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Phase 2 Mixed Use Zones Report

Town of Whitby Comprehensive Zoning By-law Study

Prepared By: SGL Planning & Design Inc.

Prepared For: Whitby

IN THE ZONE

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1 Introduction



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

Phase 1 of the Study consisted of a thorough review of the Town's existing Zoning By-laws, Zoning By-Law #1784 ("1784"), Zoning By-Law #2585 ("2585") and Oak Ridges Moraine Zoning By-Law #5581-05 ("5581-05"), as well as an identification of issues and opportunities.

Phase 2 focuses on analyzing the issues identified in the Phase 1 reports in order to develop options and recommendations.

The objective of this Phase 2 Mixed Use Zones Report is to provide strategic direction and a general blueprint for the breakdown, structure, permissions and provisions of the Town's new mixed use zones. As a basis for structuring the mixed use zones, the Mixed Use designations of the Official Plan and Secondary Plans were examined and used as the basis for the organization of the new zones and this Report.

This Report is broken down as follows:

Section 1: Introduction – Introduces the Phase 2 Mixed Use Zones Report and provides a brief overview of the Phase 1 Report.

Section 2: Approach to Mixed Use Zone Organization – Outlines the recommended approach to the organization of mixed use zones within the new Comprehensive Zoning By-law.

Section 3: Proposed Mixed Use Zones – Provides an overview of the proposed new mixed use zones including how they implement the Mixed Use designations, mapping discrepancies, permitted uses and potential zone provisions based on best practices and specific built form considerations.

Section 4: Conclusions and Next Steps – Provides a summary of the report and addresses next steps for the Study.

1.1 Phase 1 Mixed Use Zones Report

As part of the Phase 1 Mixed Use Zones Report, a comparative review and analysis of the structure, zone organization and mapping of Whitby's mixed use zones across the Town's existing Zoning By-laws was undertaken. Zoning By-law 1784 contains 6 different mixed use zones, including one general Commercial Mixed Use Zone that includes multiple site specific exceptions, four West Whitby mixed use zones and one Village of Brooklin Central Core Area mixed use zone. Zoning By-law 2585 contains one Commercial Residential Zone. These 7 zones typically occur in small, isolated areas in Whitby and permit a broad range of residential and non-residential uses in different forms. Some zones permit stand-alone non-residential uses and stand-alone medium and high density residential uses such as townhouses, apartments, live/work dwellings and retirement homes. Other zones only permit residential or non-residential uses integrated with one another on the same lot or in the same building.

In addition to the comprehensive comparison of mixed use zone permissions and provisions, the Phase 1 Report included a number of additional sections that have assisted in the consolidation and update of zones, including:

- A best practice review of other existing zoning by-laws in Ontario;
- A comparison of Official Plan and Secondary Plan designations and the zones currently contained within each;
- A review of past minor variance applications; and
- Discussions regarding special areas including Intensification Areas/Corridors and Cultural Heritage Districts.

Based on a review of best practices, many of the Town's mixed use zones, apart from West Whitby, are 20 to 30 years old and do reflect current uses or integration requirements for a mix of uses. The zones also do not address contemporary and more modern built form regulations. As well, there are opportunities for the consolidation of similar zones, including site specific amendments, as well as the deletion of underutilized zones.

The Phase 1 Report also identified a number of differences between Official Plan/Secondary Plan policy and the zoning, including non-mixed use zones located in areas designated for mixed use; discrepancies in the requirement for a mix of uses in a building, on a site or in an area; discrepancies in the range of uses permitted in the zoning not reflecting policy; and instances where building height does not align.

This information was considered in the consolidation of mixed use zones and, where applicable, is expanded on throughout this Phase 2 Report.

2 Approach to Mixed Use Zone Organization



This section provides recommendations for the overall organization and structure of Whitby's new mixed use zones. The recommended approach is to base and categorize the new zones on the existing Mixed Use Official Plan and Secondary Plan designations.

2.1 Mixed Use Designations as a Basis for the Zones

While the parent Whitby Official Plan only contains one Mixed Use designation, there are a number of different Mixed Use designations within Whitby's Secondary Plans as set out within **Table 1**. The permissions and details of each designation set out within policy were examined against one another in order to consolidate and create new zone categories. This approach will ensure that the new Comprehensive Zoning By-law clearly aligns with and relates to the intent of the Official Plan/Secondary Plans and matches its permissions and provisions.

