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Phase 2 Industrial Zones Report

Town of Whitby Comprehensive Zoning By-law Study

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Prepared For: Whitby

IN THE ZONE

Table of Contents



1. Introduction 1
1.1. Phase 1 Employment Zones Report 2
1.2. General Notes 2
2. General Industrial 4
3. Prestige Industrial 11
4. Business Park 19
5. Existing Industrial Zones outside of Industrial Designations 22
6. Conclusions and Next Steps 28

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

The objective of this Phase 2 Industrial Zones Report is to provide strategic direction and a general blueprint for the breakdown, structure, permissions and provisions of the Town's new industrial zones. As a basis for structuring the industrial zones, the industrial designations within the Town of Whitby's Official Plan and Secondary Plans were examined, and it was determined that the land use designation categories, General Industrial and Prestige Industrial would form the basis for the organization of this report.

This Report is broken down as follows:

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

Section 2: General Industrial – Provides an overview of a new proposed General Industrial (GI) Zone, including permissions and provisions.

Section 3: Prestige Industrial – Provides an overview of a revised Prestige Industrial (PI) Zone, including permissions and provisions.

Section 4: Business Park – Provides an overview of the strategy for areas designated as Business Park.

Section 5: Existing Industrial Zones outside of Industrial Designations – Provides recommendations for industrial areas outside of industrial designations in the Official Plan.

Section 6: Further Discussion on Key Uses – Provides further discussion on Offices, Open Storage, Entertainment Uses and Prohibited Uses.

Section 7: Conclusions and Next Steps – Provides a summary of the report and addresses next steps for the Study.

While the Phase 1 report spoke in terms of "Employment" zones, the terminology in this report is reverted back to "Industrial" to match the terminology of the Official Plan.

1.1. Phase 1 Employment Zones Report

As part of the Phase 1 Employment Zones Report, a comparative review and analysis of the structure, zone organization and mapping of Whitby's industrial zones across the three existing Zoning By-laws was undertaken. The Town's Zoning By-laws contain 11 different parent industrial zones permitting a range of employment uses. As the current zoning by-laws span a time frame of over 60 years, ranges in industrial zone provisions reflect not only different uses and zone categories, but also the built form trends at the time the zone provisions were introduced, and the geographic area in which the zone provisions apply. Opportunities for consolidation of similar/comparable zones and deletion of underutilized/outdated zones were identified.

In addition to the comprehensive comparison of industrial 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; and
- A review of past minor variance applications.

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

1.2. General Notes

Within this report, tables of proposed permitted uses are provided which compare existing and proposed permitted uses for the zones. For ease of comparison and analysis, existing terms noted within Zoning By-laws 1784 and 2585 are often referenced. It is the intent that once the consolidated zone categories are determined, further refinement of the terms is planned, particularly to modernize, consolidate as needed and ensure consistency and clarity across zones.

The term public use will be eliminated from the tables in this report as public uses are permitted in all zones as outlined in the General Provisions Report prepared under separate cover.

Further, the analysis done with this report generally refers to the parent zoning that applies to a property. Detailed consideration of any site specific permissions that may apply will occur during a further stage of this Study.

2. General Industrial



The Town of Whitby Official Plan contains a General Industrial Area designation. As well, the Taunton North Community Secondary Plan similarly contains a General Industrial Designation. The zones present within the parent Official Plan's General Industrial designations include:

- Restricted Industrial (M1) (1784); including site specifics
- Preferred Industrial (M1) (2585);
- Prestige Industrial (M1A) (1784), including site specifics;
- Restricted Industrial (M2) (2585), including site specifics; and
- General Industrial (M3) (2585).

The zones present in Taunton North Community Secondary Plan's General Industrial area designation include:

- Restricted Industrial (M1) (1784);
- Prestige Industrial (M1A) (1784); and
- Open Storage Industrial (M2) (1784), including site specifics.

Permitted Uses

The General Industrial designations in both the Official Plan and Taunton North Community Secondary Plan currently permit a number of manufacturing, processing, assembly, servicing, storage, warehousing and other similar and related uses. Lands shall also permit truck, equipment and machinery service shops, building and contracting yards, commercial self-storage facilities and landscape industry uses. Recycling facilities are permitted provided that the operation is wholly enclosed.

Sales, services and offices are only permitted accessory to industrial operations, being smaller and subordinate to and on the same lot as the primary use.

