



Town of Whitby

By-law # 8066-24

Official Plan Amendment Number 133

Being a By-law to adopt Amendment Number 133 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 133 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 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule 'A' to By-Law 8066-24

Amendment # 133 to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment to the Town of Whitby Official Plan is to facilitate minor housekeeping and technical revisions to certain Part 2 Secondary Plans and Schedules, and related minor revisions to Part 1 Official Plan.

Location: The subject lands to which the Official Plan Amendment applies are all lands within the Town of Whitby and generally within the following Secondary Plan areas:

- Lynde Shores Secondary Plan;
- Rossland/Garden Urban Central Area Secondary Plan;
- Brooklin Community Secondary Plan;
- Macedonian Village Secondary Plan;
- Hamlet of Ashburn Secondary Plan;
- Brock/Taunton Major Central Area Secondary Plan;
- Thicksen/Taunton Community Central Area Secondary Plan; and,
- Taunton North Community Secondary Plan.

Basis: This Town-initiated Amendment includes minor housekeeping and technical revisions and updates to relevant sections of Part 1 Parent Official Plan and certain Part 2 Secondary Plans. Some Secondary Plans are being deleted in their entirety where appropriate, with certain policies relocated accordingly, while others are being refined for alignment and consistency with the parent Part 1 Official Plan, and other Part 2 Secondary Plans.

The housekeeping and technical Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan and Durham Regional Official Plan, and meets the overall goals and intent of the Whitby Official Plan. The Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act.

The housekeeping and technical Amendment includes:

1. Policy (text) changes to the Official Plan and Secondary Plans, including:

- Deletion of select Secondary Plans where such areas have been substantially builtout;
- Clarification of policies;
- Consistency/alignment of policy language, terminology, phrasing, land use permissions, densities, and heights etc., amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
- Maintaining specific land use permissions, densities and/or heights where Secondary Plans are more detailed and specific; and
- Minor reorganizing, restructuring, cross-referencing, and renumbering, where required.

2. Schedules (maps) changes, including:

- Deletion of select Secondary Plan schedules where such areas have been substantially built out;
- Minor revisions/updates to reflect as-built and/or implemented land use designations and symbols, infrastructure and utility locations, road network, etc.; and
- Consistency of map formats amongst Secondary Plans, including map legends, line types, boundaries, colours, hatching, etc.

Actual Amendment:

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

1. By deleting Section 11.4 and Schedule J – Rossland Garden Urban Central Secondary Plan, Section 11.6 and Schedule L – Macedonian Village Secondary Plan, Section 11.7 and Schedule M – Hamlet of Ashburn Secondary Plan, and Section 11.9 and Schedule O – Thickson/Taunton Community Central Area Secondary Plan, and by re-numbering subsequent Sections accordingly, and re-lettering Schedules accordingly;
2. By replacing Schedule “A” – Land Use with a new Schedule “A” – Land Use, by removing the decommissioned Hydro Corridor, and to reflect as built conditions and other refinements, as shown on the attached Exhibit ‘A’;
3. By amending Schedule “B” – Intensification, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit ‘B’;
4. By amending Schedule “C” – Environmental Management, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit ‘C’;

5. By amending Schedule “E” – Secondary Plans and Community Improvement Areas, by deleting select Secondary Plan areas, as shown on the attached Exhibit ‘D’;
6. By replacing Schedule “G” – Lynde Shores Secondary Plan with a new Schedule “G” – Lynde Shores Secondary Plan, to reflect as built conditions and other refinements, as shown on the attached Exhibit ‘E’;
7. By replacing Schedule “N” – Brock/Taunton Major Central Area Secondary Plan with a new Schedule “N” – Brock/Taunton Major Central Area Secondary Plan, to reflect as built conditions and other refinements, identified as Schedule “K” on the attached Exhibit ‘F’;
8. By replacing Schedule “P” – Taunton North Community Secondary Plan Land Use with a new Schedule “P” – Taunton North Community Secondary Plan Land Use, to reflect as built conditions and other refinements, identified as Schedule “L” on the attached Exhibit ‘G’;
9. By replacing Schedule “Q” – Taunton North Community Secondary Plan – Environment with a new Schedule “Q” – Taunton North Community Secondary Plan - Environment, to reflect as built conditions and other refinements, identified as Schedule “M” on the attached Exhibit ‘H’;
10. By amending Part 1 of the Town of Whitby Official Plan, with additions in green underlined text, and, deletions in red strikethrough text, as shown on the attached Exhibit ‘I’; and,
11. By amending Part 2 of the Whitby Official Plan, Section 11.2 - Lynde Shores Secondary Plan, Section 11.8 - Brock/Taunton Major Central Area Secondary Plan; Section 11.10 - Taunton North Community Secondary Plan; Section 11.11 – Oak Ridges Moraine Secondary Plan, with additions in green underline text, and, deletions in red strikethrough text, as shown on the attached Exhibit ‘J’.

