.10.12.1 Local Park, Parkette and District Park symbols are shown on Schedule "P" to this Plan and are intended to denote the approximate location of these facilities. The actual size and location of these parks shall be determined by the development approval process and shown in the Zoning By-law. Relocation of these parks may be permitted without amendment to this Plan. In particular, the two Parkettes located between Garden Street and Anderson Road may be consolidated to create one Local Park, if it is deemed appropriate at the time of development approvals.
- 11.10.12.2 The parks shown on Schedule "P" are primarily intended to serve the residents of the Taunton North Community.
- 11.10.12.3 The provisions of Section 4.8.3 of this Plan shall apply to parks in this Secondary Plan.
- 11.10.12.4 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.
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**11.10.13 Special Policy Area**

11.10.13.1 Lands that are designated 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 rezoning or 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. If it 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 provisions of this Secondary Plan including Section 11.10.4 shall apply to the lands designated Special Policy Area.

**11.10.14 Urban Design**

- 11.10.14.1 The provisions of Section 6.2 of this Plan shall apply to all lands within this Secondary Plan.
- 11.10.14.2 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.
- 11.10.14.3 Where development occurs adjacent to Hazard Lands or Environmental Protection/Conservation Lands, landscaping enhancement shall be encouraged and lighting shall be oriented internally to the site so as not to cause glare on those lands.
- 11.10.14.4 For all development, landscaping and planting shall be used to enhance existing natural features, establish a uniform and coordinated street edge, and buffer and/or screen adjacent land uses.
- 11.10.14.5 Landscaping plans shall include native local species, where appropriate.
- 11.10.14.6 Rear yards for residential lots adjacent to arterial roads are to be avoided, wherever possible.
- 11.10.14.7 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.
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**11.10.15 Transportation**

- 11.10.15.1 There is an existing network of Type A, B and C arterial roads within the Secondary Plan area. The location of arterial and collector roads is shown on Schedule "P" as well as Schedule "D" of this Plan. Local roads are not shown on Schedule "P" and the creation of local roads will be determined at the time of draft plan of subdivision.
- 11.10.15.2 In addition to the existing arterial road network, the Regional and Town Official Plans have identified the completion of several arterial roads and the creation of one new Type C arterial road within the Secondary Plan area. A preliminary analysis of the need for and potential alignments of these roads has been reviewed as part of the background analysis work for this Secondary Plan. The final alignment for these roads shall be determined through a Class Environmental Assessment process which shall take into consideration the environmental goals and objectives of this Secondary Plan.
- 11.10.15.3 The constructed portion of Conlin Road currently ends west of Anderson Street. The continuation of this road to Baldwin Street and possibly beyond is shown on Schedule "D" of this Plan and Schedule "D" identifies that the road link will be subject to special study. The background analysis prepared for this Secondary Plan indicates that this road connection will be required. Based on the Environmental Study prepared by Gartner Lee Limited for this area, it was identified that utilization of the existing road allowance would require crossing the Lynde Creek and an area of environmentally sensitive lands. In order to minimize the impact on the environment, other alternative road alignment locations which avoid these sensitive lands should be considered and the study area for the completion of this stretch of Conlin Road should be increased in size. The study area for Conlin Road extends from the Hydro Corridor in the north to the Trans Northern Pipeline in the south or approximately 450 metres north and 500 metres south of the existing road allowance. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.
- 11.10.15.4 The completion of Garden Street across the Lynde Creek is also identified in Schedule "D" of this Plan. Utilization of the existing road allowance may be acceptable from an environmental perspective although the final determination of the road alignment will be determined through a Class Environmental Assessment.
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- 11.10.15.5 The completion of Ashburn Road is shown on Schedule "D" as following the existing road allowance through the Robmar subdivision and across the Lynde Creek. This link is identified as being subject to special study on Schedule "D". In order to avoid crossing the Lynde Creek and to avoid impacting the Robmar subdivision, alternative alignments were examined in the background analysis for this Secondary Plan which would involve connecting Ashburn Street to Baldwin Street north of the Robmar subdivision. The study area includes the area from Ashburn Street to Baldwin Street between the Robmar subdivision and approximately 700 metres north of the hydro corridor. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.
- 11.10.15.6 The Town and Regional Official Plans provide for the creation of an east -west Type C arterial road located between Conlin Road and Taunton Road which is to be built from the Town's eastern boundary to Thickson Road. Schedule "D" of this Plan identifies that this road link will be subject to special study and will require co-ordination with the City of Oshawa. The location of this road as shown on Schedule "D" crosses areas designated Environmental Protection/Conservation Lands and Hazard Lands. Alternative locations for this road were reviewed in the background analysis for this Secondary Plan to consider options that may reduce the environmental impact from this road. The study area for this road ranges from 400 metres to the north and 200 metres to the south of the location shown on Schedule "P". The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.
- 11.10.15.7 The location of the collector between Baldwin Street and Garden Street is intended to route traffic around the Brock/Taunton Major Central Area and to provide transition from the Special Purpose Commercial and Institutional uses to the south and the residential uses to the north. The exact location of this road will be determined through a functional alignment study and may be modified without amendment to this Plan as long as the intent of the Plan is maintained.
- 11.10.15.8 The roads shall be developed to municipal standards in accordance with Section 8.1.3 of this Plan. 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 in order 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.
- 11.10.15.9 Future public transit routes may serve the Secondary Plan area and shall be designed to provide optimum service to the area. The location and distribution of land uses shall also be designed to be transit supportive.
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- 11.10.15.10 Safe and convenient pedestrian circulation 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. Within the developed areas, the pedestrian system shall include sidewalks and walkways that are well lit and hard surfaced. 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. A direct pedestrian connection between the Lynde Creek valley system and the City of Oshawa boundary will be provided within the Taunton North Community.
- 11.10.15.11 Bicycle use shall be encouraged in and through the Secondary Plan area and adequate provision for the use of bicycles shall be encouraged. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process.

