

May 2021

Phase 2 Structure Report

Town of Whitby Comprehensive Zoning By-law Study

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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 and 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 which include 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 for each of the issues identified in Phase 1.

The objective of this Phase 2 Structure Report is to provide strategic direction and a general blueprint for the overall structure of the Town's new Comprehensive Zoning By-law.

This report is broken down as follows:

Section 1: Provides an introduction to the Phase 2 Structure Report and a brief overview of the Phase 1 Structure Report.

Section 2: Outlines the recommended approach to zone organization within the new Comprehensive Zoning By-law.

Section 3: Provides an overview of recommendations for various layout and organizational elements to be included within the new Comprehensive Zoning By-law.

Section 4: Outlines the planned Table of Contents for the new Comprehensive Zoning By-law.

1.1 Phase 1 Structure Report

As part of the Phase 1 Structure Report, a comparative review and analysis of the structure, zone organization and mapping of Whitby's three existing Zoning By-Laws was undertaken. There is some consistency between how the three zoning by-laws are organized in terms of the overall order and having independent definitions and general provisions sections. However, there are also organizational differences, such as where parking and loading requirements and site specific exceptions are located within each of the zoning by-laws, as well as mapping consistency.

Based on a best practice review, the Phase 1 Structure Report considered a number of innovative structural and organizational options for the new Comprehensive Zoning By-law. The report described six structural options including:

- Approach 1: Traditional By-law
- Approach 2: Official Plan Categories
- Approach 3: Form Based Code
- Approach 4: Land Use Categories
- Approach 5: Overlay Zones
- Approach 6: Standard Sub-categories

As well, the Phase 1 Structure Report identified a number of tools to improve readability including use of user guides, tables, illustrations, organization of exceptions and coloured schedules. These optional tools are expanded on throughout this Phase 2 report.

2 Recommended Approach to Zone Organization



This section provides recommendations for the overall structure of the zones in the new Comprehensive Zoning By-law and how they will be organized, including the breakdown of zone categories and how the information in these zones is expressed. The recommended approach to the zoning categories is to simplify them as much as possible and provide flexibility where appropriate.

It is recommended that a combination of four of the six approaches reviewed in the Phase 1 Structure report be used in the new Comprehensive Zoning By-law.

Official Plan Categories

The recommended primary approach is to use Official Plan Categories to organize the zones. Each new zone will match the land use designations of the Whitby Official Plan, which will ensure the new Comprehensive Zoning By-law clearly aligns with and relates to the planning intent of the Official Plan and matches its permissions and provisions. This approach is used in West Whitby. This approach would entail, for example, that a Prestige Employment zone and a General Employment zone will be used, because the Official Plan contains Prestige Industrial and General Industrial designations. The parent Official Plan currently contains four main different commercial designations: Major Commercial, Community Commercial, Local/Convenience Commercial and Special Purpose Commercial and similar zone categories will be used.

For commercial, employment and institutional zone categories, this approach will lend itself to a generally permissive and flexible approach to the zoning, where broader categories of uses are permitted.

The Official Plan Category approach will be the starting point, however additional zones may be considered to reflect differences in secondary plans or existing zone provisions, based on the detailed analysis of the land use categories undertaken in the preparation of the Phase 2 reports. The requirement for additional zones will, for example, consider the multiple mixed use designations in the Official Plan and Secondary Plans. However, where possible, the approach should avoid creating a new zone for each unique land use designation in the Town's Secondary Plans as this could lead to duplication, confusion and an excessive number of zones. With the exception of the Brooklin Secondary Plan expansion area, which is outside the scope of this Study, the majority of the Secondary Plans with unique designations generally cover relatively small areas. As such, it is neither logical or efficient to introduce a new zone for every new designation. Further, many of the policies for the land use designations in the Secondary Plans relate and/or refer back to the parent designation in the overall Official

Plan. The relationship generally already exists between the parent Official Plan and Secondary Plan designations, and it is simply a matter of making sure any unique policy direction that comes out of the Secondary Plan policies is addressed through grouping similar secondary plan designations into one zone or potentially by addressing these designations or their requirements through site specific exceptions or through an overlay approach.