Table 1. Existing Mixed Use Designations

Official Plan/Secondary Plan	Designation
Parent Official Plan	• Mixed Use
Port Whitby Community	• Mixed Use Residential One • Mixed Use Residential Two • High Density Residential Mixed Use
Downtown Whitby	• Mixed Use
Rossland/Garden Urban Central Area	• Mixed Use Area
Brooklin Community	• Mixed Use 1 – Community Central Area • Mixed Use 2 – HCD • Mixed Use 3 • Heritage Commercial
Brock Taunton Major Central Area	• Mixed Use Area 1 • Mixed Use Area 2 • Mixed Use Area 4
Thickson/Taunton Community Central Area	• Mixed Use Area 1 • Mixed Use Area 2

West Whitby Community	• Mixed Use One • Mixed Use Two • Special Mixed Use Two

Key Defining Characteristics of the Mixed Use Designations

Based on an analysis of Whitby's existing Mixed Use designations, key defining characteristics include how a mix of uses are required to be accommodated and whether a residential component is required. From this analysis, three main categories are recommended to form the basis of Whitby's new mixed use zones, which are generally differentiated based on the following requirements:

1. A mix of two or more uses required on a site (which may or may not include residential);
2. A mix of residential and non-residential uses required on a site;
3. A mix of residential and non-residential uses required within a building; and
4. A mix of uses permitted but not required.

The fourth category encourages a mix of uses but does not require them. A site can consist of a single use, such as one standalone store or a standalone apartment building or contain a mix of uses. This is the only category that does not require a mix of uses on the site or in the building.

Other key defining factors that differentiate the designations include minimum and maximum height and density provisions, as well as the permission for small to medium-scale commercial uses versus the permission for major retail uses such as supermarkets and department stores.

Building Height

Permitted heights for each designation range from a maximum of 4 storeys to 18 storeys depending on location. Based on the variability in permitted minimum and maximum building heights between each land use designation, it its recommended that a height overlay be implemented in the new Comprehensive Zoning By-law, and thus mapping in the Zoning By-law would reflect the minimum and maximum heights set out in the different Mixed Use designations.

Minor vs. Major Commercial

Overall, each designation permits a similar range of uses including residential, office, retail, restaurant, personal service, community/cultural, institutional, entertainment and service commercial uses. The exception is that some designation's permit only small to medium-scale uses versus major commercial uses, which includes uses such as supermarkets, department stores and retail stores above a certain size. These

permissions will be captured within the new permitted use table for the proposed new zones found later in this Report.

Downtown Whitby

An updated version of the Downtown Whitby Secondary Plan is currently being prepared. In light of this study, the Mixed Use designation in the Downtown Whitby Secondary Plan is not addressed as part of this Report. The appropriate zoning to support the policies of the Downtown Whitby Secondary Plan will be determined once the draft Secondary Plan is released for public comment.

2.2 Structure of the Mixed Use zones

It is recommended that the Mixed Use Zones be structured based on the key characteristics of the Official Plan and Secondary Plan designations noted above, i.e.:

- A mix of two or more uses required on a site (which may or may not include residential);
- A mix of residential and non-residential uses required on a site;
- A mix of residential and non-residential uses required within a building; and
- A mix of uses permitted but not required.

Mix of Two or More Uses on a Site

Whitby's parent Mixed Use designation, as well as several Secondary Plan Mixed Use designations, require a mix of uses to occur through the inclusion of two or more uses on a site. This requirement is recommended to form the basis of the first of Whitby's new mixed use zones. As discussed above, a further defining factor between designations is whether or not major commercial/retail uses are permitted and therefore the designations are also classified accordingly below.

The following designations permit a mix of two or more uses on a site and major commercial uses are **not permitted**.

- Parent Official Plan Mixed Use;
- Rossland Garden Urban Central Area Mixed Use;
- Brooklin Community Mixed Use 2 – HCD;
- Brooklin Community Mixed Use 3 (Outside of the Major Central Area);
- Brooklin Community Heritage Commercial;
- Brock/Taunton Major Central Area Mixed Use Area 4; and
- Thickson/Taunton Community Central Area Mixed Use 2.

The following designations permit a mix of two or more uses on a site and major commercial uses are permitted.

- Brooklin Community Mixed Use 1 – Community Central Area; and
- Brooklin Community Mixed Use 3 (Within the Major Central Area).