Although there are several zones present within the General Industrial designation, the General Industrial (M3) Zone included within Zoning By-law 2585 generally conforms most to the General Industrial policies of the Official Plan. It is recommended that a new zone be modelled after the General Industrial (M3) Zone and renamed the General Industrial (GI) Zone. The proposed permitted uses for the new General Industrial (GI) Zone are set out in **Figure 1**.

Figure 1: Whitby Zoning By-law New General Industrial Permitted Uses

Zoning By-law	1784	2585	1784	1784	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**M1A**	**M2**	**M2**	**M3**	**GI**
Assembly plant	-	✓	-	-	✓	✓	
Auditorium	♦	-	♦	-	-	-	-
Bank/Financial Institution	✓	-	✓	-	-	-	-
Commercial or technical school	-	-	✓	-	-	-	-
Concrete batching or mixing plant	-	-	-	-	-	✓	✓
Contractor's or tradesman's shop/yard	-	✓	-	-	✓	✓	✓
Dry cleaners	-	✓	-	-	✓	✓	✓
Dwellings for a caretaker, watchman or other similar person employed	✓	✓	-	-	✓	✓	-
Fabricating plant	-	✓	-	-	✓	✓	
Feed mill	-	-	-	-	-	✓	
Flour mill	-	-	-	-	-	✓	
Fuel storage supply yard	-	-	-	-	-	✓	✓
Fuel storage tank	-	-	-	-	-	✓	✓
Golf courses	♦	-	-	-	-	-	-
Grain elevator	-	-	-	-	-	✓	✓
Industrial use	✓	-	-	✓	-	✓	✓
Laundry shop	-	✓	-	-	✓	✓	✓
Lumber yard	-	-	-	-	-	✓	✓
Manufacturing purposes	✓	✓	✓	-	✓	✓	
Medical marihuana production facility	-	-	-	-	-	-	✓
Offices	♦	♦	✓	-	♦	♦	♦
Open storage	✓	-	-	✓	-	♦	♦
Parking lots	✓	✓	✓	-	✓	✓	-
Place of entertainment	-	-	✓	-	-	-	-
Processing plant	-	✓	-	-	✓	✓	
Public garages	✓	-	-	-	-	-	-
Public use	-	✓	-	-	✓	✓	-

Zoning By-law	1784	2585	1784	1784	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**M1A**	**M2**	**M2**	**M3**	**GI**
A radio or television transmission establishment	✓	-	-	-	-	-	-
Railway facilities	✓	-	-	✓	-	-	✓
Recreational club or facility	♦	-	✓	-	-	-	-
Retail or wholesale outlet	-	♦	♦	-	♦	♦	♦
Research and development facility	-	-	✓	-	-	-	✓
Restaurant/eating establishment	✓	-	✓	-	-	-	-
Self Storage Warehouse							✓
Service shop	-	✓		-	✓	✓	✓
Storage area for boats and trailers	-	-	-	-	✓	✓	✓
Swimming pools	♦	-	♦	-	-	-	-
Transport terminal	-	-	-	-	✓	✓	✓
Warehouse purposes	✓	✓	✓	✓	✓	✓	✓
♦							
Denotes accessory/ancillary/incidental use							

The permitted use table in **Figure 1** is preliminary. As the definitions section of the new Comprehensive Zoning By-law progresses, the specific list of permitted uses will be further refined. Several uses have not been carried forward into the new General Industrial (GI) Zone to better align the uses to the intent of the General Industrial designation in the Official Plan.

The following explains the changes proposed in **Figure 1**.

- Auditoriums, banks and institutions, commercial or technical schools, golf courses, parking lots, places of entertainment, public garages, recreational clubs or facilities, restaurant /eating establishment and swimming pools have all been removed from the scope of permitted uses as they do not fit within the Official Plan's permitted uses for the General Industrial designation;
- Dwellings for a caretaker have been removed as it is an outdated use;
- Radio and/or television transmission establishments have been removed as the use would be captured under offices;

- Medical marijuana facilities, already permitted in some Prestige zones, are permitted in this zone, however the terminology will be broadened at a later stage to capture the full scope of permitted uses Under the Cannabis Act;
- Offices have been permitted only as an accessory use to align with the intent of the Official Plan;
- Assembly plant, fabricating plant, feed mill, flour mill, manufacturing purposes and processing plant are not separately listed as permitted uses as these would be captured under "industrial use" and
- Self-storage warehouse has been added to differentiate this use from general warehouse uses. Per the direction of the Official Plan, this use is only permitted in the General Industrial and not Prestige Industrial designations (see section 4.7.3.2.3).

Lot and Yard Provisions

Provisions for the new General Industrial (GI) Zone are described in **Figure 2**.