#### **11.10.16 Servicing**

- 11.10.16.1 Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.
- 11.10.16.2 Municipal water supply plant and water pollution control plant capacity will be allocated upon execution of a servicing/subdivision agreement with the Region.
- 11.10.16.3 The majority of lands within the Secondary Plan area are to be serviced by the Zone 2 water supply system with the exception of the north eastern area which will be serviced by the Zone 3 water supply system. The extension of the Zone 3 water supply system will ultimately require the completion of the Thicksen Road Reservoir and Zone 3 Pumping Station. The Zone 3 water supply system may be supplied from the Garrard Road Pumping Station. Adequate looping of watermains within each pressure zone shall be incorporated into development plans.
- 11.10.16.4 The majority of land within the Secondary Plan may be serviced by sequential extension of the sanitary sewer system with the Lynde Creek and Pringle Creek watershed systems. Private and/or municipal sanitary pumping stations may be required depending on the development form and area.
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- 11.10.16.5 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 11.10.4 of this Plan. In addition, the specific construction techniques shall be addressed in the Construction Management Plan as identified in Section 11.10.4 of this Plan.
- 11.10.16.6 Notwithstanding any provisions of this Plan to the contrary, consideration may be given to allowing development of one house on an existing lot of record within lands designated Environmental Protection/Conservation Lands to proceed on the basis of private services if municipal servicing is not available and subject to the completion of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan.
- 11.10.16.7 Lands designated Low Density Residential 2 are currently developed on the basis of private services. At this point in time there are no plans to provide full services to this area, however, when lands to the north develop, full municipal services may be provided in conjunction with that development. If the option of constructing a Regionally owned sanitary sewage pumping station is considered to service the area, the force main will be required to discharge into the Anderson Street trunk sanitary sewer or the Fallingbrook sanitary sewer.
- 11.10.16.8 Sanitary servicing constraints currently exist for lands identified as Low Density Residential 4 and Medium Density Residential 2 and the corresponding density constraints are identified in Sections 11.10.8.9.4 and 11.10.8.10.2 respectively of this Plan.
- 11.10.16.9 Applications for development shall be required to employ appropriate storm water management techniques and practices to maintain the existing conditions within this area in accordance with Section 8.2.3 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Pringle Creek Master Drainage Plan Update, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.
- 11.10.16.10 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 and within areas of high water table and/or groundwater recharge functions shall address these criteria in conjunction with the criteria in Section 11.10.4 of this Plan.
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- 11.10.16.11 Conceptual locations for stormwater management facilities have been identified through the background analysis carried out for this Secondary Plan. The exact location of these facilities shall be determined through the subdivision approval process.
- 11.10.16.12 For commercial, institutional and industrial development within the Secondary Plan area, on-site stormwater quantity and quality controls shall be encouraged for specific types of commercial, institutional and industrial uses in accordance with the background analysis for this Secondary Plan.
- 11.10.16.13 Stormwater management facilities may be permitted in any land use designation on Schedule “P” except for the Environmental Protection/Conservation Lands designation, subject to any required approvals from the Municipality in consultation with the Conservation Authority.
- 11.10.16.14 Alternative site development standards may possibly be considered where safety and operational criteria can be maintained.