Each of the above Official Plan and Secondary Plan Mixed Use designations require a mix of uses on a site which may include residential units above non-residential uses within the same building or residential and non-residential uses in distinct and separate buildings on the same site or simply a mix of non-residential uses on a site. It is recommended that these designations all be addressed with a new singular mixed use zone, proposed to be the Mixed Use One (MU1) Zone. Based on the differing height permissions within this zone category, the use of a height overlay to address the permissions above is recommended.

The details of the proposed MU1 Zone are discussed further in **Section 3** of this Report. There will be two similar zones, the Mixed Use One (MU1) Zone and Mixed Use One Major Commercial (MU1-MC) Zone, the only difference being the permission for major commercial uses.

Mix of Residential and Non-Residential Uses on a Site

A number of Secondary Plan Mixed Use designations specifically require a mix of residential and non-residential uses on a site, which may be accommodated either within the same building or separate buildings on the same site. This category is recommended to form the basis of an additional new mixed use zone.

The following designations require a mix of residential and non-residential uses on site and also for the most part do not permit major commercial uses.

- Brock/Taunton Major Central Area Mixed Use Area 1;
- Brock/Taunton Major Central Area Mixed Use Area 2;
- Thickson/Taunton Community Central Area Mixed Use 1; and
- West Whitby Mixed Use Two.

Since the first three of the above listed Secondary Plan designations require a mix of residential and non-residential uses on a site or within the same building, and discourage major commercial uses such as department stores, retail warehouse stores and supermarkets, a second new mixed use zone category Mixed Use 2 (MU2) is recommended to be applied.

Based on the differing heights within this category, the use of a height overlay is also recommended which will be used to delineate different heights in specific areas such as required by the Brock/Taunton Mixed Use Area 1 where the tallest building are to be located closest to Brock Street and Taunton Road.

The West Whitby Mixed Use Two designation differs from the other designations in its permission for Major Commercial. Therefore, a Mixed Use 2 Major Commercial (MU2-MC) Zone will be added for those areas were major commercial is permitted.

The details of the proposed MU2 Zones are discussed further in **Section 3** of this Report.

Mix of Residential and Non-Residential in a Building

The Port Whitby Community Secondary Plan contains three Mixed Use designations, all of which require a mix of residential and non-residential uses within a building.

The three designations include:

- Mixed Use Residential One;
- Mixed Use Residential Two; and
- High Density Residential Mixed Use.

These three designations only permit small-scale retail uses, versus major commercial uses permitted by other Secondary Plans. These three designations will form the basis for the Town's third new mixed use zone, Mixed Use Zone (MU3). The use of a height overlay will be an important tool in capturing the different height requirements within the each of the Port Whitby Secondary Plan Mixed Use designations.

The details of the proposed MU3 Zone are discussed further in Section 7 of this Report.

A mix of uses permitted but not required

The West Whitby Secondary Plan has one additional Mixed Use designation (Mixed Use One) which permits a mix of uses but does not require it. A new Mixed Use 4 (MU4) Zone is proposed.

3 Proposed Mixed Use Zones



The following sets out the recommended general breakdown of mixed use zones. How these will be ultimately divided, such as within explicitly different zones versus different subcategories of zones or with overlays, or a combination of these approaches, will be further examined in the next stage of the study.

3.1 Comparison of Designations and Proposed Zones

Table 2 below illustrates the proposed zones that will implement the various Mixed Use designations.

Table 2. Application of Proposed Zones by Mixed Use Designation

Official Plan/Secondary Plan	Designation	Proposed New Zone
Parent Official Plan	Mixed Use	MU1
Rossland/Garden Urban Central Area	Mixed Use Area	MU1
Brooklin Community	Mixed Use 2 – HCD	MU1
Brooklin Community	Heritage Commercial	MU1 except MU3 along Baldwin Street
Brooklin Community	Mixed Use 3	MU1, but MU1–MC in the Major Central Area
Thickson/Taunton Community Central Area	Mixed Use Area 2	MU1
Brooklin Community	Mixed Use 1 – Community Central Area	MU1–MC
Brock Taunton Major Central Area	Mixed Use Area 4	MU1
Brock Taunton Major Central Area	Mixed Use Area 1	MU2
Brock Taunton Major Central Area	Mixed Use Area 2	MU2
Thickson/Taunton Community Central Area	Mixed Use Area 1	MU2
Port Whitby Community	Mixed Use Residential One	MU3
Port Whitby Community	Mixed Use Residential Two	MU3

Port Whitby Community	High Density Residential Mixed Use	MU3
West Whitby Secondary Plan	Mixed Use One	MU4
West Whitby Secondary Plan	Mixed Use Two	MU2
West Whitby Secondary Plan	Special Mixed Use Two	MU2-MC
Downtown Whitby	Mixed Use	TBD

3.2 Mapping of Mixed Use Zones in the Mixed Use Designations

When reviewing the current zoning maps, there are many areas, such as in the Brock Taunton Secondary Plan, where mixed use zones implement the Mixed Use Designations. However, there are other areas, where only a small portion of the Mixed Use Designation is actually zoned mixed use.