In **Figure 2**, the minimum lot area requirement for un-serviced lots has been deleted as the employment areas will be serviced and thus the existing "no minimum lot area" requirement for serviced lots would apply. Consistent with what is commonly seen in other municipalities' Zoning By-Laws, such as Milton, Ajax, Vaughan, no maximum lot coverage is recommended for the General Industrial (GI) Zone.

The other standards proposed for the new General Industrial (GI) Zone follow that of the General Industrial (M3) Zone. The exception to this approach is the front and exterior side yard, which is proposed to be reduced, regardless of the abutting zone. The presence of the of the road will ensure a minimum of approximately 20 metres setback to a neighbouring use depending on the road classification. The review of other municipalities' zoning by-laws identified that typical front and exterior side yards for General Industrial Zones range from 3 metres to 15 metres for front yards and 3 to 12 metres for exterior side yards. It was also common for the front yard setback requirement to exceed the exterior side yard setback requirement within the same zone. Based on the review of other municipalities, the minimum front and exterior side yard requirement can be reduced to 6 metres.

In addition, the review of other municipalities' zoning by-laws identified that maximum height is not often regulated for general industrial zones. As well, the requirement to have additional setbacks for every 0.6 metres in height above the maximum height requirement is unusual, and within the midst of an industrial area, it is difficult to understand what if any impacts this regulation is attempting to address. A more appropriate height regulation would apply near existing residential areas such as the use of a 45 degree angular plane.

Figure 2: Whitby Zoning By-law New General Industrial Standards

By-law	1784	2585	1784	1784	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**M1A**	**M2**	**M2**	**M3**	**GI**
Min. Lot Area	-	1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	0.4ha		1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	0 m2
Min. Lot Frontage	-	-	-		-	-	-
Min. Lot Depth, Interior Lot	61m	-	-	61m	-	-	-
Min. Lot Depth, Corner Lot	-	-	-		-	-	-
Max. Lot Coverage	50%	where sanitary sewers not available: 20%	60%		where sanitary sewers not available: 20%	where sanitary sewers not available: 20%	0%
		where served by sanitary sewers: 60%			where served by sanitary sewers: 60%	where served by sanitary sewers: 60%	

By-law	1784	2585	1784	1784	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**M1A**	**M2**	**M2**	**M3**	**GI**
Min. Front Yard	15m	9m	9m	15m	9m, but 18.5 abutting Residential/Development Zone	9m, but 18.5 abutting Residential/Development Zone	9m
Min. Rear Yard	13.5m	7.5m	7.5m	13.5m	7.5m, but 15m abutting other non-industrial zones	7.5m, but 15m abutting other non-industrial zones	7.5m, but 15m abutting other non-employment zones
Min. Interior Side Yard	7.5m	3m	3m	7.5m	3m, but 6m abutting other non-industrial zones	3m, but 6m abutting other non-industrial zones	3m, but 6m abutting other non-employment zones
Min. Exterior Side Yard	10.5m	9m	7.5m	10.5m	9m but 18.5m abutting non-industrial zones	9m but 18.5m abutting non-industrial zones	6m
Landscaped Open Space	-	10%	-		10%	10%	10%
Max. Height	-	12m (1)	12m (1)		12.5m (1)	12.5m (1)	15m (2)

(1) Heights greater than those listed per the zone are permitted provided that the building is set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above a height as listed in **Figure 2**.

(2) Height subject to 45 angular plane where adjacent to residential zones.

All existing properties within the General Industrial (M3) Zone will be rezoned to this new zone General Industrial (GI) Zone. As for the existing M1 and M2 zones that are located within the General Industrial designation, most sites have already been developed and generally conform with both the policies of the Official Plan designation and provisions of Whitby's proposed new General Industrial (GI) Zone. Any uses that are not permitted in the new zone will become legal non-conforming uses.

There are a few sites within the General Industrial designation zoned Prestige Industrial (M1A) under Zoning By-law 1784. These sites should be zoned as Prestige Industrial in the new Comprehensive Zoning By-law. This zoning aligns with the intent of policy 4.7.3.1.2 which permits, without amendment to the Official Plan, the zoning of limited areas along arterial roads for prestige industrial uses in the General Industrial designation. The areas in question front onto Wentworth Street and Victoria Street East (arterial roads) and meet this criteria.

The General Industrial designation in the parent Official Plan is centered south of Victoria Street around Thickson Road South and South Blair Street. At a high level, the area generally contains uses that align with the proposed permitted uses. An example of uses not explicitly listed in the Official Plan include entertainment uses, such as the Sky Zone Trampoline Park and other recreation facilities or private gyms. Further discussion with Town Staff on the permission for these uses in the General Industrial Zone is required.