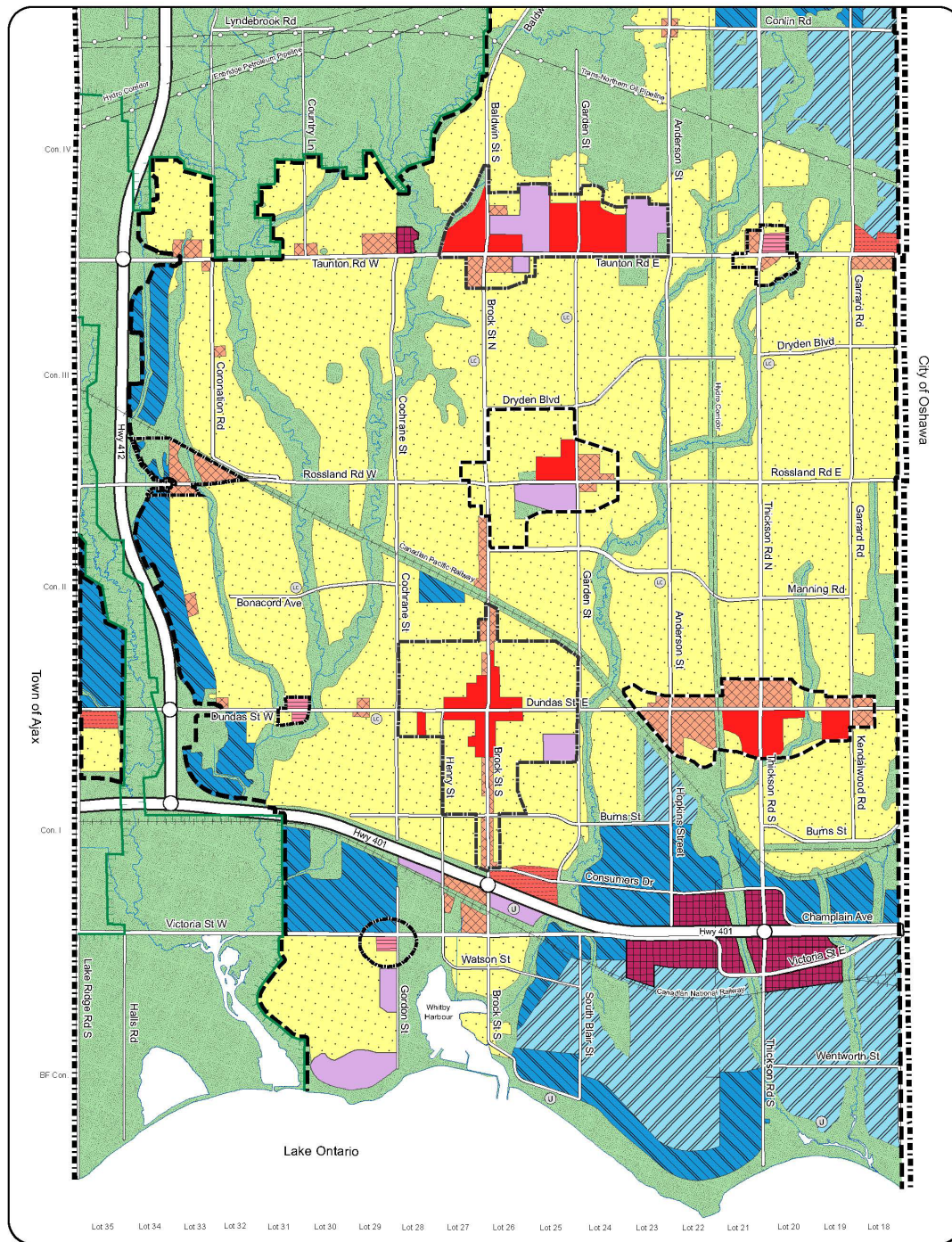
Implementation:

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.

