



Town of Whitby

By-law # 8046-24

Downtown Whitby Community Improvement Plan

Being a By-law to Adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area.

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council passed By-law # 7422-18 to designate the Downtown Whitby Community Improvement Project Area; and,

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council may provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Community Improvement Project Area; and,

Whereas such a plan has been prepared attached hereto as Schedule "A" and forming part of this by-law; and,

Whereas the Town of Whitby has consulted with the Ministry of Municipal Affairs and Housing in accordance with Section 28 of the Planning Act, R.S.O. 1990, as amended; and,

Whereas a public meeting was held on May 14, 2018 pursuant to the Planning Act, R.S.O. 1990 as amended, to hear submissions respecting the proposed Community Improvement Plan;

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

1. Definitions

- 1.1. "development charge" means a charge with respect to local development charges as per the Town's Development Charges By-law, as amended from time to time.
- 1.2. "dwelling unit" means a dwelling comprised of a room or suite of rooms used or designated or intended for use by one (1) or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- 1.3. "gross floor area" means the total floor area on a site at the time the CIP By-law comes into full force and effect, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above grade; and for the purpose of this definition, in a mixed-use building the gross floor area of any area common to the residential and non-residential parts of such mixed-use building shall be allocated one-half to the residential part of the building and one-half to the non-residential part of the building;
- 1.4. "high density residential development" means an apartment dwelling of a minimum of four (4) storeys or containing more than sixty-five (65) dwelling units per net hectare;

- 1.5. “industrial” means a building or a portion thereof that is used or designed or intended to be used for:
- (a) manufacturing, producing, processing, warehousing, storage or distributing and includes a greenhouse;
 - (b) research or development in connection with manufacturing, producing or processing;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales area at the site where the manufacturing, production, or processing takes place; or
 - (d) office or administrative purposes, if carried out with respect to manufacturing, producing, processing, warehousing, storage or distribution and in the building used for the manufacturing, producing, storage or distribution or attached to the building, but “industrial” shall not include “retail commercial” as defined in this by-law;
- 1.6. “institutional” means a building or a portion thereof that is used or designed or intended to be used by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, a place of worship and a hospital;
- 1.7. “mixed use” means any land or building or portion thereof that is used or designed or intended to be used for both residential and non-residential uses;
- 1.8. “medical office” means, a building or portion thereof that is used or designed or intended to be used for professional offices by medical practitioners licensed by the College of Physicians and Surgeons of Ontario and ancillary facilities related to the delivery of services by medical practitioners;
- 1.9. “office” means a building or portion thereof that is used or designed or intended to be used for the practice of a profession, the carrying on of a business or occupation, or the conduct of a non-profit organization including the premises of a bank or other financial institution which are not a retail branch of that bank or other financial institution, but “office” shall not include “retail commercial” or “medical office”;
- 1.10. “retail commercial” means a building or a portion thereof that is used or designed or intended to be used for the sale or rental or offer for sale or rental of goods or services to the general public for consumption or use and shall include, but not be limited to:
- (a) ancillary facilities and uses of any kind that support or are related to the sale, rental or service use;
 - (b) restaurant uses;

- (c) hotel/motel uses;
- (d) storage or warehousing areas which are used, designed or intended to be used in connection with sales, service or rental areas;
- (e) warehouse clubs or similar uses;
- (f) self-storage units;
- (g) secure document storage;
- (h) a branch of a bank or other financial institution, (including credit unions), that offers banking services to consumers and businesses; and,
- (i) the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but “retail commercial” shall not include office uses that are located in the same building.

2. Regulation

- 2.1. Calculation and payment of Development Charges shall be determined as per the Town’s Development Charges By-law as amended from time to time.

3. General

- 3.1. An owner or applicant under the Downtown Whitby Community Improvement Plan may only receive one Development Charge Grant even if they qualify for or apply for more than one.

4. Schedule(s)

- 4.1. That the Downtown Whitby Community Improvement Plan attached hereto as Schedule “A” is hereby adopted.

5. Repeal of Existing By-law

- 5.1. That By-law # 7827-21 being a By-law to adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area be repealed after this by-law comes into force and effect.

6. Effective Date

- 6.1. That the Downtown Whitby Community Improvement Plan be effective as of January 29, 2024.
- 6.2. This By-law expires on December 31, 2027.

- 6.3. The Town reserves the right to amend, cancel or alter the incentive programs described in Schedule “A” attached to and forming part of this by-law at any time.

By-law read and passed this 29th day of January, 2024.

Appendices

Appendix 1

Schedule ‘A’ - Downtown Whitby Community Improvement Plan

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk