



Town of Whitby

By-law # 7996-23

Official Plan Amendment Number 130

Being a By-law to adopt Amendment Number 130 to the Official Plan of the Town of Whitby;

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, provide that the Council of a municipality may by by-law adopt amendments to its Official Plan;

And whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend the Official Plan of the Town of Whitby;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. Amendment Number 130 to the Official Plan of the Town of Whitby, attached as Schedule "A" to this By-law, is hereby adopted.
- 1.2. The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Regional By-law # 11-2000 and Regional Procedure: Area Municipal Official Plans and Amendments, for exempt Official Plan Amendments.
- 1.3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act.

By-law read and passed this 15th day of May, 2023.

Elizabeth Roy, Mayor

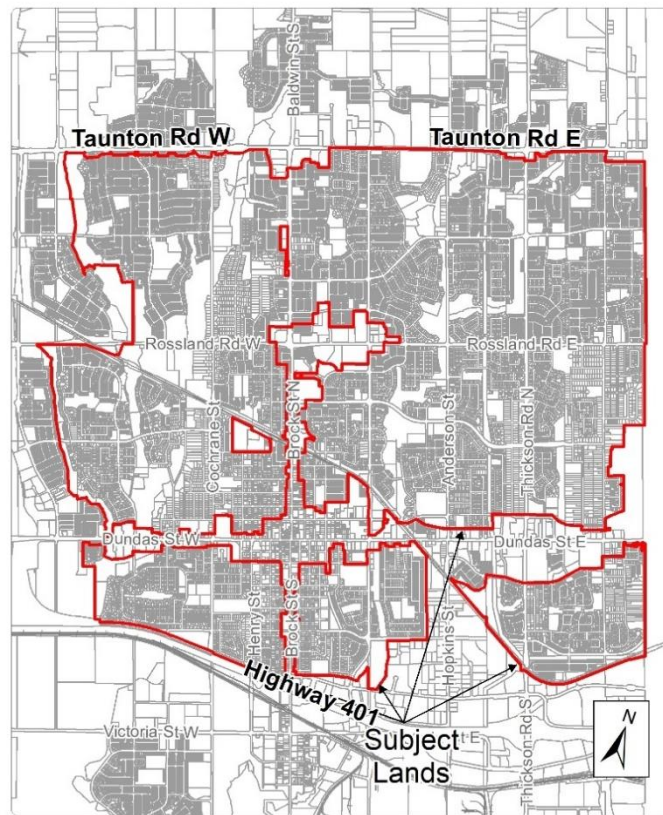
Christopher Harris, Town Clerk

Schedule 'A' to By-Law 7996-23

Amendment # 130 to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment to the Town of Whitby Official Plan is to: introduce policies for managing intensification and infill development within mature neighbourhoods.

Location: The subject lands to which the Amendment applies are generally located south of Taunton Road, north of Highway 401, excluding Intensification Areas and Intensification Corridors and certain lands in West Whitby, as illustrated on the map below:



Basis: The Amendment is based on a Town initiated Official Plan Amendment (File: OPA-2021-W/02) based on the analysis, findings and recommendations of the Mature Neighbourhoods Study – Recommendation Report, prepared by SGL Planning and Design Inc. (January 2022), which

would introduce policies in the Town of Whitby Official Plan for managing intensification and infill development within mature neighbourhoods. The Mature Neighbourhoods Study is a result of Interim Control By-laws #7699-20 and #7700-20 passed by Council on December 7, 2020. SGL Planning & Design Inc. was retained to conduct the related study and prepared a Background and Analysis Report and an Options Report in addition to the Recommendation Report.

The Amendment is consistent with the policies of the Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and meets the overall goals and intent of the policies of the Regional Official Plan.

The Amendment also meets the overall intent of the policies of the Whitby Official Plan, in that it will aid in complementing and enhancing the character and identity of established residential neighbourhoods.

Actual Amendment:

The Town of Whitby Official Plan is hereby amended as follows:

- 1) By amending Schedule “B” – Intensification, of the Town of Whitby Official Plan, by identifying certain areas as “Mature Neighbourhoods”, as shown on the attached Exhibit ‘A’; and;
- 2) By adding the following new Section 4.4.3.13:

4.4.3.13 Mature Neighbourhoods

4.4.3.13.1 The policies of this section apply only to the Mature Neighbourhoods identified on Schedule B: Intensification of the Official Plan.

4.4.3.13.2 Notwithstanding any other provisions in this Plan to the contrary, including Section 4.4.3.3, 9.3.1 and 10.2.1.5, in instances where the policies and designations contained in this Plan vary from the policies within Section 4.4.3.13, the more specific and detailed policies of Section 4.4.3.13 shall prevail.