Exhibit 'A' to Amendment #133 To the Town of Whitby Official Plan



Legend

- Residential
- Major Commercial
- Community Commercial
- Special Purpose Commercial
- Mixed Use
- Prestige Industrial
- General Industrial
- Special Activity Node
- Institutional
- Major Open Space
- Agricultural
- Hamlet
- Estate Residential
- Lands Subject to Durham Regional Official Plan Policy 14.13.7
- Special Policy Area (Refer to section 11.5.31.6)
- Deferred by the Region of Durham
- Local Central Area
- Resource Extraction Area (See Section 4.12)
- Utility
- Hydro Corridor
- Major Central Area Boundary
- Urban Central Area Boundary
- Community Central Area Boundary
- Future Urban Development Area Boundary
- Greenbelt Protected Countryside Boundary
- Southern Boundary of Oak Ridges Moraine
- Hamlet Boundary
- 2031 Urban Area Boundary
- Municipal Boundary
- D3 (Deferred by Region of Durham)

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Scugog

Pickering

Oshawa

Lake Ontario

Sheet 1 of 2

Sheet 2 of 2

Official Plan - Town of Whitby Schedule

Land Use

A

Consolidation Date: April 2024

0 500 1,000 Metres

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'B' to Amendment #133 To the Town of Whitby Official Plan