For example, in the Mixed Use designation along Dundas Street West from Hopkins Street to Kendalwood Road, only a small portion of the overall designation is zoned mixed use. This is illustrated in **Figure 1** where the blue area represents the Mixed Use Designation and the red boundaries outline two instances where mixed use zones exist. Much of this area is zoned for commercial uses that do not permit residential uses and some areas are zoned residential and industrial. This situation is largely driven by the designations which permit a mix of uses on site but don't require residential.



Figure 1: Comparison of Mixed Use designation and zones along Dundas Street from Hopkins Street to Kendalwood Road.

Two potential Options to address this situation include:

Option 1: Maintain existing zones. Under this option, the existing CMU Zones would be converted to the MU1 Zone, per **Table 2** of this report and the remaining commercial zones would be maintained. This option would still be in conformity with the Official Plan in this case, as this area is required to provide a mix of uses, but not necessarily residential uses. However, this zoning does not recognise that residential uses are also permitted.

Option 2: Zone all lands within the Designation to a mixed use zone: This option would involve rezoning the entire area shown in blue in **Figure 1**, except for the residential zoned lands, as MU1 Zone. This option would permit, but not require residential uses in the area, consistent with the Official Plan permissions.

It is recommended to, as much as possible, update the zoning to permit the full range of uses permitted in the Official Plan, per Option 2.

3.3 Permitted Uses

Table 3 outlines the proposed permitted uses for the zones described in the previous section of this report. The list of permitted uses was derived from a review of the Official Plan policies as well as provisions in the current mixed use zones.

Permitted uses that were the same across the zones, including commercial, community and office uses are listed together in one row to make comparison of the zones easier for the purpose of this Report. In the ultimate zone table, these uses would be expanded upon, similar to the detailed list in the existing zones, but updated as needed, to provide further clarity of the permitted uses.

In terms of defining what constitutes a supermarket, some policies of the Official Plan, Brock/Taunton Mixed Use 1, Mixed Use 2 and Mixed Use 4, consider 1,200 square metres as the cut off while others consider 2,000 square metres. Also, the existing mixed use zones in West Whitby use 1,200 square metres. Further discussion with the Town is required to determine how best to address this discrepancy in the new Zoning By-law permissions. One option is to bring forward an Official Plan amendment to standardize the cut off between different sizes of supermarkets.

Table 3. Permitted uses for proposed mixed use zones

Zoning By-law	New Comprehensive Zoning By-law					
	MU1	MU1-MC	MU2	MU2-MC	MU3	MU4
Zone	**Mixed Use One** Two or More Uses on a Site	**Mixed Use One** Two or More Uses on a Site **with Major Commercial**	**Mixed Use Two** Residential and Non-Residential Uses on a Site	**Mixed Use Two** Residential and Non-Residential Uses on a Site **with Major Commercial**	**Mixed Use Three** Residential and Non-Residential Uses in a Building	**Mixed Use Four** Mix of Uses permitted but not required (4)
Non-Residential						
Commercial, Community and Office uses	✓	✓	✓	✓	✓	✓
Drive through	✓	✓	✓ (3)	-	-	-
Existing single detached dwelling converted to permit a standalone commercial use, including bed and breakfast	✓	✓	✓ (3)	-	-	-
Funeral home	✓	✓	✓ (3)	-	-	-
Hotel	✓	✓	✓ (3)	-	✓	✓
Institutional Uses	✓	✓	✓ (3)	-	✓	-
Retail store/shop						
Retail store (2,000 square metres or less)	✓	✓	✓	✓	✓	✓
Major retail/department store (above 2,000 square metres)	-	✓	-	✓	-	✓
Supermarket						
Supermarket/food store (2,000 square metres or less)	✓	✓	✓	✓	✓	✓
Supermarket/food store (2,000 square metres or more)	-	✓	-	✓	-	✓
Residential						
Townhouse	✓(1)	✓(1)	✓	✓		✓
Apartment dwelling house/building	✓(1)	✓(1)	✓	✓	✓	✓
Crisis residence	✓(1)	✓(1)	✓	✓	✓	✓
Group home in an existing dwelling	✓(1)	✓(1)	✓	✓	✓	✓
Live work dwelling	✓	✓	✓	✓	✓(2)	✓
Long term care facility/home	✓	✓	✓	✓	✓	✓
Retirement home	✓	✓	✓	✓	✓	✓

