

January 2022

Phase 2 Other Zones Report

Town of Whitby Comprehensive Zoning By-law Study

Prepared By: SGL Planning & Design Inc.

Prepared For: Whitby

IN THE ZONE

Table of Contents

1 Introduction 1
2 Agricultural Designation 3
2.1 Description of Designations 3
2.2 Description of Zones 4
2.3 Proposed New Zone 4
2.4 Discussion on other Zones 6
3 Cemetery Zones 8
3.1 Description of Designations 8
3.2 Description of Zones 8
3.3 Proposed New Zone 9
4 Development Zones 10
4.1 Description of Designations 10
4.2 Description of Zones 10
4.3 Proposed New Zone 10
5 Institutional 12
5.1 Description of Designations 12
5.2 Description of Zones 14
5.3 Discussion of Institutional Zones in Other Designations 14
5.4 Proposed New Zone 15
6 Natural Heritage and Hazard 18
6.1 Natural Heritage and Hazard Designations 18
6.2 Description of Zones 22
6.3 Proposed New Zone 22
6.4 Highly Vulnerable Aquifer 26
7 Open Space 29
7.1 Description of Designations 29
7.2 Description of Zones 31
7.3 Discussion on other Zones 31
7.4 Proposed New Zone 31

8 Other – Utilities Designation 34

8.1 Description of Designations 34

8.2 Description of Zones 34

9 Summary and Next Steps 35

.

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 Comprehensive 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, 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.

Following separate Residential, Commercial, Mixed Use and Employment reports, the objective of this report is to provide strategic direction and a general blueprint for the breakdown, structure, permissions and provisions of the remainder of the Zones, which generally include:

- Agricultural Zones;
- Cemetery Zones;
- Development Zones;
- Institutional Zones;
- Natural Heritage and Hazards Zones; and
- Open Space Zones.

For the purpose of this report, these Zones are collectively referred to as "Other Zones" The objective of this Phase 2 Other Zones Report is to provide strategic direction and a general blueprint for the breakdown, structure, permissions and provisions of the Town's new other zones. As a basis for structuring the zones, the different designations of the Official Plan and Secondary Plans were examined and thus the designation categories form the basis for the organization of this report.

This Report is broken down as follows:

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

Section 2: Agricultural – Provides an overview of a new proposed Agricultural (A) Zone.

Section 3: Cemetery – Provides an overview of the strategy for areas designated Cemetery and zoned for cemeteries.

Section 4: Development –Provides an overview of a new proposed Development (D) Zone.

Section 5: Institutional – Provides an overview of a new proposed Institutional (I) Zone.

Section 6: Natural Heritage and Hazards– Provides an overview and strategy for areas designated Natural Heritage and Hazards.

Section 7: Open Space– Provides an overview and strategy for areas designated Open Space including a new proposed Open Space (OS) Zone.

Section 8: Provides an overview and strategy for areas designated Utilities.

Section 9: Conclusions and Next Steps – Provides a summary of the report and addresses next steps for the Study.

2 Agricultural Designation

2.1 Description of Designations

There are two Agricultural designations in the Official Plan. The first is the Agricultural designation in the parent Official Plan (Schedule A) and the second is the Agriculture designation in the Oak Ridges Moraine Secondary Plan (Schedule R). These designations occur north of Winchester Road and around Brooklin as illustrated in **Figure 1**.

The Agricultural designation in the parent Official Plan currently permits agricultural uses, agriculture-related uses and on-farm diversified uses, though the latter two require a site specific zoning by-law amendment. Under the policies of the Official Plan section 4.10.3.4., “Fish, wildlife, and forest management uses, conservation and erosion control projects, and mineral aggregate extraction in accordance with Section 4.12 of this Plan, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, where applicable, are generally discouraged, however may be permitted following the completion of an agricultural impact assessment, where appropriate.”

The Oak Ridges Moraine Agriculture designation permits all the same uses as the parent Official Plan, as well as fish, wildlife and forest management, conservation projects and flood erosion control projects and low intensity recreational uses.

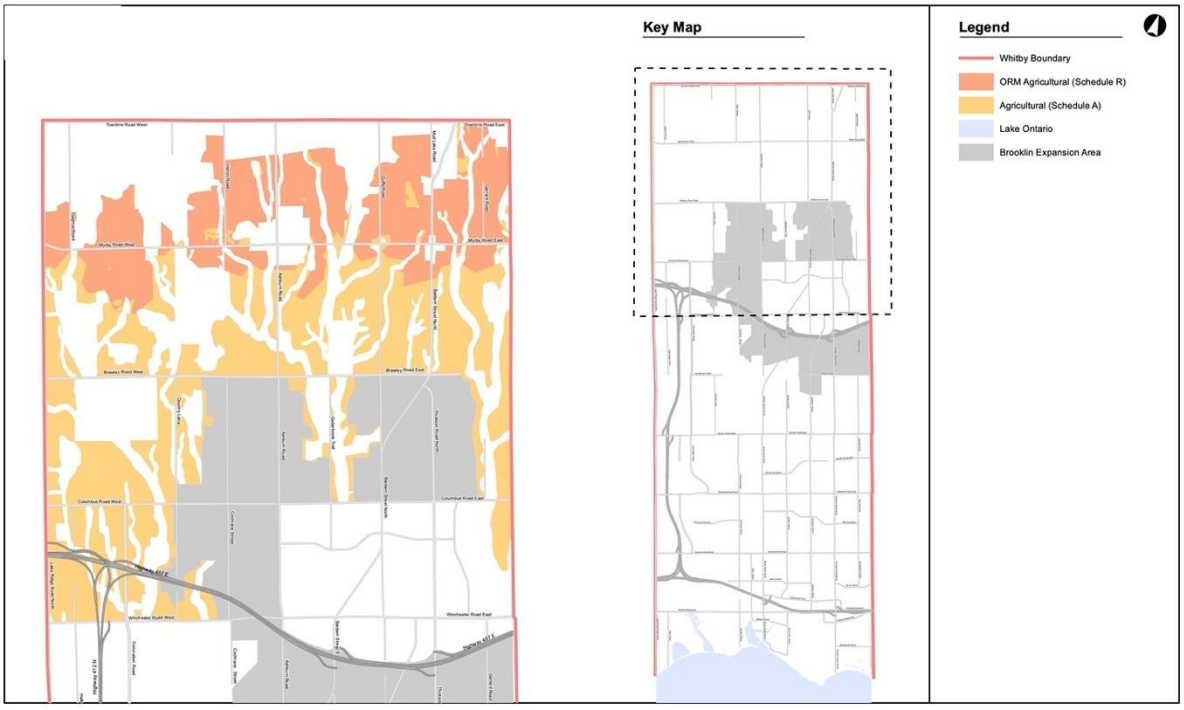


Figure 1. Location of Agricultural designations in Whitby

Another key difference between the Agricultural designation in the parent Official Plan and the Oak Ridges Moraine Agricultural designation is the date of which an “existing” lot, building or use that does not conform to the Official Plan or applicable Zoning By-law is permitted. This date is November 15, 2001 within Oak Ridges Moraine Plan whereas the parent Official Plan does not have the same specifications or define “existing” in reference to the agricultural policies.

2.2 Description of Zones

The primary zone present within the parent Official Plan Agricultural land use designation is the Agricultural (A) Zone. There is also one small site with site specific zoning “Agricultural Exclusive Zone” (AE) within By-law 1784, as well as two sites zoned Residential (R2) and (R3) respectively, the latter two of which were discussed in the Residential Report.

The zones present within the Oak Ridges Moraine Secondary Plan Agricultural land use designations includes Oak Ridges Moraine Agricultural (ORM-A) Zone and one property zoned ORM-R3-1 located outside of Myrtle Station. These zones are confined to Zoning By-law 5581-05.

There are two other agricultural zones, Agricultural Service (A1) Zone in Zoning By-law 1784 and ORM-A1 Zone in Zoning By-law 5581-05. These Zones are not located in the Agricultural designation, but rather in the Brooklin Community and Hamlet of Ashburn, respectively. The appropriate new zoning for these two sites are discussed further in the next section.

2.3 Proposed New Zone

One Agricultural Zone that permits agricultural uses as set out in the Parent Official Plan should be created and should model it’s provisions after the two existing Agricultural Zones within Zoning By-law 1874 and Zoning By-law 5581-05, both of which permit agricultural uses and conservation and forestry uses. A scope of permitted uses and provisions for a new Agricultural (A) Zone is set out in **Figures 2** and **3**.

Further discussion is required to determine if the ORM-A Zone should be maintained to address the relatively minor differences in the designation or whether the differences can otherwise be addressed in the Zoning By-law.

	1784	5581-05	
Zone	A	ORM-A	New Agricultural Zone
Single detached dwelling	-	✓	✓
Single detached dwelling provided that such dwelling is owned by a person actively engaged in a full time farm operation on the lot in which the dwelling is to be erected and used;	✓	-	-
One additional single detached farm dwelling provided that such dwelling is used by persons employed on the farm lot on a full time basis.	✓	-	✓
One single detached dwelling unrelated to farming provided the dwelling is contained on a lot held under distinct and separate ownership from abutting lands as a lot of record as shown by a registered conveyance in the records of the Registry Office or the Land Titles Office as of March 14, 1994, and such single detached dwelling shall only be permitted on a lot of record subject to the lot having a minimum area of 2,785 m2 , being on private services, having a minimum frontage of 45 m and subject to compliance with the zone provisions set out in Schedule "A" of this By-law and provided further that such lot was on March 14, 1994, vacant of all buildings except where such buildings were accessory buildings or structures considered appropriate and incidental to the use of the lot for a single detached dwelling use.	✓	-	-
Agricultural uses	✓	✓	✓
Farm produce	✓	✓	✓
Conservation uses	✓	✓	✓
Public use	✓	-	-
Golf course which existed before March 1994	✓	-	
Forestry	✓	-	-

Figure 2: Whitby Zoning By-law New Agricultural Permissions

The references to single detached dwellings in **Table 2** are proposed to be simplified to permit single detached dwellings and one additional dwelling for employees. As the new Comprehensive Zoning By-law is prepared, the latter use is planned to be defined as a help-house or similar term to simplify the ultimate permitted use table. The permission of a single detached dwelling in this table would permit the use on any existing lot. The policies of the Official Plan will prevent the further severance of non-agricultural lots, thus the lengthy permissions in the second and fourth row in **Figure 2** are not necessary.