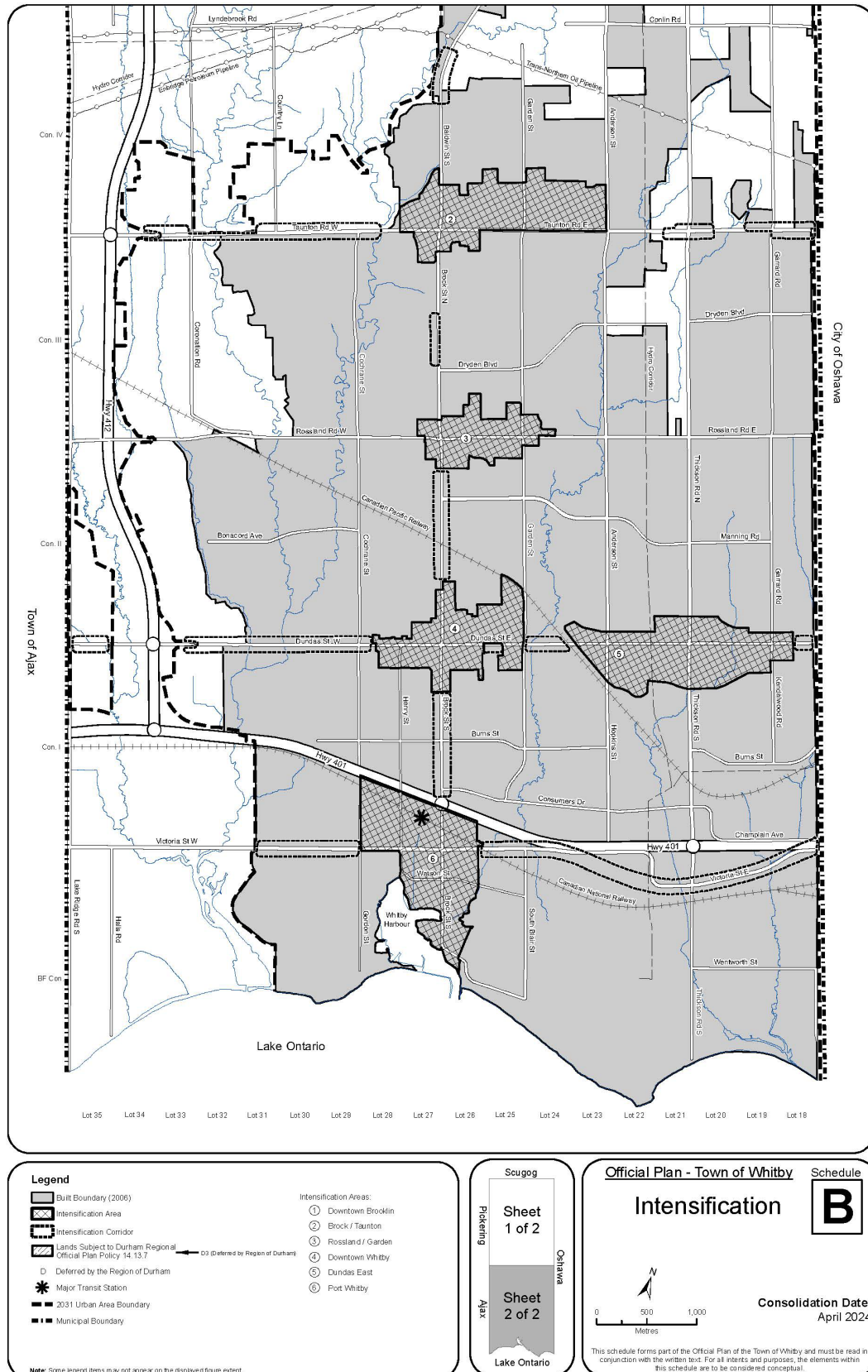
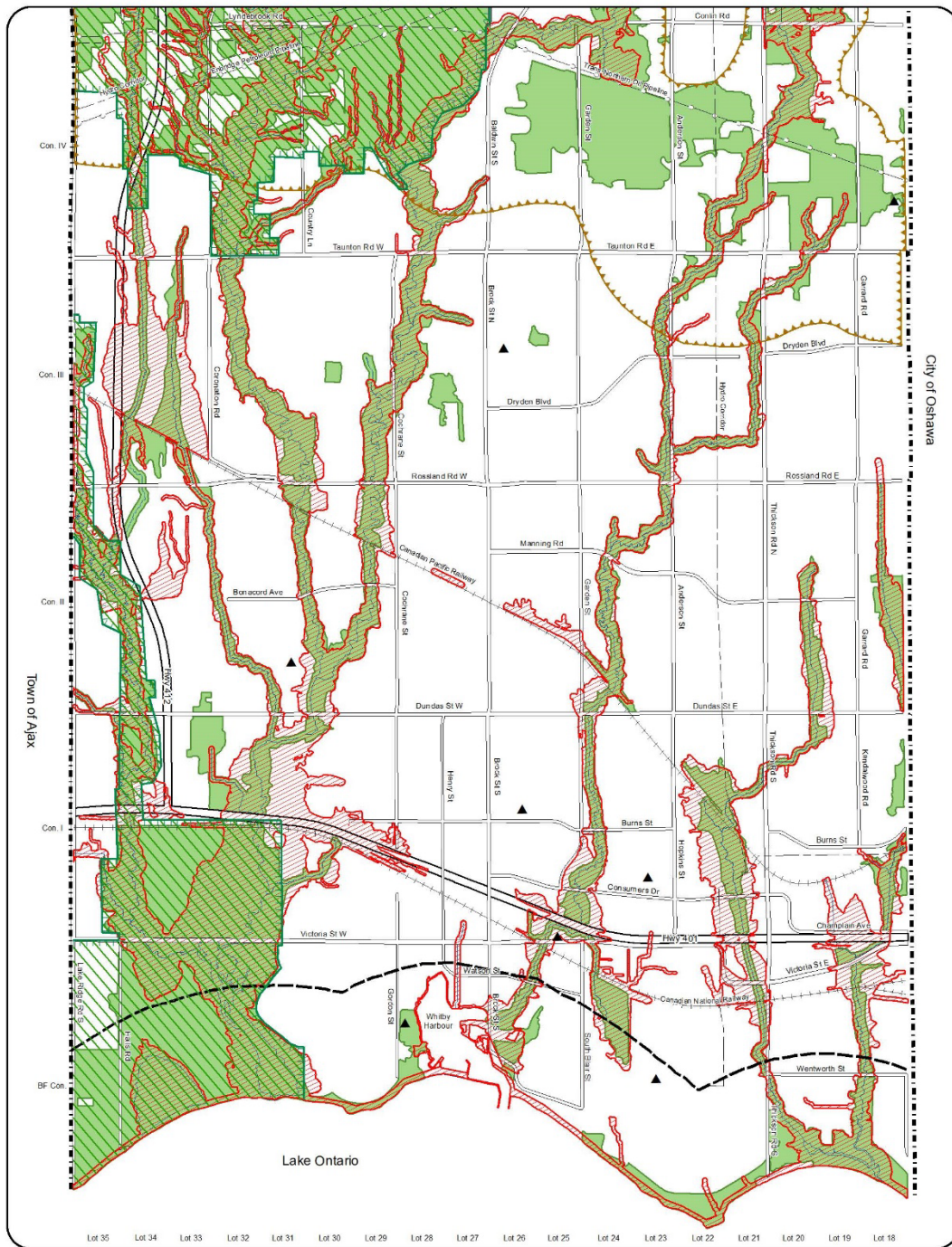


Exhibit 'C' to Amendment #133 To the Town of Whitby

Official Plan



Legend

- Natural Heritage System
- Natural Hazards
- Greenbelt Natural Heritage System
- Former Lake Iroquois Beach
- Former Waste Disposal Site
- 1 km Lake Ontario Shoreline Limit
- Southern Boundary of Oak Ridges Moraine
- Greenbelt Protected Countryside Boundary
- Municipal Boundary

Note: Some legend items may not appear on the displayed figure intact.