#### **11.10.17 Implementation**

- 11.10.17.1 The provisions of Sections 11.10 together with Schedules “P” and “Q” of the Town of Whitby Official Plan shall comprise the Taunton North Community Secondary Plan.

#### **11.10.18 Interpretation**

- 11.10.18.1 The provisions of Section 11.10 apply to the Taunton North Community Secondary Plan delineated on Schedule “P”.
- 11.10.18.2 The Taunton North Community Secondary Plan Schedule “P” provides more precise illustrations of the land use designations and policies than is shown on Schedule “A”. Schedule “Q” identifies the locations where full or scoped Environmental Impact Studies shall be required. The final determination of when an Environmental Impact Study shall be required shall be made by the Municipality.
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**Insert**

**Schedule “P” – Taunton North Community  
Secondary Plan Land Use**

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**Schedule “Q” – Taunton North Community  
Secondary Plan Environment**

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**11.11 Oak Ridges Moraine Secondary Plan**

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 provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.

The following text and Schedules “R”, “S”, “T”, and “U” constitute the Secondary Plan for the Oak Ridges Moraine Secondary Plan Area and should be read in conjunction with the Official Plan Part I, the Ashburn Secondary Plan and the Durham Regional Official Plan.

**11.11.1 Goal**

To protect the ecological and hydrological features and functions of the Oak Ridges Moraine.

**11.11.2 Objectives**

11.11.2.1 To protect the ecological and hydrological integrity of the Oak Ridges Moraine Area.

11.11.2.2 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.

11.11.2.3 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.

11.11.2.4 To maintain natural stream form and flow characteristics and the integrity and quality of watercourses.

11.11.2.5 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.

11.11.2.6 To provide for land and resource uses and development that is compatible with the other objectives of the Official Plan.

11.11.2.7 To encourage private landowners to practice good stewardship and enhance natural features and functions on the Oak Ridges Moraine wherever possible.

11.11.2.8 To provide for public recreational access to the Oak Ridges Moraine Area.

11.11.2.9 To provide clear direction on what uses are permitted and under what conditions as may be specified in the implementing Zoning By-law.

11.11.2.10 To maintain the quantity and quality of groundwater and surface water.

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- 11.11.2.11 To maintain groundwater recharge.
- 11.11.2.12 To establish a process whereby certain uses, buildings and structures can be permitted adjacent to Key Natural Heritage Features and Hydrologically Sensitive Features.

### **11.11.3 Boundary**

The Oak Ridges Moraine Secondary Plan Area boundary is designated on Schedules “A”, “C” and “E” 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.

### **11.11.4 Existing And Accessory Uses**

- 11.11.4.1 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.
- 11.11.4.2 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.
- 11.11.4.3 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.
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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 11.11.4.10 of this Plan.

For the purposes of this subsection, institutional use includes, without limitation, churches, community centres and fire halls.

- 11.11.4.4 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 there is no intensification of the use.
- 11.11.4.5 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.
- 11.11.4.6 a) 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.
- b) 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.
- 11.11.4.7 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 allowance maintained on a year round basis and subject to the provisions of the Zoning By-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 11.11.4.10 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.
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- 11.11.4.8 Within the Oak Ridges Moraine Agricultural designation, nothing in this Plan shall prevent the following accessory uses to agricultural uses, 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 11.11.7 to 11.11.10 inclusive.

In addition, approval for the dwelling shall conform to Section 11.11.4.10 of this Plan if applicable.

- 11.11.4.9 Notwithstanding Section 11.11.4.8, nothing in this Plan shall prevent the erection of an accessory building or structure provided it:
- a) is clearly 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 11.11.4.10 of this Plan.