For the residential zones, a slightly different approach is required as there is only one Residential designation and one Estate Residential designation within the parent Official Plan. However, the parent Official Plan describes permitted uses and policies for three residential categories – Low Density Residential, Medium Density Residential and High Density Residential, which are also generally reflected in the Secondary Plans. These designations can be reflected in the zoning by-law. In certain low and medium and even high density designations, multiple zones may be required to reflect differences in secondary plans or to reflect the varied lot size, coverage and frontage characteristics in mature neighbourhoods. The zoning in the these mature neighbourhoods will be influenced by the Town's Mature Neighbourhood Study which is occurring concurrently with the Comprehensive Zoning By-law Study. Examination of the use of overlays or possibly subcategories, (described as Approaches 5 and 6 in the Phase 1 Structure Report), is recommended in order to reduce the number of zones and provide clarity and flexibility.

Overlay Zones and Sub-Categories

The second approach is the use of overlay zones and possibly sub-categories. It is recommended that natural hazards be shown as an overlay zone which sits on top of the parent zone. Natural hazards may change through detailed modeling and grading, so it is logical to have these areas as an overlay in the event that it is confirmed that the hazard is not present, or that it has been appropriately mitigated, and therefore the underlying zone can apply without any changes to the zoning.

Overlays can also be used to add a different provision that applies across a number of zones based on a specific parameter such as building height or lot coverage. Sub-categories can also be used to add a sub-category identifier to a zone in a similar way to overlays.

Overlays may also be used to identify Intensification Corridors and Intensification Areas or Heritage Conservation Districts where different zoning provisions may apply.

Form Based Zoning

In the mixed use zones, particularly those in Downtown Whitby, Downtown Brooklin and other Central Areas, a form based zoning approach will be considered. This approach focuses on the built form of the building rather than the uses, and it can provide

flexibility in terms of the uses in the building but greater certainly in terms of the bulk and massing of the building.

While this section of the report identifies the planned approach moving forward, the zone breakdown will be further investigated in each of the use-specific Phase 2 reports to come.

3 Layout and Organization



This section discusses a number of organizational tools recommended for the new Comprehensive Zoning By-law. This includes the introduction of a user guide section, the placement of the definitions section and the parking and loading requirements, the use of tables and illustrations and the organization of site specific exceptions and holding provisions, as well as the consideration of coloured zoning schedules and a numbering system in the zoning by-law.

3.1 User Guide Section

It is recommended that a user guide section be incorporated into the new Comprehensive Zoning By-law. User guides are typically located at the front of a zoning by-law and provide clarification as to how the document should be read and used. Its intent is to guide the reader through the process of finding the zoning information that is relevant to their property, including how to read the zoning maps and symbols and how to find the applicable provisions for a zone.

Some local municipalities that include a user guide within their zoning by-law are Ajax, East Gwillimbury, Milton, Newmarket and Oakville. Based on a review of example user guides, it is recommended that the general structure of the user guide be broken down into the following sections:

1. **Introduction**
   Provide a brief introduction to the user guide and explain its purpose. State that the user guide is not legally an operable part of the zoning by-law and should only be used for the purpose of clarification and understanding.

2. **Purpose of the Zoning By-law**
   Explain the purpose of the zoning by-law, including its connection to the Official Plan and what the by-law can and cannot regulate and why. Describe the context of the Town's overall zone structure within the context of the Official Plan.

3. **How to Use this Zoning By-law**
   Provide a set of steps that guide the reader through using the zoning by-law, as follows:

   1. Locate the property on a map and identify any site specific provisions;
   2. Check the permitted uses for the zone;
   3. Check the standards for the zone;

4. Check the general provisions that may be applicable;
5. Review the parking and loading requirements that apply to the permitted use or area; and
6. Check the requirements of site specific provisions that apply, as identified in step 1.

4. **Description of By-law Components (Optional)**
   Provide an overview of each section of the zoning by-law in order as they appear within the document, with a brief description of the purpose and intent of each.

3.2 Definitions Section

It is recommended that the definitions section of the new Comprehensive Zoning By-law be included at the beginning of the document, prior to the general provisions section, as is most common in other municipal zoning by-laws. Terms that are defined should be bolded throughout the text of the by-law to be consistent with accessibility requirements. Italics and underlines do not meet accessibility standards and are not recommended to identify definitions or to be used otherwise in the zoning by-law.

3.3 Parking and Loading Section

In older zoning by-laws, parking and loading requirements were often located within a general provisions section. However, the modern standard for these sections, as seen in the example zoning by-laws reviewed, is to address these requirements separately in their own section. The benefit of having parking and loading information in a separate section is that it is easier for a reader to find the information that they need.