By-law	1784	5581	5581		
Zone	A	ORM-A (Non-Residential Uses)	ORM-A (Residential Uses)	New Agricultural Zone	New Agricultural Zone (Residential Uses)
Min. Lot Area	40ha	40ha	2785m2	40ha	2785m2
Min. Lot Frontage	60m	60m	45.5m	60m	45.5m
Max. Lot Coverage	10%	10%	10%	10%	10%
Min. Front Yard	15m	15m	15m	15m	15m
Min. Rear Yard	15m	15m	15m	15m	15m
Min. Interior Side Yard	15m	15m	4.5m	15m	4.5m
Min. Exterior Side Yard	15m	15m	15m	15m	15m
Minimum Ground Floor Area	-	-	1 Storey: 139m2 1.5 Storey: 111m2 2 Storey: 84m2	-	-
Max. Height	-	-	10.5m	-	10.5m

Figure 3: Whitby Zoning By-law New Agricultural Lot and Yard Provisions

The lot and yard provisions in the new Agricultural Zones are recommended to stay the same as they are consistent amongst both Agricultural Zones. The ORM-A Residential provisions provide appropriate standards for rural residential lots. Continuation of these provisions are appropriate to allow for expansion of existing dwellings on small rural lots, new dwellings on existing lots of record or surplus farm dwellings without requiring additional variances. It is recommended that these provisions be included in both the new Agricultural Zone and in the ORM-A Zone if it is maintained. However, the minimum ground floor area requirement is not recommended to be maintained.

2.4 Discussion on other Zones

There are some instances of Agricultural Zones occurring outside of the agricultural designations. The Agricultural Zones in the Major Open Space designation will be discussed under that section of this report. There are also instances of agricultural zoning in the Urban Areas that are designated for development. A couple of options are available for these situations:

- Option 1: Keep the Agricultural Zone to permit the lands to be farmed until developed. However, provisions should be in place to restrict livestock in these areas, unless this type of use currently exists;
- Option 2: Re-zone these properties to a Future Development Zone discussed later in this report; or
- Option 3: Pre-zone in accordance with the Official Plan/Secondary Plan land use designation. For example, as discussed in the employment report, large areas of the Industrial Designations in the Brooklin Secondary Plan are zoned Agricultural and could be pre-zoned for employment uses.

The vacant A-1 site in the Brooklin Secondary Plan is surrounded by the A Zone. The A-1 zoned site should be zoned to match whatever is done with the surrounding A Zone per the three options laid out above.

There is also an ORM-A1 Zone site in the Hamlet of Ashburn. This Zone permits only an agricultural implement sales and service outlet and the storage and sale of agricultural supplies. This site will be addressed through a site specific commercial zone rather than a unique Agricultural Zone.

3 Cemetery Zones

3.1 Description of Designations

There is only one Cemetery designation in the Official Plan, the Open Space (Cemetery) designation in the Rossland/Garden Urban Central Area Secondary Plan (Schedule J). This designation is located north of Rossland Road West, east of Brock Street North, as illustrated on **Figure 4**.



The designation recognizes the presence of the existing cemetery in this location. In addition, there is the Major Open Space designation which contains a Cemetery symbol in the Port Whitby Community Secondary Plan (Schedule F). The policies in that designation recognize the existence of a place of worship and cemetery as a heritage site in the community.

In addition to cemetery land use designations within the Official Plan, there are also a number of existing cemeteries located in other designations throughout the municipality.

Figure 4. Location of Cemetery designations in Whitby

3.2 Description of Zones

Whitby's existing Zoning By-laws contain two Cemetery Zones. The Cemetery (G) Zone in Zoning By-law 2585 and the Cemetery (CE) Zone in Zoning By-law 1784.

Neither of these is present within the Official Plan Open Space (Cemetery) designation shown on Figure 4. The applicable zoning on that property is the Second Density Residential (R2) Zone, which does not conform with the Official Plan as the Zone permits single detached dwellings, converted dwellings golf courses and private athletic clubs. The existing zoning also does not align with the current use of the land: an existing cemetery.

The Zone applicable to the Major Open Space - Cemetery designation located at the northeast intersection of Brock Street and Victoria Street in the Port Whitby Secondary Plan is the Cemetery (G) Zone referred to above.

The are no properties in the Study area zoned Cemetery (CE) under Zoning by-law 1784; the only instance of that Zone occurs in the Brooklin Expansion area that is not part of this Study.

3.3 Proposed New Zone

Two options are proposed for cemeteries:

> Option 1: A Cemetery Zone - Like in the existing Zoning By-laws, a Cemetery Zone could be carried forward to exclusively permit this use. This is a relatively unique approach since, as identified in the Phase 1 Other Zones report, most Zoning By-laws simply permit the use in their institutional zones. It also adds to the overall number of zones.
>
> Option 2: Permit the Cemeteries in another zone - Cemeteries could be permitted as-of-right in the Institutional Zone and all Cemetery Zones would be rezoned accordingly.

No matter the option chosen, as part of development of these zones, further consideration will need to be given as to whether crematoriums should be permitted as-of-right as an accessory use to existing cemetery/funeral establishments.

In addition to rezoning the properties identified in this section, there are a number of existing cemeteries that are in Agricultural or Residential Zones which should be rezoned as appropriate to reflect the existing uses. These existing cemeteries will need to be further identified with the Town.

4 Development Zones

4.1 Description of Designations

Although there is no Future Development designation in the Official Plan, the policies of the Official Plan permit the use of development zones. Policy 10.1.6.2 permits the establishment of a future development zone that permits agricultural uses or other interim uses. The intent of this policy is to permit some limited uses of the land until "Council is satisfied that the resulting development would not be premature." At that time, the lands can be rezoned for the use intended under the Official Plan designation. There are several development zones that apply across the Town.

4.2 Description of Zones

The Development Zones include the D(R) and D(NR) that are used in both Zoning By-laws 1784 and 2585. The D(R) Zones in both by-laws allow for single detached dwellings whereas the D(NR) Zones do not. Both Zones permit a range of non-livestock agricultural uses including field and tree crops, apiaries, aviaries etc.

There is one Development (D) Zone within Zoning By-law 1784 that is located south of Burns Street and implements a Residential designation.

The D(R) and D(NR) Zones in Zoning By-law 1784 are concentrated mostly between the Brooklin Expansion Area and are spread out in the southern portion of Whitby. The D(R) Zones apply to lands that are designated Residential and Major Open Space. The D(NR) Zones mostly occur on lands designated Residential, though some are found in the Mixed Use, Major Open Space, Prestige Industrial and Special Purpose Commercial designations.

The D(R) Zones in Zoning By-law 2585 are located mostly south of Rossland Road and north of Burns Street. The Zones are located on lands designated Residential and Major Open Space. The D(NR) Zones, in Zoning By-law 2585, are located between Gordon Street and South Blair Street, just north of Lake Ontario and are found on lands designated Residential, Major Open Space and Special Purpose Commercial.

4.3 Proposed New Zone

A single Development Zone would simplify the intent of the Development Zones rather than applying two different Development Zones based on the intended future land use. As such, it is recommended that a single development zone should be created and applied in all locations currently zoned D, D(R) or D(NR) under either by-law. The Zone should permit existing single detached dwellings, as well as forestry, conservation and agricultural uses excluding livestock. Currently the Zones permit greenhouses and

market gardens. If these permissions are kept, then setback and maximum height standards should be applied to the Zone. Otherwise, only existing buildings could be permitted to encourage the redevelopment of the site.

5 Institutional

5.1 Description of Designations

Within the Town of Whitby Official Plan, there is a parent Institutional designation as well as seven Institutional designations noted within the Secondary Plans, including the following:

- Community/Institutional in the Port Whitby Community Secondary Plan (Schedule F);
- Institutional in the Lynde Shores Secondary Plan (Schedule G);
- Institutional in the Downtown Secondary Plan (Schedule H);
- Institutional in the Rossland/Garden Urban Central Area Secondary Plan (Schedule J);
- Institutional in the Brooklin Community Secondary Plan (Schedule K);
- Institutional in the Brock/Taunton Major Central Area Secondary Plan (Schedule N); and
- Corporate Office/Institutional in the Brock/Taunton Major Central Area Secondary Plan (Schedule N).

The locations of these designations are illustrated in **Figure 5**. There are no instances of the Institutional designation in the Official Plan occurring outside of the Secondary Plans.

The Institutional designation in the parent Official Plan currently permits a range of public uses including hospitals, civic administration centres, government facilities, and postsecondary education facilities. Community uses are also be permitted including places of worship, community centres, day care centres, schools and libraries, as well as other uses such as art and cultural facilities, and long-term care facilities.

All of the Institutional designations within the respective Secondary Plans generally permit the same uses as the parent Official Plan Designation, except as noted to follow.

Lands designated as Community/Institutional in the Port Whitby Community Secondary Plan (Schedule F) additionally permit uses permitted in the Mixed Use Residential One designation which includes multiple unit residential uses, small-scale commercial, cultural and office uses.

Lands designated as Institutional in the Lynde Shores Secondary Plan at the former Whitby Psychiatric Hospital also permits additional uses, including residential and professional offices.

Note, lands designated Corporate Office/Institutional in the Brock/Taunton Major Central Area Secondary Plan (Schedule N) are addressed in the Employment Report prepared separately as part of this Study.