1: Use must be integrated with a non-residential use in the same building along Baldwin Street within the Brooklin Community Heritage Commercial Designation
2: Except not permitted in High Density Residential Mixed Use Designation of Port Whitby Secondary Plan
3: Except not permitted in Mixed Use 2 Designation of West Whitby Secondary Plan
4: Except standalone Residential or Non-Residential/Residential mix on a site required South of Rossland Road

Four qualification notes are shown at the bottom of the table. They convey where certain provisions apply on a site specific basis as required by policies of the Official Plan. A couple of options exist on how to deal with these notes.

> **Option 1:** Different Zones for Different Locations – Additional new zones could be created for the area along Baldwin in the Brooklin Heritage Commercial Designation, the High Density Mixed Use Designation of the Port Whitby Secondary Plan and the Mixed Use Two and Mixed Use One Designations of the West Whitby Secondary Plan, where the latter is south of Rossland Road. These zones would be largely site specific
>
> **Option 2:** Site Specific – Additional site specific exceptions can be applied to these specific areas.
>
> **Option 3:** Provide the Qualification in the table with reference to a separate schedule – Similar to what is shown in **Table 3**, the new Zoning By-law can contain qualification notes that require certain uses or special permissions and refer to a separate schedule delineating where these permissions apply. The benefit of this approach is to keep the number of zones and site specifics lower, but may require additional mapping.

In terms of the residential permitted uses in **Table 3**, retirement homes and long-term homes are considered to contain a mix of residential and non-residential uses in and of themselves, since they both serve as a place of employment and a residential use, and often contain secondary services such as small shops or pharmacies, hair salons and some medical services. As such, they should not be required to pair with a separate non-residential use to be considered mixed use and a note stating such should be included in the new Zoning By-law.

3.4 Zone Provisions and Built Form Options

As discussed the Phase 1 Mixed Use Report, direct comparison and consolidation of the zone provisions between Whitby's existing mixed use zones is somewhat challenging, due to the different dwelling types, densities and uses permitted. The CMU*, MUR-VB and CR-DT zones all have one set of provisions but differ in their range of permitted uses. In comparison, the provisions for West Whitby's four mixed use zones are categorized by each permitted residential use, as well as non-residential buildings.

Standalone commercial uses should be subject to similar provisions as for the Commercial Zones, as described in the Commercial Report under separate cover. The same applies for standalone residential uses, which are addressed in the Residential Report.

Therefore, the mixed use lot, yard and built form provisions will focus on mixed use buildings. In addition, standalone residential building greater than 4 storeys were not previously addressed in other reports, as it is intended that they should match the provisions for mix use buildings of greater than 4 storeys. As such, the mixed use zone provisions should apply to both.

Table 4 below sets out the Town's existing mixed use zone provisions. Apart from West Whitby, these provisions generally do not reflect current built form regulations and an update is required to specify requirements specific to mixed use buildings and high-density residential buildings above 4-storeys. The provisions set out by the West Whitby mixed use zones will be used as a basis for creating provisions for the new Mixed Use Zones planned for the New Comprehensive Zoning By-law.