- 11.11.4.10 Notwithstanding any other policy in this Plan, the construction of buildings or structures within a significant wetland is not permitted. In addition, no development is permitted on lands that are deemed to be hazardous, unless specific permission is obtained from the applicable Conservation Authority.

Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.

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.

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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 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 11.11.7 of this Secondary Plan.

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.

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. 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.

Notwithstanding any other policy in this Plan, the entering into of a Site Plan Agreement is not required for development that is located within the Oak Ridges Moraine Rural Settlement designation, provided such development is located no closer than 30 metres from the boundary of the Environmental Protection designation.

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**11.11.5 Land Use Designations**

11.11.5.1 Only applications for development 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 “R”, govern the use of land within the Oak Ridges Moraine. All development shall conform to the purposes and objectives of the applicable land use designation as set out in the Oak Ridges Moraine Conservation Plan.

**11.11.5.2 Oak Ridges Moraine Natural Linkage Area**

- a) “The Oak Ridges Moraine Natural Linkage Area as shown on Schedule “R” 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.”
- b) Only those uses permitted in the land use designations, as specified in Sections 11.11.5.3 and 11.11.5.5, shall be permitted in the Oak Ridges Moraine Natural Linkage Area, save and except for agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.
- c) On lands within the Natural Linkage Area, 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.
- d) The use of lands within the Oak Ridges Moraine Natural Linkage Area designation, as shown on Schedule “R”, shall be in accordance with the relevant policies of this Secondary Plan, including Subsections 11.11.7 to 11.11.10 inclusive.

**11.11.5.3 Oak Ridges Moraine Agriculture**

- a) Any development or site alteration in the Oak Ridges Moraine Agricultural designation, as shown on Schedule “R”, shall be subject to the policies of Section 4.10 - Agriculture of the Official Plan in addition to the underlying land uses permitted in Section 11.11.5.5 policies of the Oak Ridges Moraine Secondary Plan. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.

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- b) New mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the policies of the Whitby Official Plan and the Durham Regional Official Plan and shall be subject to the policies of Subsection 11.11.6.2.

#### **11.11.5.4 Oak Ridges Moraine Rural Settlement**

- a) The Oak Ridges Moraine Rural Settlement designation includes the hamlets of Ashburn, Myrtle and Myrtle Station as shown on Schedule “R”. Any development or site alteration in Hamlets on the Oak Ridges Moraine shall be subject to the policies of Section 4.11 – Rural Settlements of the Official Plan in addition to the policies of this Secondary Plan. In addition to Section 4.11 of the Official Plan, the Hamlet of Ashburn shall also be subject to the policies of Section 11.7 – Ashburn Secondary Plan. Where there is a conflict between the policies of either Sections 4.11 or 11.7 of the Official Plan and this Secondary Plan, the policies of this Secondary Plan shall prevail.
- b) New 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.

#### **11.11.5.5 Oak Ridges Moraine Environmental Protection**

- a) Lands within the Oak Ridges Moraine Environmental Protection designation are those lands identified as key natural heritage features or hydrologically sensitive features on Schedules “R” and “S” of the Official Plan.
  - b) The following land uses may be permitted in the Oak Ridges Moraine Environmental Protection designation:
    - i) Fish, wildlife and forest management
    - ii) Conservation projects and flood and erosion control projects
    - iii) Existing agricultural uses
    - iv) Low intensity recreational uses
    - v) Transportation, infrastructure and utilities (subject to Section 11.11.9 of this Plan)
    - vi) Uses accessory to the uses set out above.
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- c) 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 to the following:
    - i) Non-motorized trail uses;
    - ii) Natural heritage appreciation;
    - iii) Unserviced camping on public and institutional land; and
    - iv) Accessory uses.
  - d) 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.

#### **11.11.6 Specific Land Use Policies**

##### **11.11.6.1 Granny Flats / Garden Suites**

In accordance with the Durham Regional Official Plan, granny flats/garden suites on the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.