The bulk of the General Industrial designation in the Taunton North Community Secondary Plan is actually zoned Agricultural (A), with limited Restricted Industrial (M1), Open Storage Industrial (M2), Prestige Industrial (M1A) Zones and a site specific that permits an asphalt plant. These existing industrial zones should be zoned to the new General Industrial (GI) Zone, with consideration of whether the areas currently zoned as agricultural should be pre-zoned General Industrial (GI) to encourage their development.

To ensure that no heavy industrial uses are permitted within proximity to sensitive land uses, such as residences and schools, a minimum separation distance to those uses should be required. This separate distance can be achieved by applying the Province's D-6 Compatibility between Industrial Facilities Guidelines. The new General Industrial Zone should therefore contain a clause that requires a separation distance to sensitive uses or zones which permit a sensitive use. In line with the existing Guidelines, a 300 metre separation distance to sensitive uses shall be required for new heavy industries. The term "sensitive use" will need to be defined in the new Comprehensive Zoning By-law and can be based on the definition in the Provincial Policy Statement.

3. Prestige Industrial



Within the Official Plan, there are four Prestige Industrial designations. These are located within the Parent Official Plan, Brooklin Community Secondary Plan, West Whitby Secondary Plan and Port Whitby Community Secondary Plan.

According to the Official Plan policies, the Prestige Industrial designation permits light industrial uses within enclosed buildings and professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centers, commercial or technical schools, post-secondary education and research and development facilities. It also permits incidental sales outlets within industrial buildings, provided such floor space is identified in the Zoning By-law and is compatible with adjacent land uses.

Limited personal service uses, restaurants and financial institutions are permitted, up to 500 square metres in size. The locations and number of such uses on a lot shall be restricted in the Zoning By-law to ensure they are complementary to Prestige Industrial designation intent. These uses shall also generally comprise no more than 10 per cent of the aggregate floor area of the uses within each Prestige Industrial area.

Health clubs, hotels and convention/banquet facilities are also permitted.

Wholly enclosed warehousing and wholesale distribution uses with no outdoor storage may be permitted where: located in proximity to Highways 401, 407, or 412, separated from residential areas and they do not create traffic through residential areas. This permission does not extend to self-storage warehouses. As well, warehousing and wholesale distribution uses are permitted but not within Business Parks.

Residential uses, long-term care and retirement homes, elementary and secondary schools, and places of worship are sensitive land uses that shall not be permitted. Dealerships for new automobiles and trucks will only be permitted through a Zoning By-law Amendment.

Open Storage shall generally not be permitted though can be if there is demonstrated need and appropriate provisions in the zoning by-law.

Within the Brooklin, West Whitby, and Port Whitby Community Secondary Plans, the policies generally align with that of the parent Official Plan.

The zones present within the designations include:

- Restricted Industrial (M1) (1784);
- Prestige Industrial, including site specifics (M1A) (1784);

- Prestige Employment (PE) (1784) within West Whitby Secondary Plan area;
- Preferred Industrial (M1) (2585);
- Select Industrial (M1A) (2585); including site specifics
- Restricted Industrial (M2) (2585), and
- General Industrial (M3) (2585).

A scope of permitted uses for the new Prestige Industrial (PI) Zone is set out in **Figure 3**, with the following notes:

- Concrete batching, mixing plant, contractor's or tradesman's shop/yard, fuel storage supply yard and lumber yard are not permitted given the intent to limit outdoor storage;
- Residential uses are prohibited and so dwellings for a caretaker have been eliminated;
- Auditoriums, feed mills, flour mills, golf courses, grain elevators, places of entertainment, planning mills and swimming pools are not permitted as these do not meet the intended function of the prestige industrial area;
- Parking lots are not listed as a permitted use as these will be permitted as-of-right as an accessory use;
- Open storage is not permitted to maintain the prestige function of the area;
- Medical marihuana production facility is permitted, noting that this terminology will be updated to reflect the broadened permissions granted by the Cannabis Act; and
- Radio and/or television transmission establishments are not listed as a permitted use as they can be covered off by other uses. Where the use is a broadcasting studio it would be permitted as an office use. Where it is technical transmission equipment such as satellites or transmission towers, it would be permitted as a utility permitted in all zones under the general provisions section.