Table 4. Current Mixed Use Zone Provisions

Zoning By-law	1784	1784			1784	2585
	CMU*	MX1N/MX1S/MX2/MX2S			MUR-VB	CR-DT
Zone	All Permitted Uses	Live Work Dwelling	Apartment Building/Retirement Home/Long Term Care Home	Non-Residential Building	All Permitted Uses	All Permitted Uses
Min. Lot Area	0.5 ha	135 m^2	-	-	525 m^2	Apartment Building: 59 m^2/unit
Min. Lot Frontage	45 m	5.5 m/unit. Corner lot: 9 m.	-	-	15 m	-
Min. Lot Depth	90 m	-	-	-	35 m	-
Max. Lot Coverage	25%	-	-	-	35%	100%
Min. Front Yard	4.5 m or half of the building height, whichever is the greater.	0 m	0 m	0 m	Where a lot fronts on Baldwin Street, Cassels Roads and Winchester Road: Established front building line or 4.5 m, whichever is the greater. All other locations: 6.0 m.	For first two storeys of building: 0.0m. For third, fourth and fifth storey of building: 4.0 m. For sixth storey of building: 8.0 m.
Max. Front Yard	25 m	3 m. Maximum 25% of the building facing a street can have a greater yard.	3 m. Maximum 25% of the building facing a street can have a greater yard. (Only applies to buildings within 30 metres of a street line).	3 m. Maximum 25% of the building facing a street can have a greater yard. (Only applies to buildings within 30 metres of a street line).	Where a lot fronts on Baldwin Street, Cassels Roads and Winchester Road: Established front building line or 7.5 m, whichever is the greater. All other locations: 0 m.	4 m
Min. Rear Yard	7.5 m	2.5 m to a garage, or unenclosed parking space.	7.5 m	0 m, except when abutting a Low Density or Medium Density Zone: 7.5 m.	7.5 m	0 m
Min. Interior Side Yard	For a permitted non-residential use adjacent to a commercial zone: 0 m. For a residential use adjacent to a residential zone: 7.5 m.	1.2 m	0 m, except when abutting a Low Density or Medium Density Zone: 3 m.	0 m, except when abutting a Low Density or Medium Density Zone: 7.5 m.	With a garage or carport: 1.2 m. Without an interior garage or carport: 1.2 m on one side and 3.1 m on the other side.	0 m
Min. Exterior Side Yard	4.5 m or half of the building height, whichever is the greater.	3 m	0 m. Max. 3 m. Maximum 25% of the building facing a street can have a greater yard. (Only applies to buildings within 30 metres of a street line).	0 m. Max. 3 m. Maximum 25% of the building facing a street can have a greater yard. (Only applies to buildings within 30 metres of a street line).	4.5 m	For first two storeys of building: 0 m. For third, fourth and fifth storey of building: 4 m. For sixth storey of building: 8 m. Where a street intersects with Dundas Street or Brock Street: Equal to the front yard for 60% of the lot depth measured from Dundas or Brock Street.
Landscaped Open Space	10%	-	25%	-	30%	10%
Min. Height	2 storeys or 7 m	3 storeys	3 storeys	2 storeys	7.0 m	2 storeys
Max. Height	8 storeys	4 storeys	8 storeys, but greater in Gateway and less in MX2 Zone	8 storeys, but greater in Gateway and less in MX2 Zone	8.5 m	6 storeys
Max. Floor Space Index	-	-	-	-	0.5	4.0
Min. Outdoor Private Amenity Space	-	15 m^2/unit. 10 m^2/unit for lots with a frontage less than 6 m.	-	-	-	-

In addition to the provisions in **Table 4**, West Whitby's mixed use zones also set out a number of additional provisions for non-residential buildings, live work dwellings and apartment buildings/long term care homes/retirement homes. These include:

- Maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door: 0.6 metres.
- Minimum height of the first storey for all non-residential uses: 3.5 metres.
- Minimum gross floor area for all non–residential uses situated on the first storey: 60 square metres (applicable to live work units)
- Buildings 8 storeys or more in height are to provide a 3 to 5 storey podium and set back the point tower portion of the building a minimum of 3 metres from the outer edge of the exterior wall of the podium.
- Where the rear yard of a lot containing a building abuts a lot in the Low Density or Medium Density Zone, the building height above 12 metres shall be limited by a 45-degree angular plane measured from a height of 12 metres at the 7.5 metre setback from an adjoining Low or Medium Density Zone.
- Where the side yard of a lot containing a building abuts a lot in the Low Density or Medium Density Zone, the building height above 12 metres shall be limited by a 45-degree angular plane measured from a height of 12 metres at the 3 metre setback from an adjoining Low or Medium Density Zone.
- Minimum separation distance between the point tower portions of adjacent buildings: 25 metres.

Figure 2. Illustration of Angular Plane.

The following subsections expands on a number of different options to specifically regulate high-rise and mixed use built form through zoning provisions.

3.4.1 Front Yard Setbacks and Build-To Lines

For mixed use zones, a smaller front yard setback is typically required and has been adopted within other municipal zoning by-laws such as Milton, Guelph, Oakville and St. Catharines, ranging from 0 metres to 3 metres. West Whitby's mixed use zones require a 0 metre front yard setback. In comparison, Vaughan's new Zoning By-law establishes a minimum front yard setback of 5 metres for high-density mixed uses. Generally, small front yard setbacks are put in place to help define the sidewalk and public realm and ensure street edges are not defined by parking or service areas. However, the consideration for ample pedestrian space and the provision of outdoor areas for entrances, patios, spill out retail and streetscape elements such as lighting, seating and public art, must also be considered.