Figure 5. Location of Institutional designations in Whitby

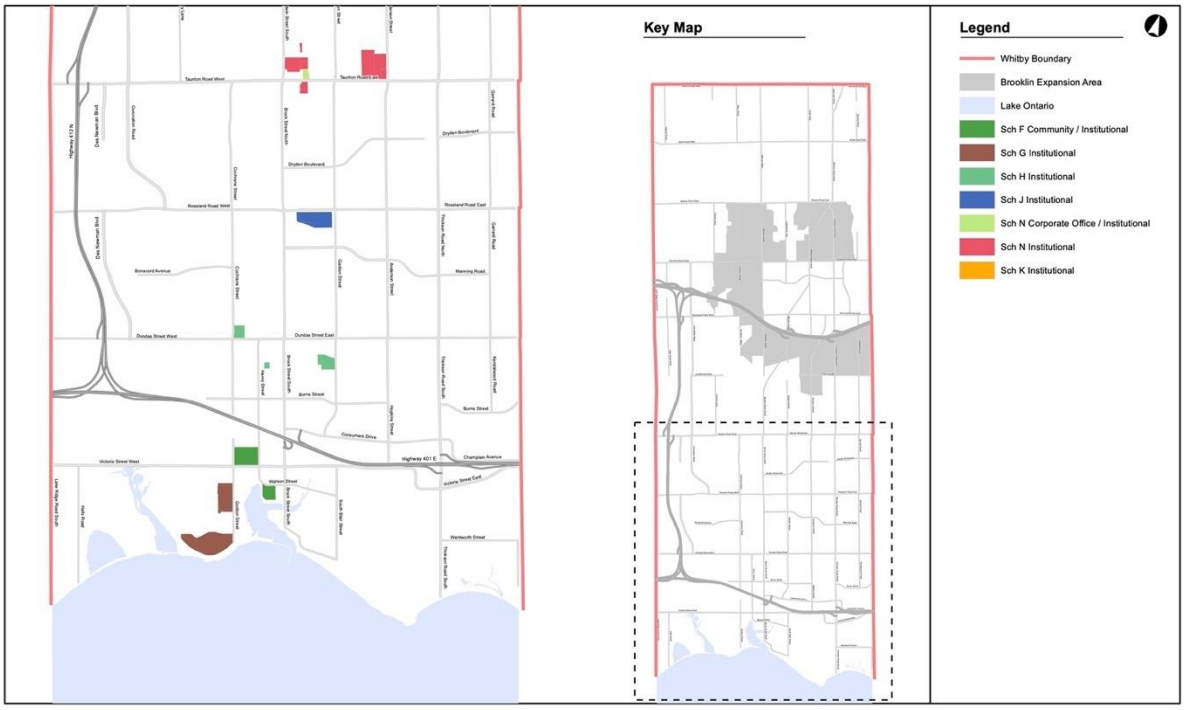


Figure 6. Location of Institutional designations in Whitby

5.2 Description of Zones

The zones present within the Port Whitby Community Secondary Plan (Schedule F) Institutional land use designation include:

- Harbour Industrial (MH) Zone; and
- Open Space - Recreational Complex (OS-RC) Zone.

The zones present within the Lynde Shores Secondary Plan (Schedule G) Institutional land use designations include:

- Institutional (I) Zone; and
- Open Space (OS) Zone including site specifics.

The zones present within the Downtown Secondary Plan (Schedule H) Institutional land use designations include:

- Institutional 1 Downtown (I1-DT) Zone; and
- Institutional 2 Downtown (I2-DT) Zone.

The zones present within the Brooklin Community Secondary Plan (Schedule K) include:

- Institutional (I*) Zone.
- Institutional Village of Brooklin (I-VB) Zone
- Brooklin Secondary Plan Institutional (I-BP) Zone

The institutional zones occurring within the other secondary plans include only the Institutional (I*) Zone.

5.3 Discussion of Institutional Zones in Other Designations

There are two additional Institutional Zones in the Zoning By-laws which fall outside of the Institutional designations: the West Whitby Institutional (IWW) Zone in Zoning By-law 1784 and Oak Ridges Moraine Institutional (ORM-I) Zone in Zoning By-law 5581-05, both of which are not located in any Institutional designation. The IWW Zone is found in several Residential designations and the ORM-I Zone is located in the Hamlet of Ashburn within the ORM Rural Settlement Designation.

There are also incidents of the other Institutional Zones, including the Institutional I Zones of Zoning By-law 1784 and 2585, as well as the I1-DT and I2-DT Zone, that are outside of the Institutional designations, in other designations. Zoning By-law 2585's I, I1-DT, I2-DT Zones are found predominantly in Residential designations. This is not an issue as institutional and community uses including places of worship, community centres, day care centres, long term care and retirement homes, libraries, schools and parks are also permitted in the Residential designation. The I Zone is additionally located in Mixed-use and Major Open Space designations.

Zoning By-law 1784's I*, I-BP, I-VB and IWW are found in several Residential designations.

5.4 Proposed New Zone

The existing Institutional Zones generally permit the same uses and could be carried forward as one comprehensive Institutional (I) Zone that is modelled after the Official Plan policies. As well, because of the similarity in policy permissions within the Institutional designation, one zone is considered appropriate. A scope of permitted uses and provisions for a new Institutional (I) Zone is set out in **Figure 7** and **8**.

Zoning By-law	1784	1784	1784	1784	2585	2585	2585	5581-05	
Zone	I*	I-BP	I-VB	IWW	I	I1-DT	I2-DT	ORM-I	New Institutional Zone
Accessory residence	-	✓	✓	-	✓	✓	-	-	✓
Assembly Hall	-	-	-	✓	-	-	-	-	✓
Arena	-	✓	-	-	✓		-	-	✓
Artist or photographic studio of a public agency	-	-	✓	-	-	✓	-	-	-
Boy scouts association use	-	✓	-	-	✓	-	-	-	-
Church (Place of Worship)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Clinic	-	-	✓	-	-	✓	-		✓
Community centre	✓	✓	✓	✓	✓	✓		✓	✓
Crisis Centre	-	-	✓	-	-	✓	-	-	✓
Daycare centre/nursery school	✓	✓	✓	✓	✓	✓	✓	✓	✓
Existing Institutional Use	-	✓	-	-	-	-	-	-	-
Fire Station	-	-	✓	-	-	-	-	-	-
Fraternal lodge or association	✓	✓	-	-	✓	-	-	-	✓
Girl guides association use	-	✓	-	-	✓	-	-	-	-
Homes for the aged/County home for the aged	-	-	-	-	✓	✓	-	-	-
Institutional hall	✓	✓	-	-	✓	-	-	✓	-
Jail	✓	✓	-	-	✓	-	-	-	-
Library of a public agency	-	-	✓	-	-	✓	-	-	✓
Long term care facility	✓	✓	✓	✓	✓	✓	-	-	✓
Municipal arena	✓	-	-	-	-	-	-	-	-
Museum of a public agency	-	-	✓	-	-	✓	-	-	✓
Offices of a public agency/Office of the Corporation, the Region, the Province of Ontario or the Dominion of Canada	-	✓	✓	-	✓	✓	-	-	✓
Private club	-	-	✓	-	-	✓	-	-	-
Private park	-	-	-	-	-	-	-	-	✓
Private school	-	✓	✓	-	✓	-	✓	-	✓
Public park	-	-	✓	-	-	✓	✓	-	✓
Public or private hospital	✓	✓	✓	-	✓	✓	-	-	✓
Public service	-	-	✓	-	-	✓	✓	-	-
Public use	-	✓	-	-	✓	-	-	-	-
Retirement home	-	-	✓	-	-	✓	-	-	✓
School	✓	✓	✓	✓	✓	-	✓	-	✓
Sewage treatment plant	-	✓	-	-	✓	-	-	-	-
Theatre of a public agency	-	-	✓	-		✓	-	-	✓
Water supply plant		✓	-	-	✓	-	-	-	-
YMCA or YWCA	-	✓	-	-	✓	-	-	-	-

Figure 7. Whitby Zoning By-law New Institutional Permissions

Some notes on the permitted uses outlined in **Figure 7:**

- Studio by a public agency is removed as this would be covered by museum;

- Boy School and Girl Guides are removed as they are too specific and would be captured by fraternal lodge or association; the definition of which should be revised to capture those associations;
- Existing institutional use is removed as this would be captured by the other permitted uses in the table;
- Fire Station is removed as this would be a public use permitted everywhere under the general provisions;
- Home for the aged is removed as this would be captured by a retirement or long-term care home;
- Jail is removed as no jails exist in Whitby and any new jails should go through a Zoning By-law Amendment;
- Municipal arena is removed as it is captured by arena;
- Private club is removed as it would be the same as fraternal organization;
- Public use and service are removed as these will be addressed in the general provisions section of the new Comprehensive Zoning By-law; and
- YMCA and YWCA are removed as it would be addressed by the community centre permission.

	1784	1784	1784	1784	2585	2585	2585	5581-05	
Zone	**I**	**I-VB**	**I-BP**	**IWW**	**I**	**I1-DT**	**I2-DT**	**ORM-I**	**New Institutional Zone**
Min. Lot Area	-	525m2	-	-	-	-	500m2	-	-
Min. Lot Frontage	-	15m	-	-	-	-	20m	-	-
Min. Lot Depth	-	35m	-	-	-	-	30m	-	-
Max. Lot Coverage	50%	30%	30%	-	30%	30%	40%	50%	-
Min. Front Yard	15m	Established Front Building Line	7.5m	4m	7.5m	Established Front Building Line	12m	15m	4m
Min. Rear Yard	10m	7.5m	7.5m	7.5m	7.5m	7.5m	15m	10m	7.5m
Min. Interior Side Yard	10m	1.5m/storey	7.5m	3m	6m	1.5m/storey	7.5m but 12m abutting a residential zone	10m	3m
Min. Exterior Side Yard	10m	4.5m	7.5m	4m	7.5m	7.5m	7.5m	10m	4m
Landscaped Open Space	-	20%	30%	30%	30%	20%	25%	-	30%
Max. Height	15m	10.5m	8 Storeys, with additional setbacks above 12m in height	15m	8 Storeys, with additional setbacks above 12m in height	3 storeys	3 storeys	15m	15m (1)

(1) Except that 8 storeys is the maximum height for hospitals, retirement homes and government offices

Figure 8. Whitby Zoning By-law New Institutional Provisions

In terms of the lot and yard provisions, there is a great deal of variability in the current Institutional Zones as shown in **Figure 8**. This variability is in part related to the different lot, yard and building requirements for different institutional uses. Given the variability of uses permitted, there is no need for minimum lot or frontage sizes as all will be based on the size required to accommodate the facility. The West Whitby Institutional Zone is the most recent Institutional Zone, and it is intended to permit a range of institutional uses. As such, it is recommended that the provision in West Whitby Institutional Zone (see **Figure 8**) provide the basis for the new zone. However, for hospitals, retirement homes and government offices, a greater maximum building height should be permitted. It is therefore recommended that the 8-storey maximum height in the I-BP and I Zones be maintained for those uses.