Figure 3: Whitby Zoning By-law New Prestige Industrial Permissions

Zoning By-law	1784	2585	1784	1784	2585	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**PE**	**M1A**	**M1A**	**M2**	**M3**	**PI**
Assembly hall/banquet hall	-	-	✓	-	-	-	-	✓
Assembly plant	-	✓	✓	-	✓	✓	✓	✓
Auditorium	♦	-	-	♦	♦	-	-	-
Bank/Financial Institution	✓	-	✓	✓	✓	-	-	✓(1)
Business services including industrial supply, printing/graphic design establishment and other similar services	-	-	✓	-	-	-	-	✓
Catering service establishment	-	-	✓	-	-	-	-	✓
Commercial or technical school	-	-	✓	✓	✓	-	-	✓
Communication facility	-	-	✓	-	-	-	-	✓
Concrete batching or mixing plant	-	-	-	-	-	-	✓	-
Contractor's or tradesman's shop/yard	-	✓	-	-	-	✓	✓	-
Craft brewery	-	-	✓	-	-	-	-	✓
Data centre	-	-	✓	-	-	-	-	✓
Dry cleaners	-	✓	-	-	-	✓	✓	✓
Dwellings for a caretaker, watchman or other similar person employed	✓	✓	-	-	✓	✓	✓	-
Equipment sales and rental - light	-	-	✓	-	-	-	-	✓
Fabricating plant	-	✓	-	-	-	✓	✓	-
Feed mill	-	-	-	-	-	-	✓	-
Flour mill	-	-	-	-	-	-	✓	-
Food preparation plant	-	-	✓	-	-	-	-	✓
Fuel storage supply yard	-	-	-	-	-	-	✓	-
Fuel storage tank	-	-	-	-	-	-	✓	-
Golf courses	♦	-	-	-	-	-	-	-
Grain elevator	-	-	-	-	-	-	✓	-
Health care complex	-	-	✓	-	-	-	-	✓
Hotel	-	-	✓	-	-	-	-	✓

Zoning By-law	1784	2585	1784	1784	2585	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**PE**	**M1A**	**M1A**	**M2**	**M3**	**PI**
Industrial purposes	✓	-		-	✓	-	✓	✓
Laundry shop	-	✓	-	-	-	✓	✓	✓
Light manufacturing	-	-	✓	-	-	-	-	✓
Lumber yard	-	-	-	-	-	-	✓	-
Manufacturing purposes	✓	✓	-	✓	✓	✓	✓	✓
Medical marihuana production facility	-	-	✓	-	-	-	-	✓
Offices	♦	♦	✓	✓	✓	♦	♦	✓
Open storage	✓	-	-	-	-	-	♦	-
Parking lots	✓	✓	-	✓	✓	✓	✓	-
Pharmaceutical production facility	-	-	✓	-	-	-	-	✓
Personal service establishment	-	-	✓	-	-	-	-	✓ (1)
Place of entertainment	-	-	✓	✓	✓	-	-	-
Planning mill	-	-	-	-	-	-	✓	-
Processing plant	-	✓	-	-	-	✓	✓	✓
Public garages	✓	-	-	-	✓	-	-	✓
Public use	-	✓	-	-	✓	✓	✓	-
A radio or television transmission establishment	✓	-	-	-	✓	-	-	✓
Railway facilities	✓	-	-	-	-	-	-	✓
Recreational club or facility	♦	-	✓	✓	✓	-	-	✓ (1)
Retail or wholesale outlet	-	♦	♦	♦	♦	♦	♦	♦
Research and development facility	-	-	✓	✓	-	-	-	✓
Restaurant/eating establishment	✓	-	✓	✓	✓	-	-	✓ (1)
Service shop	-	✓	-		♦	✓	✓	✓
Storage area for boats and trailers	-	-	-	-	-	✓	✓	-
Swimming pools	♦	-	-	♦	♦	-	-	-
Technology industry	-	-	✓	-	-	-	-	✓
Transport terminal	-	-	-	-	✓	✓	✓	-
Warehouse purposes	✓	✓	-	✓	✓	✓	✓	✓
♦								
Denotes accessory/ancillary/incidental use								
(1) Permitted if no more than 10 percent of the site								

Standards for the proposed Prestige Industrial (PI) Zone have been proposed in **Figure 4**. Like with the proposed General Industrial (GI) Zone, the minimum lot area requirement has been deleted as the employment areas will be serviced and thus the existing no minimum lot area requirement in serviced areas would apply. Consistent with what is commonly seen in other municipalities' zoning by-laws, no maximum lot coverage is recommended for the Prestige Industrial (PI) Zone. The front and exterior side yards, 6 and 4 metres respectively, reflect the existing requirements in the existing West Whitby Prestige Industrial (PI) Zone. The maximum height will be subject to the same footnote as for the proposed General Industrial (GI) Zone.