The City of Vaughan's new Zoning By-law establishes a "build-to" line at or close to the edge of the street right-of-way for front yards. With a "build-to" requirement, a minimum percentage of a building must be located that distance or closer to the lot line. Vaughan

requires a build-to line between 5 to 10 metres for high-density mixed uses. This build-to line applies to a minimum of 60% (50% on a corner lot) of the street frontage and sets out the required minimum and maximum street setback range for a building fronting onto a street line. Barrie's mixed use zones set out a 1 metre minimum front yard setback for 75% of the frontage and a 5 metre maximum front yard setback for 25% of the frontage. Oakville requires a minimum of 75% of the length of all main walls to be located within the area on the lot defined by the minimum and maximum front yards or flankage yard. A build-to line can be considered for some of the new Mixed Use Zones, particularly where maintenance of a consistent street wall is desired or where an established street wall does not exist.

3.4.2 Podium Height

The podium is the lower portion of a building located at the street edge which typically ranges from 3 to 6 storeys in height. West Whitby's Mixed Use Zones require a 3 to 5 storey podium while Vaughan's new Zoning By-law requires 10.5 metres (approximately 3 storeys) to 20 metres (approximately 6 storeys). Newmarket's Zoning By-law requires a ground floor height of 5.5 metres, only along Yonge Street. Podium height requirements can assist in defining pedestrian enclosure along the street, while ensuring stepbacks begin at a certain height. However, the requirement for a specific measurement may not allow for the height of podiums to be developed in conformity with the surrounding built form.

Where an established street wall does not exist, it is recommended to require a minimum podium height of 3 storeys and a maximum podium height of 6 storeys for buildings 12 storeys or more.

3.4.3 Stepbacks and Angular Plane Requirement

In order to lessen the impact of a high-rise building on the street wall, public realm and adjacent properties, buildings can incorporate stepbacks. The requirement of a 45 degree angular plane for high-rise buildings has become more prominent over time, typically used in policy and urban design documents but more recently has been introduced in zoning, including West Whitby's Mixed Use Zones, as well by municipalities such as Vaughan, Guelph and Barrie. Typically, a 45 degree angular plane would be measured from the lot line of any adjacent low-rise zones to the top of the building (as illustrated by the diagram in **Figure 2** above from the Town's West Whitby mixed use provisions). In Guelph, the same applies to adjacent medium density residential zones, however the angular plane is measured from 10.5 metres above the average elevation at the required setback from the property line. This measurement is useful in controlling building heights and appropriate transitions, however its calculation typically requires professional interpretation and as a blanket standard in the new Zoning By-law, it may not allow for appropriate exceptions or alternative solutions. Nonetheless, a 45 degree angular plane requirement should be carried forward for lots

abutting a Low Density Residential Zone, which aligns with the recommended approach for the High Density Residential Zone as set out in the Phase 2 Residential Report.

Specific stepback requirements may also be established for portions of a building above a podium. Other zoning by-law's mixed use zones require a stepback for all portions of the building facing the street above a certain height. The height of these stepbacks range from above the 2nd storey to above the 6th storey. This setback would apply to both mid-rise and high-rise buildings. In addition, West Whitby's Mixed Use Zones require a minimum 3 metre set back of the tower portion of a building from the outer edge of the exterior wall of a podium. This requirement is recommended to be carried forward for buildings with a podium and tower.

3.4.4 Tower Separation

For high-rise buildings, a tower separation requirement of 25 metres or 30 metres from other high-rise towers is standard across other municipal zoning by-laws. West Whitby's Mixed Use Zones require a 25 metre separation distance. This requirement helps to create sufficient separation between habitable windows and mitigates shadow and massing impacts on the public realm. Where no high-rise buildings or towers currently exist, 12.5 to 15 metres is typically required from adjacent property lines to protect for a future 25 to 30 metre separation distance (split between each property). West Whitby's minimum 25 metre tower separation requirement is recommended to be carried forward.