##### **11.11.6.2 Mineral Aggregate Operations and Wayside Pits**

- a) In addition to the policies of Section 4.12 – Aggregates of the Official Plan, the policies of Section 11.11.6.2 of this Secondary Plan shall apply to lands within the Oak Ridges Moraine Secondary Plan Area. Where there is a conflict between the policies of Section 4.12 of the Official Plan and this Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.
  - b) Applications for mineral aggregate operations or wayside pits shall not be approved unless the applicant demonstrates that:
    - i) the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
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- 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.
- c) 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.
- d) Notwithstanding Section 11.11.7.1(b), 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 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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- e) An application for mineral aggregate operation or wayside pit in a Landform Conservation Area shall not be approved unless the applicant demonstrates 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.
  - f) 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.
  - g) Mineral aggregate operations are exempt from the requirements of Section 11.11.7.2.

## **11.11.7 Development Criteria**

### **11.11.7.1 Key Natural Heritage and Hydrologically Sensitive Features**

- a) Key natural heritage features relate to wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, significant valleylands, 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 "S". Schedule "S" 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 "S" 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.

- b) Development 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.
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- c) 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.
  - d) An application for development 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.
  - e) A natural heritage evaluation shall:
    - i) demonstrate that the development 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.
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- f) A hydrological evaluation shall:
    - i) demonstrate that the development 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.
  - g) 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.
  - h) Schedule 'S' does not include 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.
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Table 1 :

**Key Natural Heritage Features and Hydrologically Sensitive Features -  
Minimum Areas of Influence and Minimum Vegetation Protection Zones**

Column 1	Column 2	Column 3	Column 4
Item	Feature	Minimum Area of Influence	Minimum Vegetation Protection Zone
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 11.11.7.1 (e) 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 11.11.7.1 (e)
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 11.11.7.1 (e) 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 11.11.7.1 (e) 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 11.11.7.1 (e) 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 11.11.7.1 (e)
7.	Permanent and Intermittent streams	All land within 120 metres of meander belt	All lands within 30 metres of meander belt, subject to Section 11.11.7.1 (e) and subsection 11.11.7.1 (f) 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 clause 11.11.7.1 (e) and subsection 11.11.7.1 (f) if a hydrological evaluation is required
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 11.11.7.1 (e) if a natural heritage evaluation is required.

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**11.11.7.2 Watershed and Subwatershed Plans**

- a) Any major development proposed in the Secondary Plan Area shall be in accordance with watershed and subwatershed plans prepared by the Region of Durham.
  - b) 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.
  - c) Applications for major development made before April 22, 2007 shall not be approved unless;
    - i) the Region of Durham has confirmed compliance with Section 11.11.7.2(b) (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.
  - d) Development 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.
  - e) 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.
  - f) 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 11.11.7.2.
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- g) 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.

#### **11.11.7.3 Areas of High Aquifer Vulnerability Policies**

- a) 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 "T".
- b) Council shall consider impacts on Areas of High Aquifer Vulnerability when new development or site alteration is proposed. The following uses are prohibited on the lands identified as High Aquifer Vulnerability on Schedule "T":
- 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.

#### **11.11.7.4 Landform Conservation Area Policies**

- a) 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 "U".
- b) Council shall consider impacts on landform conservation areas when new development or site alteration is proposed.
- c) 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:
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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%

- d) 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 that shows:
  - 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.
  
- e) The landform conservation plan shall also include a development strategy that identifies appropriate planning, design and construction practices to minimize disruption to landform character including:
  - 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;
  - iv) use of innovative building design to minimize grading requirements; and
  - v) use of selective grading techniques.
  
- f) 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 that:
  - 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.

g) 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.

#### **11.11.7.5 Sewage and Water Services**

An application for major development shall be accompanied by a sewage and water system plan that demonstrates:

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.

Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

#### **11.11.8 Lot Creation Policies**

11.11.8.1 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 farm retirement lot or 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.

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- 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.
- 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.

11.11.8.2 A lot may be created subject to the policies Section 11.11.8.1 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 "S" 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.
- g) 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.

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**11.11.9 Infrastructure Policies**

11.11.9.1 In addition to the policies of Section 8 – Transportation, Servicing and Utilities of the Official Plan, the policies of Section 11.11.9 of this Secondary Plan shall apply to lands within the Oak Ridges Moraine Secondary Plan Area. Where there is a conflict between the policies of Section 8 of the Official Plan and this Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.

**11.11.9.2 Transportation, Infrastructure and Utilities**

Transportation, infrastructure and utility uses are only permitted within the Oak Ridges Moraine if the appropriate study has been undertaken 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 for protecting the ecological and hydrological integrity of the Moraine have been fulfilled.