Figure 4: Whitby Zoning By-law New Prestige Industrial Standards

By-law	1784	2585	1784	1784	2585	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**PE**	**M1A**	**M1A**	**M2**	**M3**	**PI**
Min. Lot Area	-	1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	0.4ha	0.4ha	4180 m2, with increased requirement with more than 20 employees	1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	1855 m2, with increased requirement with more than 20 employees, but no min. if serviced.	0 m2
Personal Service, restaurants, and financial institution Max. Gross Leasable Floor Area	-	-	-	-	-	-	-	500m2
Office Max. Gross Leasable Floor Area	-	-	-	-	-	-	-	10,000m2, unless it is located on the same lot as a related PE use
Max. Lot Coverage	50%	where sanitary sewers not available: 20% where served by sanitary sewers: 60%		60%	where sanitary sewers not available: 20% where served by sanitary sewers: 60%	where sanitary sewers not available: 20% where served by sanitary sewers: 60%	where sanitary sewers not available: 20% where served by sanitary sewers: 60%	0%

By-law	1784	2585	1784	1784	2585	2585	2585	New Zoning By-law
Zone	**M1**	**M1**	**PE**	**M1A**	**M1A**	**M2**	**M3**	**PI**
Min. Front Yard	15m	9m	6m	9m	9m	9m, but 18.5 abutting Residential/Development Zone	9m, but 18.5 abutting Residential/Development Zone	6m
Min. Rear Yard	13.5m	7.5m	7.5m	7.5m	7.5m	7.5m, but 15m abutting other non-industrial zones	7.5m, but 15m abutting other non-industrial zones	7.5m, but 15m abutting other non-employment zones
Min. Interior Side Yard	7.5m	3m	3m	3m	3m	3m, but 6m abutting other non-industrial zones	3m, but 6m abutting other non-industrial zones	3m, but 6m abutting other non-employment zones
Min. Exterior Side Yard	10.5m	9m	4m	7.5m	7.5m	9m but 18.5m abutting non-industrial zones	9m but 18.5m abutting non-industrial zones	4m
Landscaped Open Space	-	10%	10% and a 3m strip requirement	-	10%	10%	10%	10%
Max. Height	-	12m (1)	4 storeys with exceptions(1)	12m (1)	12.5m (1)	12.5m (1)	12.5m (1)	15m (2)

(1) Greater heights are permitted provided that the building is set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above the height listed in **Figure 4**.
(2) Height subject to 45 angular plane where adjacent to residential zones.

In addition to the above noted maximum height requirement, in the Prestige Employment zones in West Whitby, the Comprehensive Zoning By-law shall meet the following Secondary Plan policy requirements:

- Maximum height: 12 storeys in Gateway Areas and 4 storeys outside of Gateway Areas;
- Implementing Zoning By-Law to establish reduced building height maximums in the vicinity of residential areas to ensure built-form compatibility with low-rise residential development;
- Any buildings with permitted ancillary commercial and personal service uses is to have a minimum height of 2 storeys; and
- Minimum height of any building in Gateway Areas is to be 2 storeys.

This additional direction may be provided by a site specific exception or specific note provide in the zone.

Properties in the Prestige Industrial designations addressed in this section will be rezoned to the new proposed Prestige Industrial Zone.

4. Business Park



The Business Park designation consist of areas within the Brooklin Community Secondary Plan and Lynde Shores Community Secondary Plan. Along with these two, the Brock/Taunton Major Central Area Secondary Plan Corporate Office designation is also addressed in this section.

Business Parks are defined in the Official Plan as employment areas which provides for light industrial uses and service/office uses in a campus setting. Business parks are to be planned in a distinct, large-scale comprehensive manner, providing a range of intensive employment opportunities that are accessible and supported by transit. Business Parks are to be identified in Secondary Plans with further detailed policies and be held to the highest development and design standards.

Outside of Secondary Plan areas, there are no areas specifically designated “Business Park”, however, business parks are permitted to be established within the Prestige Industrial designation. The principle difference between the Prestige Industrial designation and the Business Parks permissions within the Prestige Industrial designation is the permission for major offices in Business Park, which are offices greater in size than 10,000 square metres or more than 500 jobs within these areas, and the prohibition of warehouses. In order to provide flexibility and encourage the development of a Business Park in Whitby, consideration should be given to permitting major offices as of right in the Prestige Industrial Zone.