6 Natural Heritage and Hazard

6.1 Natural Heritage and Hazard Designations

There is no distinct Natural Heritage designation in the parent Official Plan. Rather, areas containing natural features are designated Major Open Space as illustrated in **Figures 17**, **18** and **19**. Much of the area designated as Major Open Space represents natural heritage features as well as floodplain areas, large parks, hydro corridors and parts of rail corridors. As a result, it is difficult to differentiate the natural heritage features as a designated entity.

However, the Natural Heritage System and Natural Hazards are delineated separately on Schedule C of the Official Plan and could be used as the basis for zoning as shown in **Figures 9** and **10**. In the areas where the Natural Heritage System and Natural Hazards apply, the policies of Section 5 of the Official Plan, Environmental Management, apply. Section 5 outlines that the only permitted uses in the Natural Heritage System include: conservation, flood and erosion control, fish, forest and wildlife management, passive recreation such as trails and supporting structures and existing agricultural uses. Development in natural hazards require approval from the Conservation Authority.

There are eleven different Natural Heritage and Hazard designations in the Official Plan, including the following:

- Business Park and Low Hazard Lynde Shores Secondary Plan (Schedule G);
- Hazard Lands in the Thickson/Taunton Community Central Area Secondary Plan (Schedule O);
- Environmental Protection in the Port Whitby Community Secondary Plan (Schedule F);
- Non-Developable in Hamlet of Ashburn Secondary Plan (Schedule M);
- Hazard Lands in the Brock/Taunton Major Central Area Secondary Plan (Schedule N);
- Hazard Lands in the Taunton North Community Secondary Plan (Schedule P);
- Natural Linkage in the Oak Ridges Moraine Secondary Plan (Schedule R);
- Oak Ridges Moraine Environmental Protection Designation in the Oak Ridges Moraine Secondary Plan (Schedule R);
- Environmental Protection in the West Whitby Community Secondary Plan (Schedule V);
- Natural Hazards in the Brooklin Community Secondary Plan (Schedule K); and
- Natural Heritage System in the Brooklin Community Secondary Plan (Schedule K).

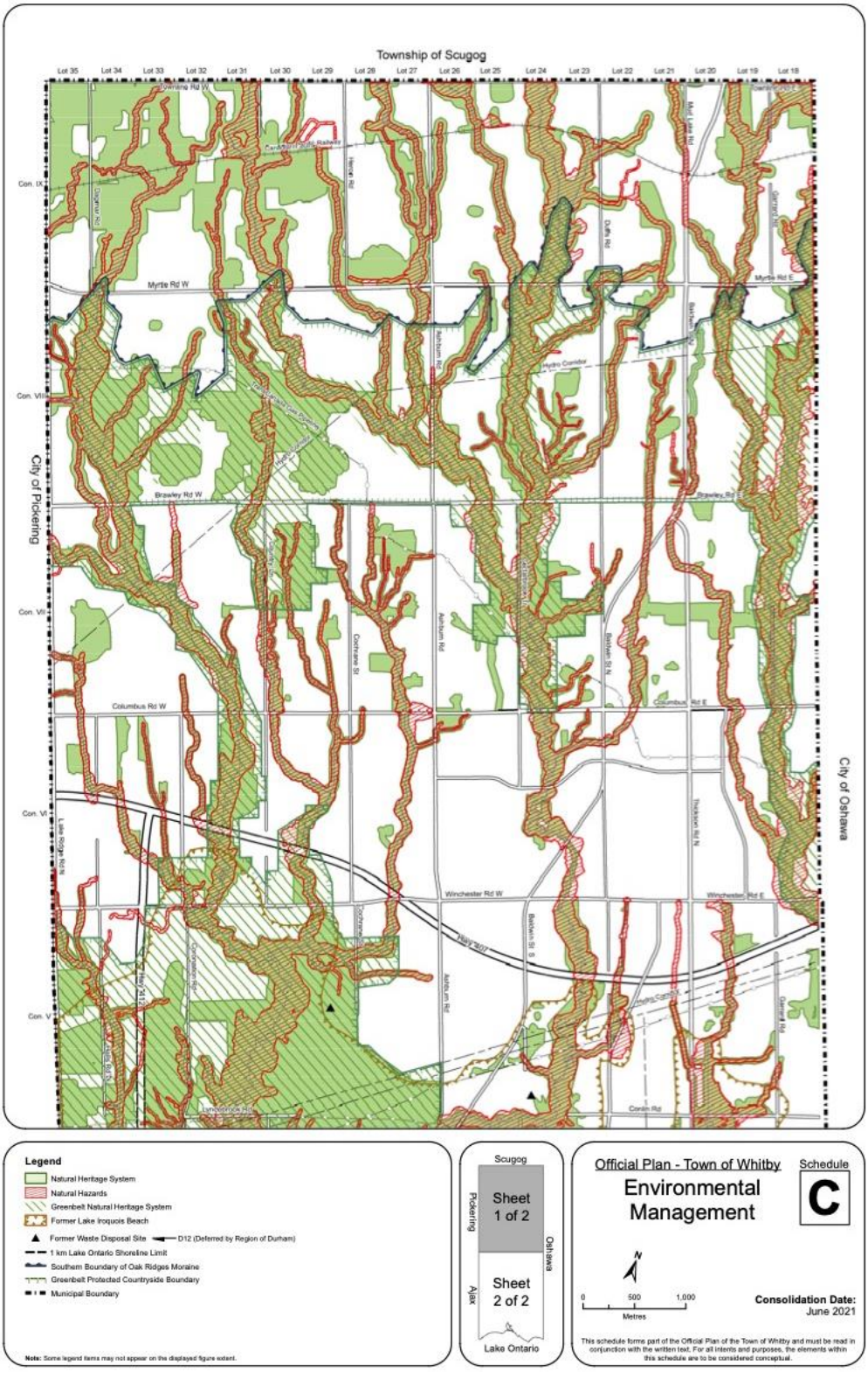


Figure 9. Location of Natural Heritage Systems and Hazards in Whitby

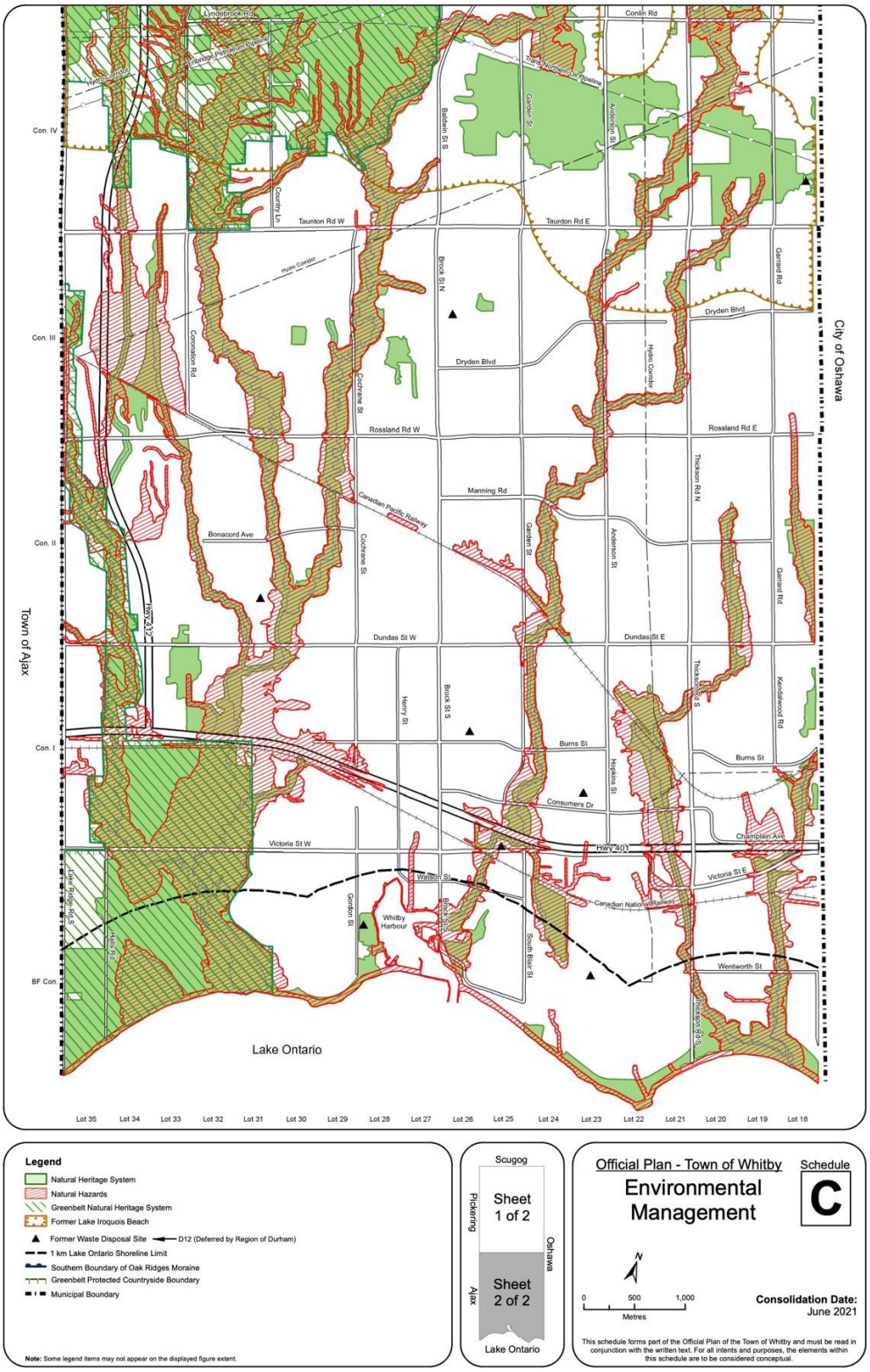


Figure 10. Location of Natural Heritage Systems and Hazards in Whitby

The locations of these designations are illustrated in **Figure 11** and **12**.