- 4.4.3.13.3 Development and redevelopment on properties protected under the Ontario Heritage Act shall be evaluated in accordance with the policies of Section 4.4.3.13 and Section 6.1 of this Plan as well as applicable heritage designation by-laws. Where there is a conflict, the policies of Section 6.1 and/or the heritage designation by-laws shall prevail.
- 4.4.3.13.4 Mature Neighbourhoods are not static and will continue to gradually evolve. The Town recognizes the desirability of re-investment and gradual change over time in Mature Neighbourhoods. In view of these directives, infill and intensification shall be permitted within Mature Neighbourhoods, provided it fits in with, is context-sensitive to and is compatible with the existing physical character of the neighbourhood.
- 4.4.3.13.5 Context-sensitive and compatible development does not mean it must imitate or replicate existing development; however, it must demonstrate that it can co-exist with its surroundings and reinforce the stability of the existing physical character of the neighbourhood without negative impact to both immediate properties or to the character of the street.
- 4.4.3.13.6 The existing physical character of a Mature Neighbourhood is defined by the most frequently occurring form of development, which may include more than one lot pattern, building type or other defining element depending on each individual context.
- 4.4.3.13.7 The implementing Zoning By-law shall establish standards that acknowledge and protect the existing physical character of Mature Neighbourhood areas.
- 4.4.3.13.8 Greater variation from the existing character may be permitted abutting arterial roads as delineated on Schedule D and abutting Intensification Corridors and Intensification Areas as delineated on Schedule B, provided

an appropriate transition in height and density is created to the abutting interior of the Mature Neighbourhood and impacts are mitigated.

- 4.4.3.13.9 The prevailing character along the edges of Mature Neighbourhoods (i.e., abutting arterial roads, Intensification Corridors and Intensification Areas) shall not be determinative of the existing character when considering new development in the interior of a Mature Neighbourhood.
- 4.4.3.13.10 Development in the interior of Mature Neighbourhoods shall be of a low density nature and is subject to the policies of Section 4.4.3.4 in addition to the policies of this Section. Low Density Residential development shall generally be limited to 2 storeys in height, however the implementing Zoning By-law may consider areas where a third storey within the roofline of a dwelling is permitted.
- 4.4.3.13.11 Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods which includes along arterial roads or abutting Intensification Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9 in addition to this section. New Medium Density Residential development shall be compatible with its surrounding context and provide a sensitive transition to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize shadow and overlook.
- 4.4.3.13.12 High Density Residential development shall be directed to the edges of Mature Neighbourhoods which includes along arterial roads or abutting Intensification Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9 in addition to this section. Notwithstanding Policy 4.4.3.9.3, High Density Residential development within Mature Neighbourhoods shall have a maximum height of 4 storeys and shall provide a compatible

interface and transition in height and density to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize shadow and overlook.

- 4.4.3.13.13 Notwithstanding Policy 4.4.13.12, greater heights may be considered through an amendment to this Plan, based on the criteria set out in Policy 4.4.3.13.17.
- 4.4.3.13.14 New development permitted through a minor variance, zoning by-law amendment or severance shall fit in with, be context sensitive to and be compatible with the existing physical character of the surrounding Mature Neighbourhood, with emphasis on the existing physical character of the immediate street block, and shall consider the following elements in that determination:
- Lot frontages;
 - Lot sizes;
 - Lot coverages;
 - Front, side and rear yard setbacks;
 - Separation distances between dwellings;
 - Siting and orientation of dwellings;
 - Building height,
 - Building massing and scale;
 - Building depth;
 - Building type;
 - Width and location of driveways;
 - Conservation of cultural heritage resources;
 - Amount of landscaped open space on a lot; and,
 - Protection of existing mature trees.
- 4.4.3.13.15 New development shall minimize impacts to adjacent and surrounding properties in relation to privacy, overlook, shadowing, sun reflection, access and existing mature trees.
- 4.4.3.13.16 In addition to the policies of this section, plans of subdivision and ground related condominium developments within Mature Neighbourhoods shall be assessed based on the following:

- Development should reflect the prevailing grid pattern of the surrounding neighbourhood, providing a seamless extension, as much as possible, through an interconnected block structure and extension of the existing road network;
- Traffic impacts on surrounding neighbourhoods should be mitigated through appropriate access and density;
- On small infill properties where only a few new units are being created, development should complement the established character of lot sizes and frontages of adjacent lots and consider the elements for determining compatibility in Section 4.4.3.13.14; and,
- On larger infill properties, the subdivision or condominium shall incorporate a transition in lot sizes, whether it is a freehold lot, parcel of tied land or that portion of a condominium containing a dwelling unit, with development complementing the existing pattern of lot sizes abutting existing lots with greater variation in lot sizes provided in the centre of the new subdivision or condominium.

4.4.3.13.17 Applications for High Density Residential development greater than 4 storeys in Mature Neighbourhoods shall be assessed based on the following:

- High Density Residential development outside of Central Areas and/or Intensification Areas and Corridors should not compete or detract from the potential to establish these uses in areas designated for intensification;
- Development should be located on arterial roads;
- The use of intervening Medium Density Residential built form is encouraged as a transition between existing Low Density Residential buildings and proposed High Density Residential buildings;

- Development should be located close to existing or planned transit routes;
- Development should be located in areas where community services and amenities are within walking distance;
- Development shall not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- Development should demonstrate that it will not create an adverse impact on adjacent Low Density Residential areas, parkland or the public realm from shadow, overlook or massing; and
- Development shall be within a 45 degree angular plane from any property line abutting a Low Density Residential dwelling.”

Implementation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

Interpretation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

Refer to Attachments:

Attachment 1 – Schedule B-Exhibit A