Brooklin Community Secondary Plan

The Business Park designation within the Brooklin Community Secondary Plan applies to the area east of Ashburn Road, north and south of Highway 407 and to a small area on the east side of Baldwin Street, north of Highway 407.

The Busines Park designation in Brooklin permits the same permitted uses as the Prestige Industrial designation, while also permitting major offices uses which are offices greater than 10,000 sq.m in size or offices that provide 500 or more jobs, as previously noted.

Lands designated Business Park within the Brooklin Community Secondary Plan are zoned Agricultural (A), Prestige Industrial (M1A) with a hold and Gasoline Bar (GB-CW) in Zoning By-law 1784, but the majority of the area in the Brooklin Business Park designation is zoned as Agricultural (A), and not yet developed. The small portion within the Prestige Industrial (M1A) Zone is also not developed, and there is a gas station and coffee shop in the Gasoline Bar (GB-CW) Zone.

Since the permitted uses in this designation are almost the same as in the Parent Official Plan, the Prestige Industrial (PI) zone described in Section 3 of this report could be applied to this designation. However, since the area covered by the designation is largely undeveloped at this time, two options exists to address the vacant lands:

> **Option** 1: The entire designation could be pre-zoned Prestige Industrial, with holding provisions, as needed; or
>
> **Option 2:** Zone the existing Prestige Industrial (H-M1A) portion as the new proposed Prestige Industrial (H-PE) Zone, and leave the remaining Agricultural (A) Zone in place.

Option 1 has the benefit of encouraging development by saving prospective developers from having to go through any zoning by-law amendment process.

Lynde Shores Community Secondary Plan

The Lynde Shores Community Secondary Plan Business Park is located north west of the intersection of Victoria Street West and Gordon Street.

This designation permits the following uses:

- Research, development and information processing establishments;
- Corporate head offices or major regional branch offices;
- Training facilities;
- Communication production uses;
- Pharmaceutical;
- Light assembly and manufacturing operations for the production and/or distribution of high value and high technology products; and
- Limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses.

The area is zoned with a series of site specific exceptions under the Select Industrial (M1A-LS) Zones. For now, the area is proposed to be zoned Prestige Industrial (PI), and through the review of the site-specific exceptions, at a later stage of this study, the permitted uses for this area may be further refined.

Business Park and Low Hazard

The Lynde Shores Secondary Plan Business Park and Low Hazard designation is located north of the intersection of Nordeagle Avenue and Jeffrey Street. Lands designated as Business Park and Low Hazard within the Lynde Shores Secondary Plan are zoned Flood (F-1) and Open Space (OS-2) in Zoning By-law 2585 and Agricultural

(A) in Zoning By-law 1784. Given the natural constraints and undeveloped nature of the sites, no industrial zoning is proposed.

Brock/Taunton Major Central Area Secondary Plan

The Brock/Taunton Major Central Area Secondary Plan's Corporate Office designation applies only to a single property to the northeast of the intersection of Baldwin Street South and Taunton Roads East.

The designation permits:

- Business and corporate offices;
- Entertainment uses;
- Recreational uses and institutional uses including health care and medical facilities;
- Civic administration centres;
- Government facilities;
- Education facilities;
- Places of worship;
- Community centres;
- Libraries;
- Transit;
- Art and cultural facilities; and
- Banquet halls and fraternal organizations.

(Corporate offices are defined as offices which provide business headquarters or main office functions but generally do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres gross leasable area.)

The property where this designation applies is zoned Institutional (I*-2) and currently contains a hydro office facility and a garage and yard for storage of their equipment. While the proposed Prestige Industrial (PI) Zone outlined in Section 3 of this report does not encompass the full range of permitted uses outlined in the Brock/Taunton Major Central Area Secondary Plans' Business Park designation, it does permit the only use that currently exists on site. As such, the proposed Prestige Industrial (PI) Zone is proposed for this site. A site specific exception may also be added to maintain the permission for the existing garage and yard used for equipment storage.

5. Existing Industrial Zones outside of Industrial Designations

The following summarizes recommendations for the existing industrial zoned areas/properties located outside of industrial designated areas.

- The site of Brooklin Concrete Products located at the southwest corner of Columbus Road West and Baldwin Street North (6760 Baldwin Street North) is zoned Preferred Industrial (M1) and Brooklin Secondary Plan - Industrial (M1-BP) within Zoning By-law 1784 but designated as Mixed-Use 1 - Community Central Area in the Brooklin Community Secondary Plan. As there is a current non-industrial application on this site, it is not addressed any further in this report.