3.4.5 Tower Floor Plate

Many municipalities in the Greater Toronto Area establish a maximum tower floor plate for tall buildings of 750 square metres, which assists in ensuring towers are compact. This requirement also helps to ensure privacy and sky views are preserved through development. Vaughan's Zoning By-law establishes a higher maximum tower floor plate of 850 square metres for high-rise mixed uses generally over 10 storeys. Similarly, Newmarket requires a maximum tower floor plate of 820 square metres above the 9th storey. A 750 square metre maximum tower floor plate is generally accepted as an appropriate standard and is recommended for high-rise buildings in Whitby's new mixed use zones above the height of a mid-rise building.

3.4.6 First Storey Height

A common provision for mixed use buildings implemented by other municipal zoning by-laws is a 4.5 metre first storey height requirement. Milton requires a 4 metre first storey height. For non-residential uses, West Whitby's Mixed Use Zones require a 3.5 metre first storey height. The intent of this provision is to permit a variety of non-residential uses and sufficient clearance for loading areas, or where the ground floor is occupied by residential uses in the first instance, it allows for the future conversion of ground-floor residential uses to commercial over time. It is important to note however, that requiring

this as a blanket provision may result in new buildings that do not integrate with the existing character of a streetscape where adjacent ground floor heights may be lower in older established areas such as Downtown Whitby or Downtown Brooklin. Therefore, a first storey height provision is only recommended where there is no established built form character in areas that are intended for new development and comprehensive redevelopment.

3.4.7 Street Wall Length

The street wall is the lower portion of a building that defines the street edge. Street walls can be defined by a number of other provisions discussed above, including podium height, step backs above a podium, minimum first floor height and build-to lines. Some zoning by-laws have established specific requirements such as Milton, which permits a maximum length of 60 metres for a main wall. This is common best practice seen in some zoning provisions, as well as urban design guidelines and documents. To align with best practices and recommended provisions for the High Density Residential Zone presented in the Phase 2 Residential Report, it is recommended to require a maximum building length of 60 metres to face the front lot line.

3.4.8 Fenestration and Openings into Buildings

The use of clear glazing and fenestration along the main wall of a building can assist in activating the public realm and enhancing visibility and safety. In some of their mixed use zones, Grimsby regulates openings into buildings (windows and doors), requiring that 40% of the main wall contains openings. There is the opportunity to require a certain percentage of glazing along the street, however in order to allow for flexibility in building design, this requirement may be best addressed within the Town's new Urban Design Guidelines which are currently in production.

3.4.9 Landscape Buffers

A few of the mixed use zones from other municipal zoning by-laws require a minimum landscape strip/buffer. Within the Innisfil Zoning By-law, landscape strips are required for front and exterior side yards (with minimum widths of up to 4 metres between zones), rear yards (minimum widths ranging from 1.5 to 3 metres) and interior side yards (ranging from 0 to 1.5 metres). Vaughan's mixed use zones require a landscape strip of 3.5 to 5 metres abutting a street line and 3 metres abutting a residential zone. St. Catharines and Milton also require landscape buffers for lots abutting residential zones (minimum 3 metres in St. Catharines and 4.5 metres in Milton). Milton additionally requires a 7.5 metre landscape buffer for lots abutting a provincial highway. Guelph requires a 3 metre wide landscape buffer adjacent to the lot line where a mixed use zone abuts any residential, institutional, park of natural heritage system zone. Based on these best practices, a landscape buffer for interior side and rear yards is recommended to be required where a mixed use zone abuts a residential zone, which may be in the 3 to 5 metre range.

4 Conclusions and Next Steps



This Report provides recommendations for the overall categorization of Whitby's new Mixed Use Zones as well as new uses and provisions. The recommendations contained within this Report will be carried forward in the specific organization, location and naming of these zones, as well as the consideration of overlays, in the next phase of this Study.

The overall approach to the consolidation of mixed use zones is to categorize them based on the Mixed Use designations of the Official Plan. Based on this approach, it is recommended to organize the zones based on how a mix of uses are to be accommodated and whether a residential component is required. Four main categories are recommended to form the basis of Whitby's new Mixed Use Zones, which differentiate based on the following requirements:

1. A mix of two or more uses on a site (which may or may not include residential);
2. A mix of residential and non-residential uses on a site;
3. A mix of residential and non-residential uses within a building; and
4. A mix of uses permitted but not required.

This Report provides a blueprint for the zone organization and the permitted uses and requirements. As this Study progresses and these requirements are refined, there may be a need to implement further provisions and/or permitted use requirements in order to ensure the Official Policies are fully implemented. Phase 3 of this Study will use the recommendations in this Report to develop the Town's new Comprehensive Zoning By-law.