The policies for the Natural Heritage System in the parent Official Plan and the various Environmental Protection and Natural Heritage System in the Secondary Plans are generally very similar. The policies currently prohibit all development and site alteration in hydrologic features and key natural heritage features except for existing agricultural uses, flood or erosion control, fish, forest and wildlife management, passive recreational uses and infrastructure and conservation where need is demonstrated, and no alternative options exist. The only exception to the above is that the Natural Linkage designation in the Oak Ridges Moraine Secondary Plan additionally permits agricultural uses.

The natural hazards policies of the parent Official Plan and the Hazard designations in the Secondary Plans similarly follow the provisions of Section 5.3.10 of the Official Plan which prohibits development, site alteration or the replacement or removal of fill of any kind without the approval of the Conservation Authority, as well as input from the Town and other external agencies.

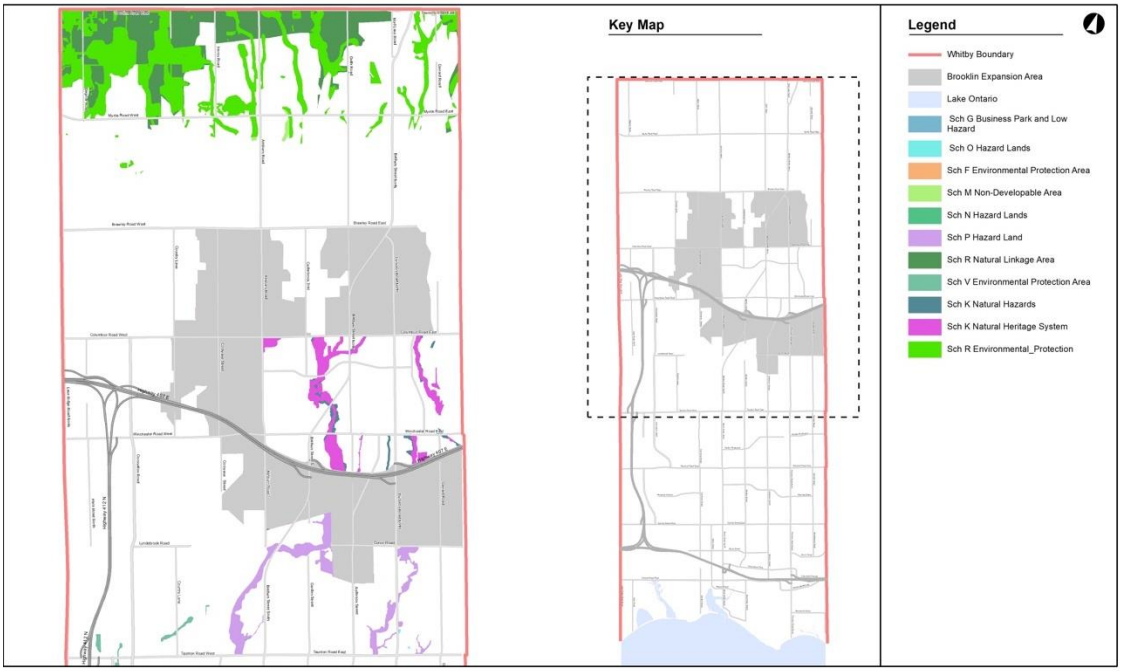


Figure 11. Location of Natural Heritage and Hazard designations in Northern Whitby

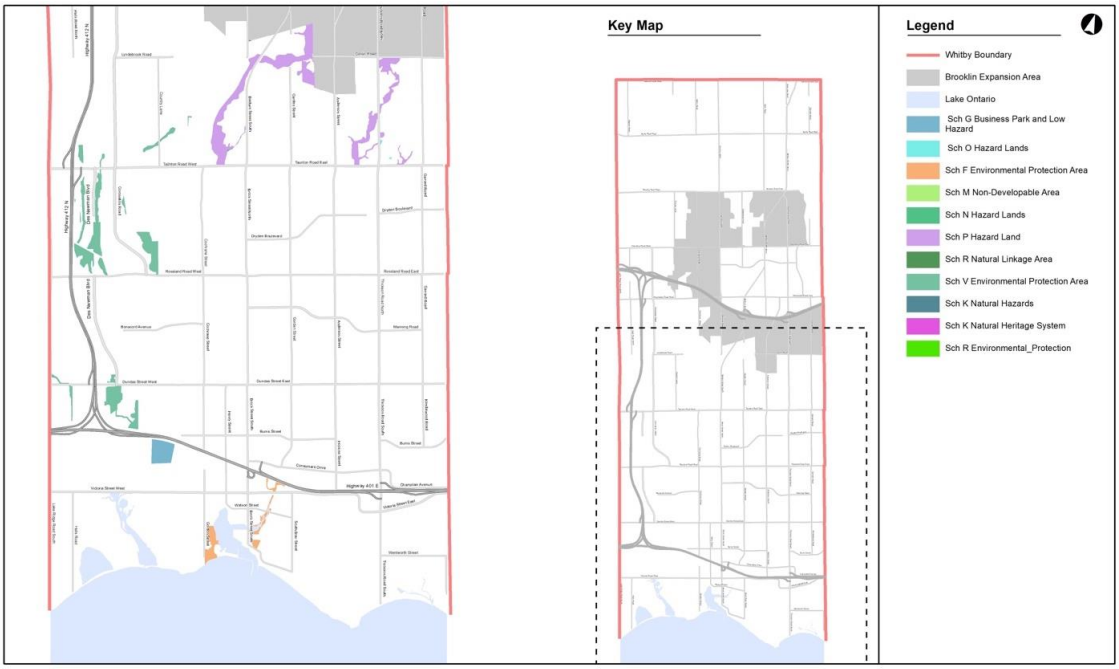


Figure 12. Location of Natural Heritage and Hazard designations in Southern Whitby

6.2 Description of Zones

The zones present within these designations generally include:

- Greenbelt (G) Zone,
- Flood (F) Zone
- Oak Ridges Moraine – Natural Linkage Area (ORM-NLA) Zone
- Oak Ridges Moraine – Environmental Protection (ORM-EP) Zone.
- Open Space (OS)
- Agricultural (A)
- Development (D(NR)) Zone

6.3 Proposed New Zone

Natural Heritage System and Natural Features

For areas designated Natural Heritage or Environmental Protection, it is recommended that a new zone be used in the new Comprehensive Zoning By-law: a Natural Heritage Zone.

The scope of permitted uses for the new Natural Heritage Zone are shown in **Figure 13**. The permitted uses in **Figure 13** are simplified to those limited uses permitted in the designation. Uses such as apiary, aviary, bird rehabilitation are not separately listed as they are captured under agricultural/conservation/wildlife management. In terms of agricultural permissions, livestock should be restricted in the Urban Area. Since there is

no need for a minimum lot size and no structures are permitted, there will be no lot, yard or building provisions for this zone.

A difficulty with implementing this new Natural Heritage Zone is that the mapping for the natural features is conceptual, particularly outside of the Urban Area where detailed mapping at a secondary plan or site-specific basis has not taken place.

Two options are proposed to address this situation as outlined below.

- Option 1: Typical Zones: The Natural Heritage Zone could be developed as a typical zone. It would be mapped with permitted use like the other zones following existing zone boundaries and the boundaries in Schedule C of the Official Plan. If through detailed studies in support of applications, the boundaries of the natural heritage change, the boundaries of the zones would need to be altered through an amendment to the Zoning By-Law.
- Option 2: Overlay Zones: Alternatively outside the Urban Area, the Natural Heritage Zone could be an overlay zone which sit on top of other zones. The benefit of this is if technical studies confirm the boundaries of the features to not be present, underlying zones may apply. This is particularly important as the mapping of features is high level outside of the Urban Area.

As noted in the two options, a different approach may be appropriate for the rural and urban areas. Given that much of the natural features outside of the Urban Area are not mapped in the Zoning By-law, an overlay zone may be appropriate in these areas, for confirmation of feature boundaries prior to development. Comparatively, in the Urban Area, the boundaries of features are relatively set, with much of the areas around them developed and in separate zones. In these areas, a Natural Heritage Zone could be applied.

One other implementation issue arises with the Natural Linkage designation in the Oak Ridges Moraine Secondary Plan. This Natural Linkage designations permits new agricultural uses where the Natural Heritage polices permit only existing agricultural uses.

Two options are proposed to address this situation as outlined below.

- Option 1: Maintain the Natural Linkage Area (ORM-NLA) Zone. This options if the simplest option and ensures conformity with the ORM. However, the Zone is being maintained only for one difference in permitted uses.

- Option 2: Zone the Natural Linkage Area as part of the new Agricultural Zone outlined in a previous section of this report.

Zoning By-law	1784	5581	5581	
Zone	**G**	**ORM-NLA**	**ORM-EP**	**New Natural Heritage Zone**
Agricultural use	✓	✓	-	✓
Apiary	✓	-	-	-
Aviary	-	-	-	-
Bird rehabilitation centre	✓	-	-	-
Berry or bush crop	-	-	-	-
Conservation uses, including within the jurisdiction of the Central Lake Ontario Conservation Authority	✓	✓	✓	✓
Dock	-	-	-	-
Farm produce retail sales	✓	-	-	✓
Field Crop	✓	-	-	-
Fish, wildlife and forestry management/reforestation	✓	✓	✓	✓
Flower garden	-	-	-	-
Golf Course	-	-	-	-
Golf Course which existed on a lot as of March 14, 1994	✓	-	-	-
Greenhouse	✓	-		
Horticultural nursery	-	-	-	-
Market garden	✓	-	-	-
Orchard	✓	-	-	-
Parking lot	-	-	-	-
Private park	-	-	-	-
Public use	✓	-	-	-
Single detached dwelling		✓	-	-
Trails and pathways for non-motorized vehicles	-	-	✓	✓
Tree crop	-	-	-	-

Figure 13. Whitby Zoning By-law New Natural Heritage Permissions

Natural Hazards

A Hazard Zone should be developed in the new Comprehensive Zoning By-law similar to the F Zone. This Zone should permit the uses as described in **Figure 14.** Many of the agricultural uses such as apiary, berry or bush crop, field crop etc. are captured under agricultural use and are not separately listed. As well, there would need to be a restriction on livestock in the Urban Area.