- The Prestige Industrial (M1A) Zone within Zoning By-law 1784 on the south side of Winchester Road West about halfway between Ashburn Road and Baldwin Street South (105 Winchester Road West) contains an animal clinic and a coin operated car wash. The property is located in the Major Commercial designation and should be rezoned to the proposed Major Commercial (MC) Zone described in detail under separate cover in the Phase 2 Commercial Report. Under the new proposed zone, the existing veterinary use is permitted as-of-right and the car



wash would be rezoned to the appropriate commercial zone that permits this use.

- A site zoned Open Storage Industrial (M2) Zone within Zoning By-law 1784 on the west of the extensions of Garden Street and Conlin Road appears to be vacant. It is designated Major Open Space, Environmental Protection and Hazard, and should be rezoned to remove the industrial permissions.



- The Preferred Industrial (M1) Zone within Zoning By-law 1784 west of Garden Street approximately 300 metres north of the railway crossing (600 Garden Street) houses a sign production company (Caliber Signs). As the site is within the Residential designation, it can be zoned Residential and the existing use becomes legal non-confirming to avoid redevelopment of more intensive employment uses that would not align with the Residential land use designation.



- The Preferred Industrial (M1) Zone along the rear portion of a lot that fronts on Dundas Street East about midway between Anderson Street and Thickson Road south (1473 Dundas Street East) is used as a parking lot for a car dealership. The entire property is within the Mixed Use Designation. This rear portion of the property should be rezoned to match the front portion of the site.



- The Select Industrial (M1A) Zone on the southeast intersection of Burns Street and Garden Street appears to be used for materials storage. It appears to contain piles or gravel, dirt or some sort of materials. The site is within the Residential designation. It should be zoned a future development zone which will be further explored in a future Other Zones Report.



- The Select Industrial (M1A) Zone on the south side of Consumers Drive contains a Motel 6 (165 Consumers Drive). The site is designated Special Purpose Commercial and is surrounded by Special Purpose Commercial (C2-S) Zone which will ultimately be rezoned as Special Purpose Commercial (SC) Zone. The existing use, a hotel, is not a permitted use in the designation or the new zone. However, to maintain an industrial zone would open the opportunity for further uses that would not align with the designation, as such the site should be zoned Special Purpose Commercial (SC) Zone and the existing use would be legal non-conforming or a site specific permission could recognize the hotel use.



- The General Industrial (M3) Zone south of Highway 401, west of Brock Street South contains the GO Station and the OPP Highways Safety Division. It is designated Commercial under Port Whitby Secondary Plan. This property should be rezoned as a Mixed Use Zone in line with the Secondary Plan permission for commercial and residential uses.



- The Restricted Industrial (M2) Zone south of Highway 401 east of Brock Street South now partially contains a reconfigured Highway access and is designated Utilities in the Port Whitby Secondary Plan. Thus, it should be zoned Utilities and will be addressed under the Other Zones report as part of this Study.



- There are lots zoned Restricted Industrial (M2) on the north side of Victoria Street East that extend beyond the boundaries of the Port Whitby Secondary Plan Prestige Industrial designation to be within the Environmental Protection Area and Major Open Space designations. This inconsistency is related to schematic mapping at the Official Plan level. The developed portions can be zoned Prestige Industrial (PI) and the non-developed portions an appropriate environmental zone.



- A small portion of land zoned as Preferred Industrial (M1) behind the Townhouse development on Burns Street West located west of Annes Street is used for a pathway. It should be zoned to an appropriate open space zone.



- The Harbour Industrial (MH) Zone on the south side of Watson Street, west of Brock Street South which is used for boat sales (1710 Charles Street). It is designated Community/Institutional and thus will be further considered under the Other Zones Report. It appears to be used for commercial boat storage, and this property may not align with the intended use under the designation. Consideration should be given to redesignating the site to permit the outdoor storage of boats.



6. Conclusions and Next Steps



This Report provides recommendations for the overall categorization of Whitby's new industrial zones, as well as their new provisions.

The overall approach to the consolidation of industrial zones is to bring the zones into general alignment with the intent of the Official Plan designations.

A General Industrial (GI) Zone is recommended to apply to lands designated General Industrial in the Official Plan. A Prestige Industrial (PI) zone is recommended to apply to lands designated Prestige Industrial. These two zones will cover the bulk of the industrial areas in the Town.

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 lot provisions and/or permitted use requirements in order to ensure the Official Policies are fully implemented.

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