3.4 Use of Tables

The use of tables is recommended throughout the new Comprehensive Zoning By-law where they can be used to simplify information in a manner that is clear and easy to understand for the reader. Tables should be used to simplify the following information, in addition to any other information that is more easily conveyed in a table format:

- Permitted uses;
- Zone regulations;
- Parking requirements;
- Site Specific Exceptions; and
- Holding zones.

3.5 Use of Illustrations

Illustrations can assist in explaining key concepts and definitions. The use of illustrations is recommended for the new Comprehensive Zoning By-law to illustrate the following concepts:

- Determination of building height;
- Minimum parking space size;
- How yards are measured/yard setbacks;
- Dwelling types (single detached dwellings vs. semi detached dwellings vs. duplex dwellings, etc.);
- Types of lots (interior, exterior, through, etc.); and
- Any other illustrations as considered appropriate and useful in aiding understanding of the contents of the zoning by-law.

3.6 Organization of Site Specific Exceptions

The preliminary recommendation is to sort site specific exceptions by zone and locate them at the back of each zone section. It is further recommended that these exceptions be organized within a table to reduce text and simplify them. By setting out site specific exceptions by zone, the numbering of each zone exception can start at #1, which means more of them can stay in the single and double digits. It is recommended that they be labeled with the zone, for example R2-12, which would denote Site Specific Exception number 12 of the R2 zone.

However, this organization becomes difficult where a single site specific exception covers multiple zones, as is the case with extensive Draft Plan of Subdivision exceptions. Throughout Phase 3 of this Study, the site specific exceptions will be reviewed in detail and consideration for those that cover multiple zones will determine if organization by zone is feasible.

3.7 Organization of Holding Provisions

Holding zones are generally identified by adding the letter “H” after the zone symbol and having specific requirements that need to be met before the holding can be removed. It is recommended that a separate section within the new Comprehensive Zoning By-law be dedicated to holding zones, making it easier to find the requirements of lifting the hold. It is further recommended that these holding provisions be organized within a table. Likewise, a similar temporary use section is also recommended.

3.8 Coloured Zoning Schedules

Whitby’s current zoning by-law schedules follow the same black and white format of traditional zoning by-laws, with a thick boundary outline and symbol used to identify

each zone. There are both benefits and drawbacks to introducing coloured zoning schedules. The use of colour can help improve readability and assist in identifying different zones. However, it may not always meet accessibility standards.

Pending the ultimate number of zone categories of the new Comprehensive Zoning By-law, coloured zoning schedules will be considered. However, one reason to abandon this approach would be if ultimately there are too many zones, making a coloured schedule logistically unfeasible. Issues will arise if many different zones are created and the colours cannot be distinct enough to distinguish between them, causing confusion between zones.

There is also an opportunity to use hatching to distinguish zones or overlays as well.

It is recommended that labeling be used in addition to the use the of colours, in the case where schedules are photocopied which may lessen the distinction between colours. What the zoning schedules look like online, as well as on paper, will be considered in order to ensure consistency and accessibility in both forms.

3.9 Zoning By-law Section Numbering

The simpler the numbering system of the new Comprehensive Zoning By-law, the easier it is for a reader to reference and cross reference a provision. A consistent numbering system will be used to reduce confusion. Numbers should be used for main sections of the zoning by-law, and letters should be used for subsections. Effort will be made to organize the zoning by-law in a manner that reduces the number of subsections within subsections. For example, Zoning By-law 1784 contains the following section: 5Eiii)ix)2k)iii) which is a poor example of numbering. Roman numerals will be avoided as they become too long and difficult to understand as the number gets higher.

4 New Comprehensive Zoning By-law Table of Contents



Based on the above discussions, the following is the planned Table of Contents for the new Comprehensive Zoning By-law.

1. User Guide
2. Administration and Interpretation Section
3. Definitions
4. General Provisions
5. Parking and Loading
6. Residential Zones
7. Mixed Use Zones
8. Commercial Zones
9. Employment Zones
10. Institutional Zones
11. Open Space Zones
12. Rural and Agricultural Zones
13. Natural Heritage Zones
14. Hazard Overlay
15. Development Zones
16. Holding Zones
17. Temporary Uses
18. Zoning Schedules.

5 Conclusion and Next Steps



This report outlines the recommended structure and organization of the new Comprehensive Zoning By-law along with tools to make the by-law easier to read and understand. The next steps in the Study include detailed reports on the respective land use/zone categories. These reports will further identify how the individual zone categories will be organized.