Zoning By-law	2585	
Zone	F	New Natural Hazard Zone
Agricultural use	-	✓
Apiary	✓	
Aviary	✓	
Bird rehabilitation centre	-	
Berry or bush crop	✓	-
Conservation uses, including within the jurisdiction of the Central Lake Ontario Conservation Authority	-	✓
Dock	✓	✓
Farm produce retail sales	-	-
Field Crop	✓	-
Fish, wildlife and forestry management/reforestation	-	✓
Flower garden	✓	-
Golf Course	✓	✓
Golf Course which existed on a lot as of March 14, 1994	-	-
Greenhouse	-	
Horticultural nursery	✓	-
Market garden	✓	-
Orchard	✓	-
Parking lot	✓	✓
Park		✓
Private park	✓	
Public use	✓	-
Existing Uses, including single detached dwellings	-	✓
Trails and pathways for non-motorized vehicles	-	✓
Tree crop	✓	-

Figure 14. Whitby Zoning By-law New Natural Hazard Permissions

Like with the Natural Heritage Zone, two options are proposed to address natural hazards:

- Option 1: Typical Zones: The Hazard Zone could be developed as typical zones in the Zoning by-law. It would be mapped with the above noted permitted use. If the boundaries of the hazard change due to updated studies or cut and fill grading, the boundaries of the zones may need to be altered through an amendment to the Zoning By-Law.
- Option 2: Overlay Zones: Alternatively, the Hazard Zone could be an overlay zone which sit on top of other zones. The benefit of this option is if technical studies and/or the Conservation Authority confirm the boundaries of the hazard is different, than underlying zones may apply. This approach would also address where existing residential development is present in the hazard area. Lot, yard and building provisions would not need to be provided for the zone, since the underlying zone's provisions would apply in case were development of expansion of existing buildings are permitted.

6.4 Highly Vulnerable Aquifer

Another element that does not strictly form part of Natural Heritage System and Hazards but is related, is the matter of aquifer vulnerability. According to Official Plan Policy 11.11.7.3, the following uses are prohibited in the Areas of High Aquifer Vulnerability in the Town:

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.

These restrictions apply to large areas of the Town, as shown in **Figures 15 and 16**. Two options are proposed to address this policy restriction:

- Option 1: Overlay Zone: An overlay zone could be created which prohibits the uses noted in Policy 11.11.7.3.

- Option 2: General Provision: A provision could be introduced in the General Provisions Section of the Zoning By-law with an accompanying map identifying

the area where the provision applies. The general provision would set out the prohibited uses that apply in the mapped area.

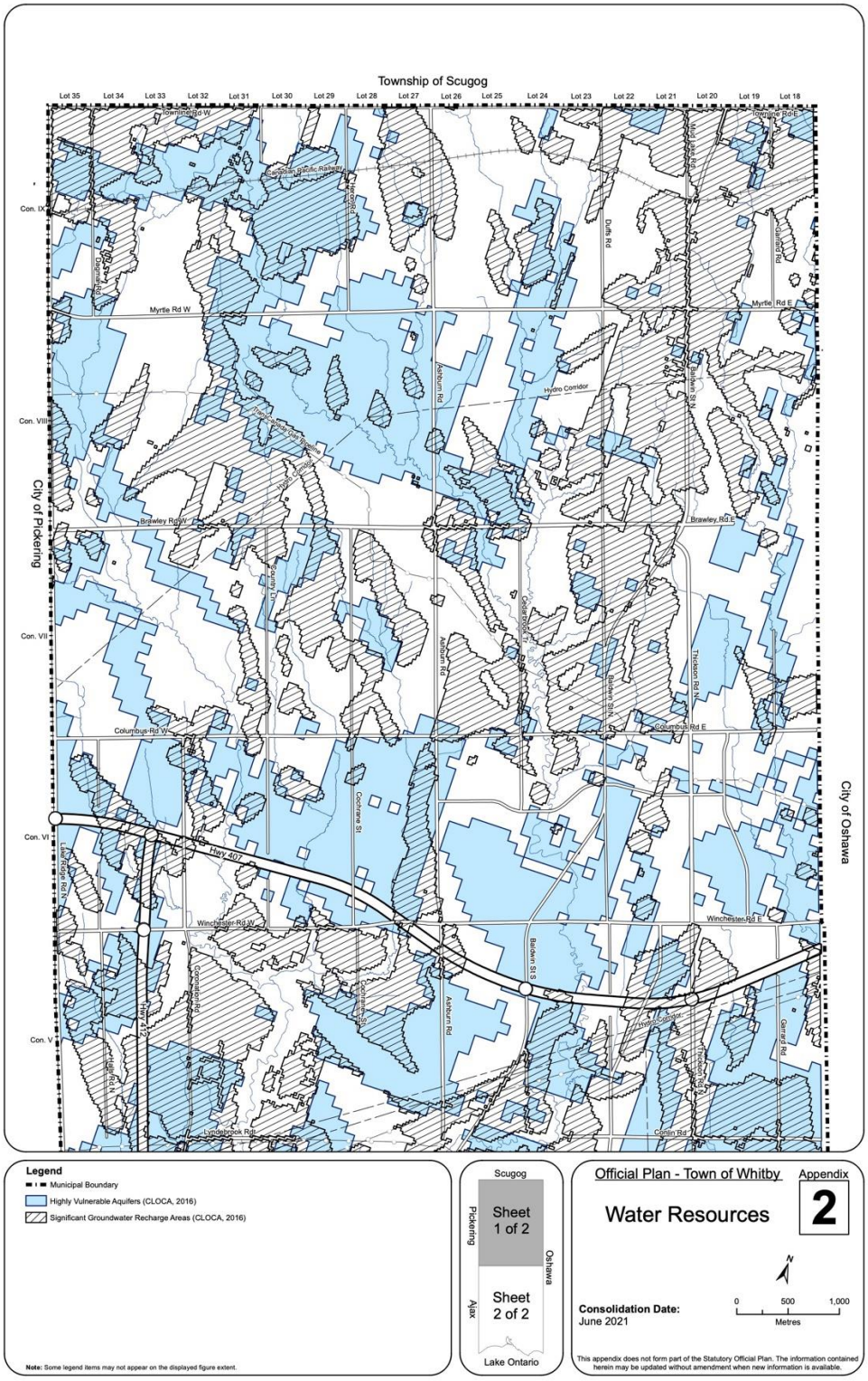


Figure 15. Location of Highly Vulnerable Aquifers in Whitby (northern)

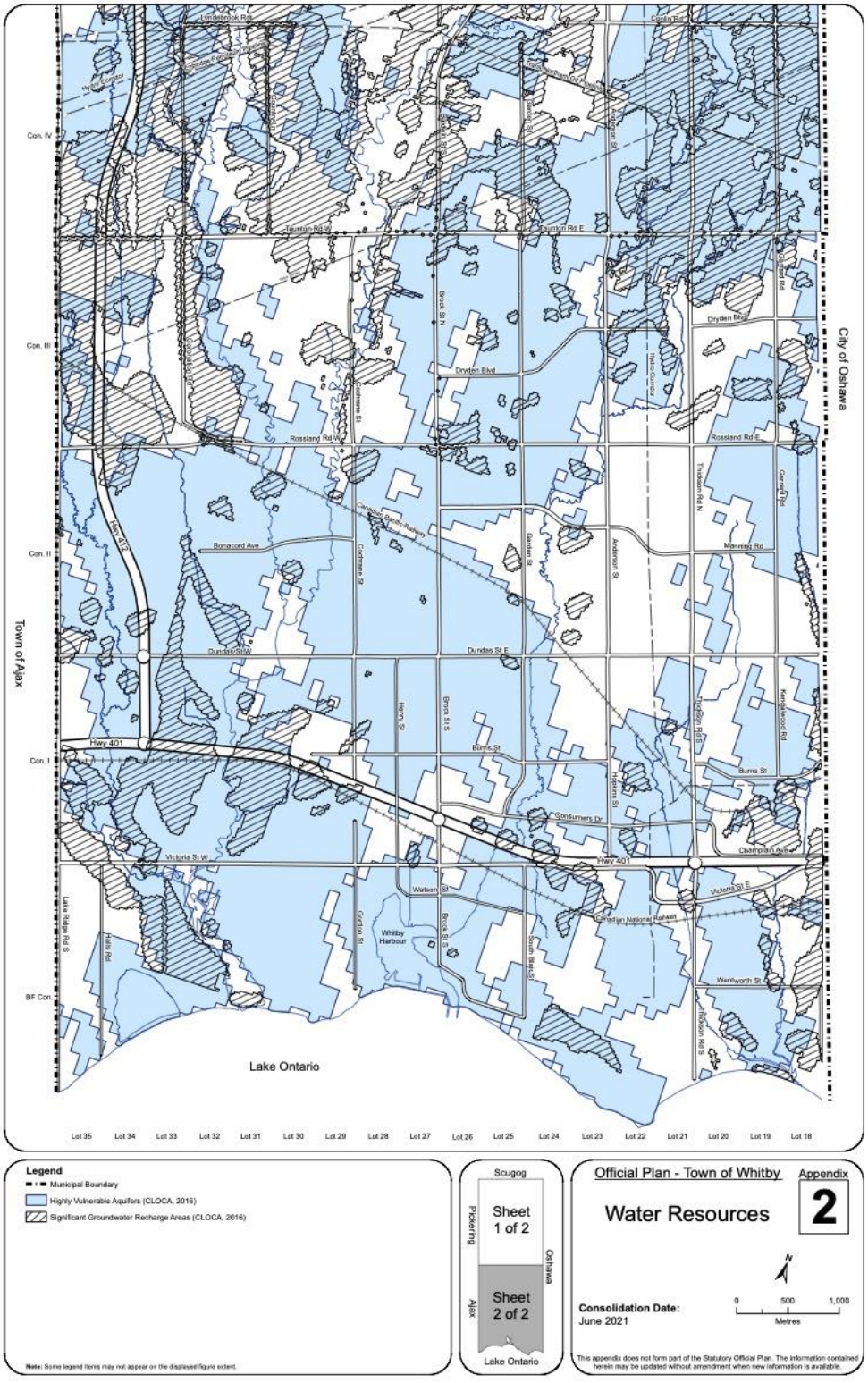


Figure 16. Location of Highly Vulnerable Aquifers in Whitby (southern)