11.11.9.3 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
- h) rights of way required for the facilities listed in clauses (a) to (g).

11.11.9.4 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; and
  - b) the applicant demonstrates 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;
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- 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.

11.11.9.5 Except as permitted in Sections 11.11.9.4 and 11.11.9.6, 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.

11.11.9.6 Transportation, infrastructure, and utilities uses may be permitted to cross a key natural feature or hydrologically sensitive feature if the applicant demonstrates 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, 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.

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**11.11.9.7 Stormwater Management**

Every application for development or site alteration shall demonstrate planning, design and construction practices 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.

11.11.9.8 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.

11.11.9.9 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.

11.11.9.10 Sections 11.11.9.7 to 11.11.9.9 (inclusive) of this Plan do not apply to applications for mineral aggregate operations.

11.11.9.11 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.

11.11.9.12 Despite anything else in this Plan, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.

11.11.9.13 An application for major development shall be accompanied by a Stormwater Management Plan.

**11.11.9.14 Stormwater Management Plans**

The objectives of a stormwater management plan are to:

- a) maintain groundwater quality and flow and stream base flow;
  - b) protect water quality;
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- c) protect aquatic species and their habitat;
- d) prevent increases in stream channel erosion; and
- e) prevent any increase in flood risk.

- 11.11.9.15 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.
- 11.11.9.16 A Stormwater Management Plan shall be prepared in accordance with the applicable watershed plan, if one exists.
- 11.11.9.17 Despite anything else in this Plan, new rapid infiltration basins and new rapid infiltration columns are prohibited.

#### **11.11.10 Implementation**

- 11.11.10.1 The provisions of Sections 11.11 together with Schedules “R”, “S”, “T”, and “U” of the Town of Whitby Official Plan shall comprise the Oak Ridges Moraine Secondary Plan. This Secondary Plan shall be implemented by a Zoning By-law under Section 34 of the Planning Act. Permitted uses are subject to inclusion in the implementing Zoning By-law.
- 11.11.10.2 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.
- 11.11.10.3 All key natural heritage features and hydrologically sensitive features shall be placed within an appropriate zone in the Zoning By-law.
- 11.11.10.4 All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of this Secondary Plan.

#### **11.11.11 Interpretation**

- 11.11.11.1 The provisions of Section 11.11 apply to the Oak Ridges Moraine Secondary Plan delineated on Schedule “R”. Despite the policies of this Secondary Plan and the Oak Ridges Moraine Conservation Plan, lands located on the Oak Ridges Moraine are also subject to the policies in both the Region of Durham Official Plan and the Provincial Policy Statement where there is no conflict.

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11.11.11.2 The following 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):

**“Adverse Effect”** means any impairment, disruption, destruction or harmful alteration;

**“Agriculture-related Uses”** means commercial and industrial uses that are,

- a) small-scale,
- b) directly related to a farm operation, and
- c) required in close proximity to the farm operation;

**“Aquifer Vulnerability”** means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;

**“Connectivity”** means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;

**“Development”** means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:

- a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of the this Secondary Plan; or;
- b) for greater certainty:
  - (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or
  - (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

**“Ecological Features”** means naturally occurring land, water and biotic features that contribute to ecological integrity;

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**“Ecological Functions”** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

**“Ecological Integrity”**, which includes hydrological integrity, means the condition of ecosystems in which,

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- (b) natural ecological processes are intact and self-sustaining, and
- (c) the ecosystems evolve naturally;

**“Ecological Value”** means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species;

**“Endangered Species”** means any native species, as listed in the regulations under the Endangered Species Act, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

**“Farm Retirement Lot”** means a lot that is severed from land that is being used in a farming operation, on the application of a person who,

- (a) owned and operated the farm operation, as a full time farmer, for a substantial number of years;
- (b) was engaged in farming on January 1, 1994 or on an earlier date set out in the Official Plan; and
- (c) has reached retirement age and is retiring from active working life;

**“Fish Habitat”** means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

**“Forest Access Road”** means a one or two lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

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**“Forest Management”** means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (a) for the production of wood and wood products, including maple syrup;
- (b) to provide outdoor recreation opportunities;
- (c) to maintain, and where possible improve or restore, conditions for wildlife; and
- (d) to protect water supplies;

**“Habitat of Endangered, Rare and Threatened Species”** means land that,

- (a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species,
- (b) 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;

**“Hazardous Waste”** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

**“Hydrological Features”** means;

- (a) permanent and intermittent streams;
- (b) wetlands;
- (c) kettle lakes and their surface catchment areas;
- (d) seepage areas and springs; and
- (e) aquifers and recharge areas.