7 Open Space

7.1 Description of Designations

There are eleven different Open Space designations in the Official Plan, including the following:

- Major Open Space in the parent Official Plan (Schedule A);
- Open Space in the Downtown Community Secondary Plan (Schedule H);
- Major Open Space in the Port Whitby Community Secondary Plan (Schedule F);
- Major Open Space - Marina in the Port Whitby Community Secondary Plan (Schedule F);
- Major Open Space in the Lynde Shores Secondary Plan (Schedule G);
- Major Open Space/Park in the Lynde Shores Secondary Plan (Schedule G);
- Open Space (Local Park) in the Rossland/Garden Urban Central Area Secondary Plan (Schedule J);
- Park in Hamlet of Ashburn Secondary Plan (Schedule M);
- Major Open Space in the Taunton North Community Plan (Schedule P)
- Open Space in the West Whitby Community Secondary Plan (Schedule V); and
- Major Open Space in the Brooklin Community Secondary Plan (Schedule K)

In addition, some Secondary Plans make note of park locations with symbols on the land use plan maps.

The locations of these designations are illustrated in **Figure 17, 18** and **19**.

The Major Open Space designation in the parent Official Plan primarily applies to natural areas including stream corridors, woodlands and wetlands. Only the larger parks are included in that designation. At the Secondary Plan level, parks are sometimes shown as Major Open Space. The Parent Official Plan Open Space designation permits active and/or passive recreational and conservation uses, forest, wildlife and fisheries management, community gardens and private recreation in the Urban Area boundary. Outside of the Urban Area boundary, agricultural uses, agricultural-related uses and on-farm diversified uses are permitted, as well as a home industry. Major recreational uses such as golf courses and serviced playing fields, and campground and ski hills are not permitted without amendment to the Official Plan.

The relevant Secondary Plan designations generally permit all or some of the same uses with some exceptions such as Port Whitby (Schedule F) which also permits docking areas and on-shore facilities.

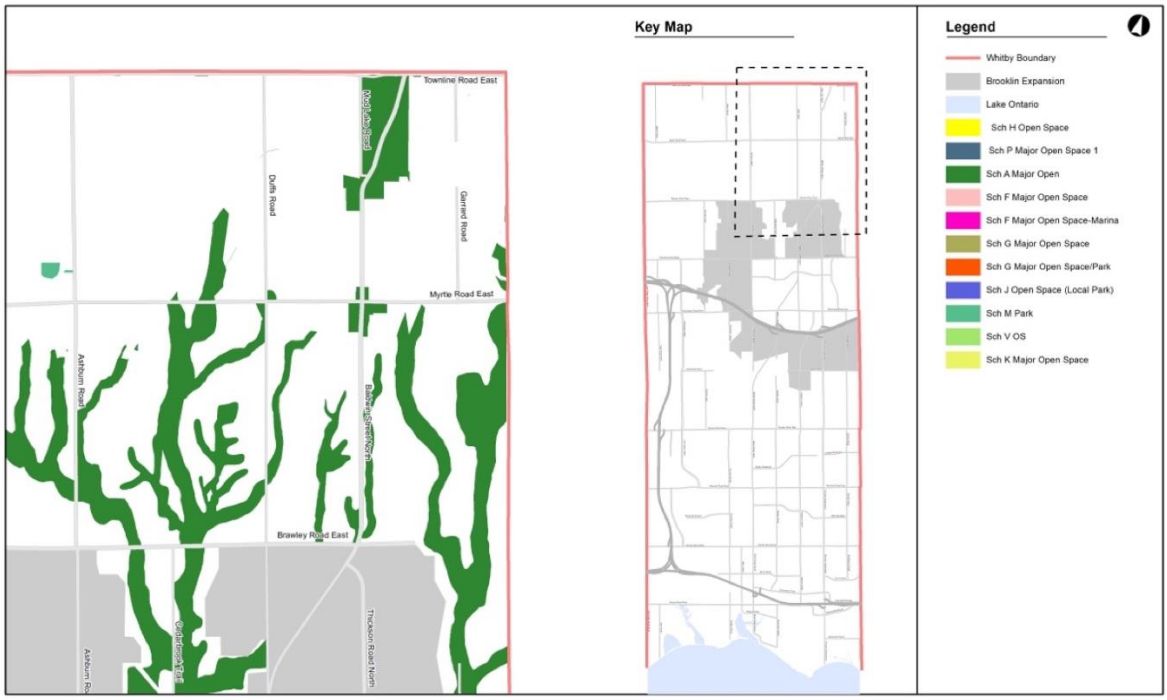


Figure 17. Location of Open Space designations in North Whitby

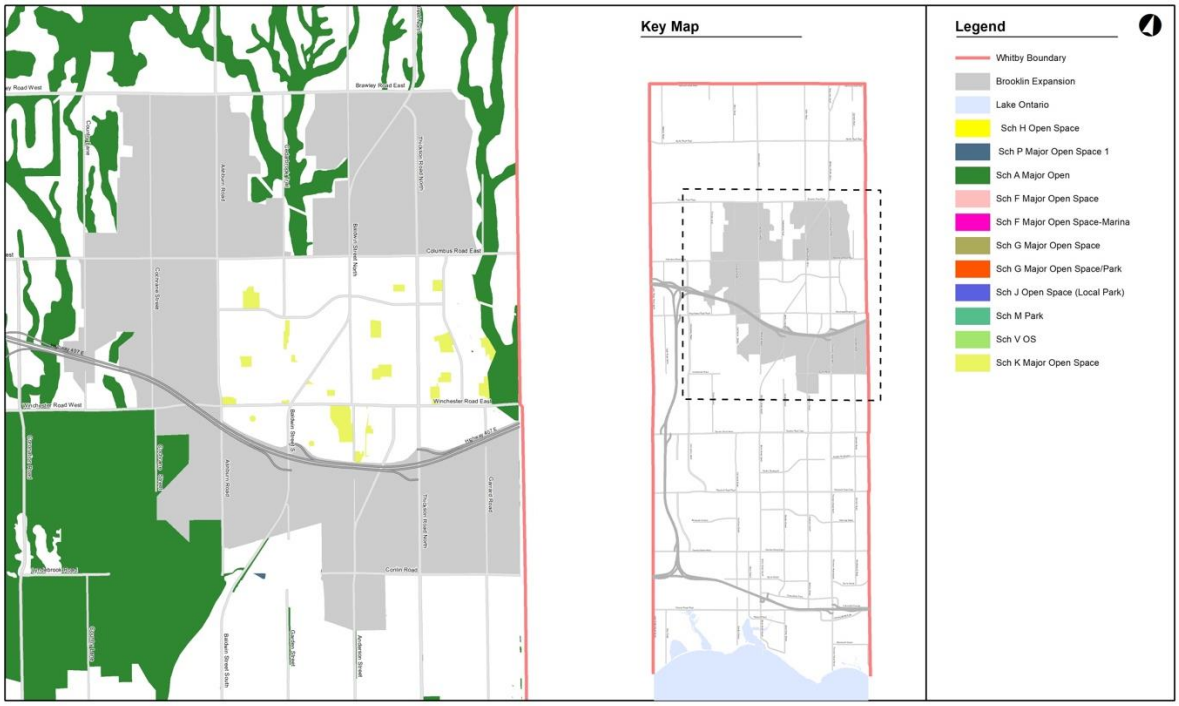


Figure 18. Location of Open Space designations in Brooklin Area

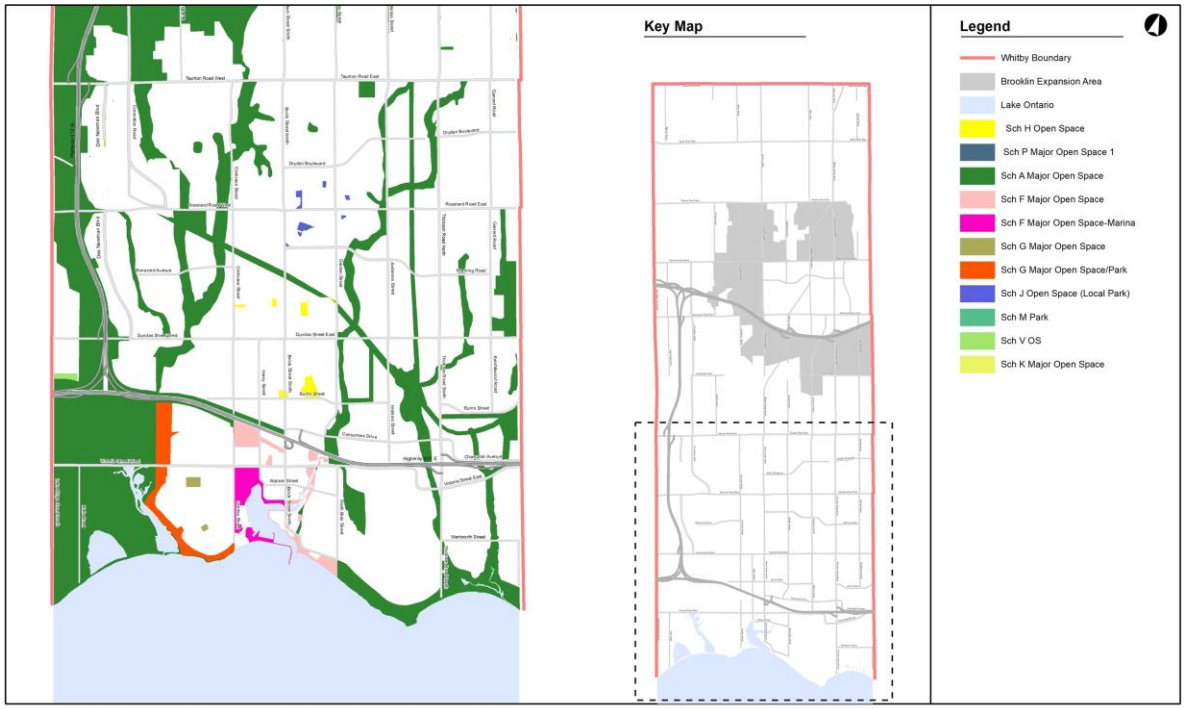


Figure 19. Location of Open Space designations in South Whitby

7.2 Description of Zones

The areas designated as Major Open Space are primarily zoned Agriculture (A), Greenbelt (G) and Open Space (OS) under Zoning By-law 1784 and Open Space (OS) and Flood (F) under Zoning By-law 2585. There are several other zones that also overlap with the designation, including: M1A, M1, M3, R3, ORM-R3, with site specifics, ORM-C2, with site specifics; ORM-I, some limited areas zoned D(NR) and D(R).