**“Hydrological Functions”** means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things;

**“Hydrological Integrity”** means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;

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**“Impervious Surface”** means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;

**“Landform Features”** means distinctive physical attributes of land such as slope, shape, elevation and relief;

**“Liquid Industrial Waste”** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

**“Major Development”** means development consisting of:

- (a) the creation of four or more lots; or
- (b) the construction of a building or buildings with a ground floor area of 500 m<sup>2</sup> or more;

**“Meander Belt”** means the land across which a stream shifts its channel from time to time;

**“Mineral Aggregate Operation”** means,

- (a) an operation, other than a wayside pit, conducted under a licence or permit under the Aggregate Resources Act, and
- (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;

**“Natural Self-Sustaining Vegetation”** means self-sustaining vegetation dominated by native plant species;

**“Original Half Lot”** means half of an original lot that contained 80.9 hectares (200 acres) more or less;

**“Original Lot”** means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

**“Rapid Infiltration Basin/Column”** means a basin/column or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

**“Rare Species”** means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increased in certain types of human activity;

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**“Rural Lot”** means a lot that is at least 97.5 % of the land that is left in an original lot or an original half lot after the deduction of any land that is,

- (a) conveyed at any time for transportation, utilities or infrastructure, whether before, on or after November 16, 2001; or
- (b) validly conveyed before June 27, 1970.

**“Sand Barrens”** means land (not including land that is being used for agricultural purposes and 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; and
  - (ii) maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- (b) has less than 25% tree cover;
- (c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both; 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;

**“Savannah”** means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:

- (a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- (b) has from 25% to 60% 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;

**“Self-Sustaining Vegetation”** means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;

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**“Site Alteration”** means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:

- (a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of this Secondary Plan; or
- (b) for greater certainty,
  - (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
  - (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

**“Subwatershed”** means an area that is drained by a tributary or some defined position of a stream;

**“Surface Catchment Area”** means the area including and surrounding a kettle land or wetland, from which surface runoff drains directly into the kettle lake or wetland;

**“Sustainable”**, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

**“Tallgrass Prairie”** means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- (b) has less than 25% 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;

**“Threatened Species”** means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

**“Watershed”** means an area that is drained by a river and its tributaries;

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**“Wildlife Habitat”** means land that:

- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) 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;

**“Woodland”** means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

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**Insert**

**Schedule “R” – Oak Ridges Moraine Secondary  
Plan – Land Use Designations**

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**Schedule “S” – Oak Ridges Moraine Secondary  
Plan – Key Natural Heritage and Hydrologically  
Sensitive Features**

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**Schedule “T” – Oak Ridges Moraine Secondary  
Plan – Aquifer Vulnerability**

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**Schedule “U” – Oak Ridges Moraine Secondary  
Plan – Landform Conservation Areas**

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## APPENDIX

## EXISTING AND FUTURE POPULATION DISTRIBUTION

Residential Community Areas (see Schedule B)	Existing Population (1991 Assessment)	Anticipated Population Targets (2011)	Estimated Future Population Capacity
1	3,100	13,700	17,000
2	12,000	21,500	23,300
3	3,000	14,400	16,300
4	13,700	15,100	15,600
5	11,500	14,500	14,800
6	10,400	12,500	13,000
7	1,000	8,300	14,000
Total for South Whitby	54,700	100,000	114,000
<b>FUTURE URBAN AREAS</b>			
Brooklin	1,600	10,000	25,000
West Whitby and Taunton North	(included in Rural)	12,000	21,000
<b>Sub-Totals</b>	56,300	122,000	160,000
Rural	2,900	3,000	3,000
<b>GRAND TOTAL</b>	<b>59,200</b>	<b>125,000</b>	<b>163,000</b>

Notes:

1. No potential population capacity has been allocated to unforeseen redevelopment applications, particularly in the older residential areas.
2. The above estimated future population capacities are based on the known Development Pipeline of Applications (1991), vacant land inventory and previous intensification studies.