7.3 Discussion on other Zones

Outside of the Open Space designations, the Open Space Zones are located in several Residential designations, most of which are now existing parks within the residential neighbourhoods.

7.4 Proposed New Zone

Much of the area that is designated as Major Open Space outside of the Urban Areas will be zoned either agricultural or natural heritage, or agricultural with a natural heritage overlay, based on where the features exist.

Within the Urban Area and hamlets, two zones should apply, the Natural Heritage System Zone and an Open Space or Parks Zone. The existing Open Space Zones which apply primarily to parkland, could be collapsed into one Open Space / Park zone. It's permitted uses and provisions are outlined in **Figures 20** and **21**.

Zoning By-law	1784	1784	2585	2585	5581	
Zone	OS	OS-VB	OS	OS1-DT	ORM-OS	New Open Space/Park Zone
Accessory residence	-	✓	-	✓	-	-
Cenotaph	-	-	-	✓	-	-
Community centre	-	✓	-	✓	-	✓
Community garden	-	-	-	-	-	✓
Conservation uses	-	-	-	-	-	✓
Marina or yacht club including buildings and structures related thereto	-	-	✓	-	-	✓
Private park	✓	✓	✓	✓	-	✓
Public park	✓	✓	✓	✓	✓	✓
Recreational uses	-	-	-	-	-	✓
Public service	-	✓	-	✓	-	-
Public use	✓	-	✓	-	-	-

Figure 20: Whitby Zoning By-law New Open Space Permissions

The following notes are provided on the proposed permitted uses for the new Open Space / Park Zone:

- An accessory residence is not permitted as this would be very uncommon in an urban park.
- A cenotaph is not specifically listed as it is not a use, and like any monument or structure, it would be permitted if it is related to an open space use.
- Public uses and services are removed as these will be addressed in the general provisions section of the new Comprehensive Zoning By-law.

As for the provisions for the new zone, these are modeled after the existing zones, as shown in **Figure 21**.

By-law	1784	1784	2585	2585	5581	
Zone	OS	OS-VB[1]	OS	OS1-DT[1]	ORM-OS	New Open Space/Park Zone
Min. Lot Area	-	Community Centre 1000m2, Park: 0m	-	500m2	-	-
Min. Lot Frontage	-	Community Centre: 25m, Park: 0m	-	10m	-	-
Min. Lot Depth	-	Community Centre: 40m Park: 0m	-	-	-	-
Max. Lot Coverage	35%	30%	35%	25%	35%	35%
Min. Front Yard	7.5m	6.0m, but 4.0m abutting a C1-VB Zone	7.5m	7.5m unless abutting a residential zone, then the lesser of 6m or established front yard	7.5m	7.5m
Min. Rear Yard	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m
Min. Interior Side Yard	7.5m	3.0m	7.5m	3m	7.5m	7.5m
Min. Exterior Side Yard	7.5m	6.0m	7.5m	6m	7.5m	7.5m
Landscaped Open Space	30%	30%	30%	30%	30%	30%
Max. Height	13.5m	10.5m	13.5m	3 storeys	13.5m	13.5m

Figure 21: Whitby Zoning By-law New Open Space Provisions

8 Other – Utilities Designation

8.1 Description of Designations

There is only one other designation in the Official Plan, which is the Utilities designation in the Port Whitby Community Secondary Plan (Schedule F). This designation is located north of Victoria Street E., between Brock Street S. and Garden Street, north of the rail corridor as illustrated in **Figure 22**.

The designation recognizes the presence of the Regional Sewage Treatment facility and additionally permits transportation related uses including parking for GO Transit.

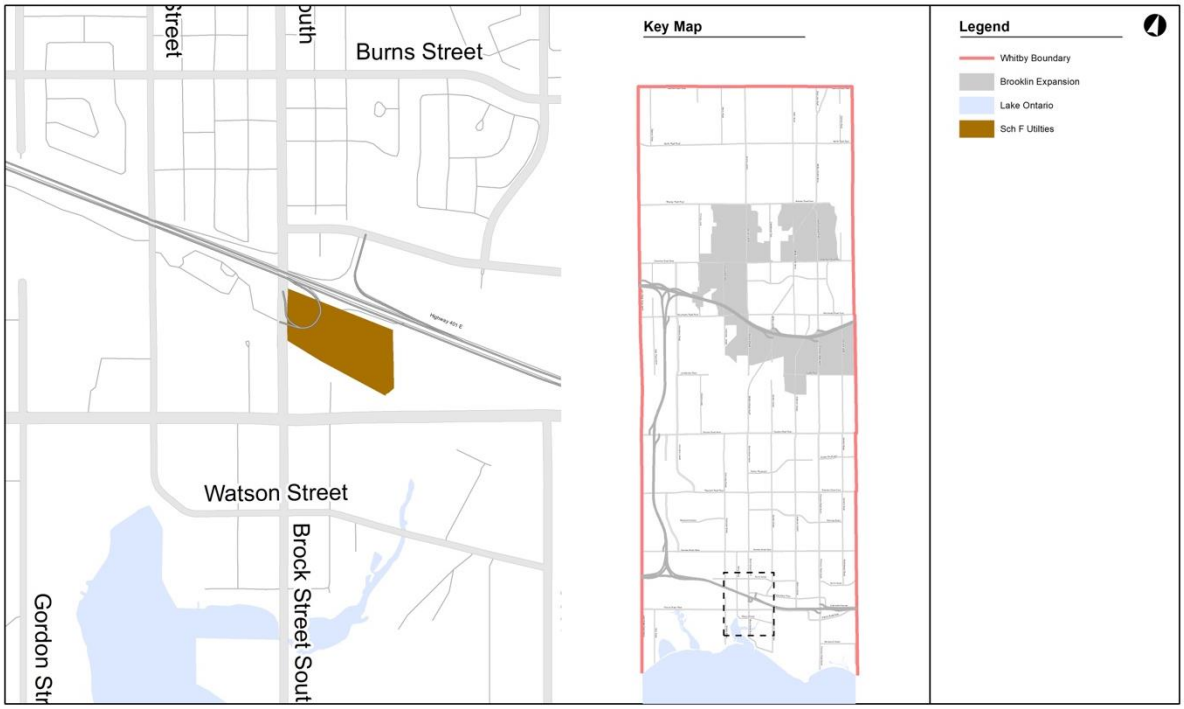


Figure 22. Location of Other - Utilities designations in Whitby

8.2 Description of Zones

The only zones present in the Port Whitby Community Secondary Plan (Schedule F) Utilities land use designation is the (M2) and (I) Zone which permit a much broader range of uses than what is permitted in the Secondary Plan policies.

There are no zones that directly correspond with the Utilities designation however, a new “Utilities Zone” could be created to permit utility and infrastructure projects such as sewage treatment plants and water supply plants, and hydro facilities.

9 Summary and Next Steps

This Report provides recommendations for the overall categorization of the remaining zones not discussed in the previous reports for the new Comprehensive Zoning By-law Study. The overall approach to the consolidation of zones is to bring the zones into alignment with the Official Plan and Secondary Plan designations where appropriate.

As discussed within **Section 2** of this Report, an Agricultural (A) Zone is recommended for the Agricultural designation modelled after the existing Agricultural Zones. There are two other Agricultural Zones, A1 and ORM-A1 which should be deleted and rezoned to reflect that neither are in agricultural areas.

There is one Cemetery designation and two corresponding Cemetery Zones (CE, G). Two options are proposed: one to maintain a separate Cemetery Zone and two to permit cemeteries in the open space/park zone. Existing cemeteries located in other ones, such as the Agricultural and Residential Zones, should be further identified and also rezoned as Cemetery or Open Space/Park as per the chosen option.

There are five Development Zones which should be consolidated into one zone to simplify the zones.

One Institutional Zone is recommended to be applied in the Institutional designation that is modelled after the existing Institutional (I) Zones, as the Zones generally permit the same uses and could be carried forward as one.

As discussed within **Section 6** of this Report, there are several options in proceeding with the Natural Heritage and Hazard designations and corresponding zones. The first option is to create a single Natural Heritage and a single Hazard Zone with limited uses permitted. The second option is to create overlay zones which sit on top of other zones. The critical issue to consider is the preferred application in the rural area where the boundary, particularly of the natural heritage system, is conceptual.

Two other options are proposed to address the Natural Linkage Designation in the Oak Ridges Moraine Secondary Plan. These options include maintaining the Natural Linkage Area (ORM-NLA) Zone or zoning these linkage areas as part of the new Agricultural Zone.

One Open Space (OS) Zone within the Urban Area and Hamlets should be consolidated and primarily be reserved for parks. Natural heritage areas with the Urban Area and Hamlets areas should be separately zoned.

Other areas in the Major Open Space designations outside of the Urban Areas, shall generally be zoned either agricultural, natural heritage or hazard as applicable.

As discussed in **Section 8**, there are no Utilities Zones that correspond with the designation however, a new “Utilities Zone” should be created which would permit major utilities and major infrastructure such as sewage treatment plants and water supply plants.

Phase 3 of this Study will involve consideration for the recommendations set out within this report as the Town’s new Comprehensive Zoning By-law is drafted.