Scugog

Pickering

Ajax

Oshawa

Sheet 1 of 2

Sheet 2 of 2

Lake Ontario

Official Plan - Town of Whitby

Environmental Management

Schedule C

Consolidation Date: April 2024

0 500 1,000 Metres

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'D' to Amendment #133 To the Town of Whitby Official Plan

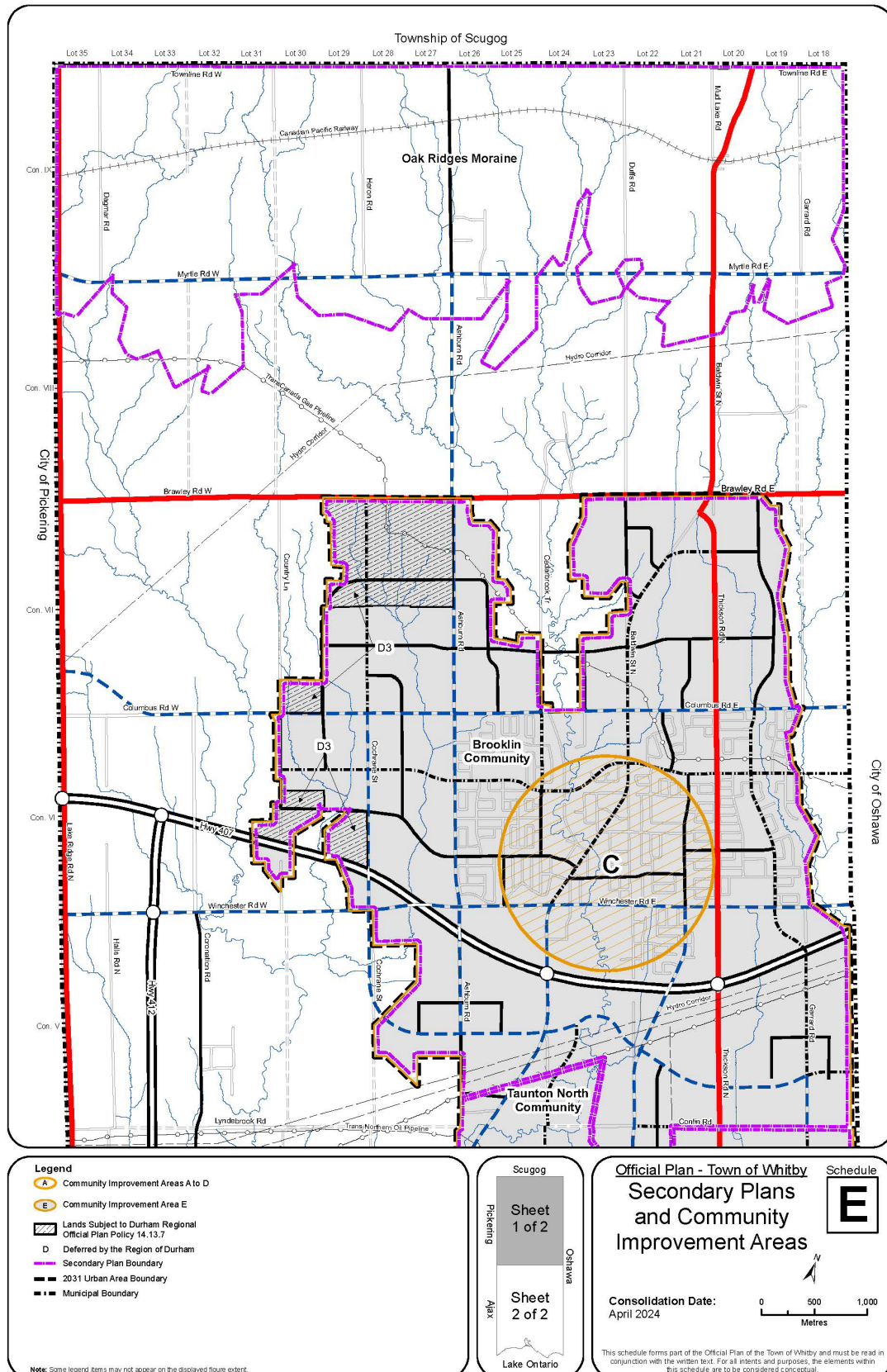


Exhibit 'D' to Amendment #133 To the Town of Whitby Official Plan

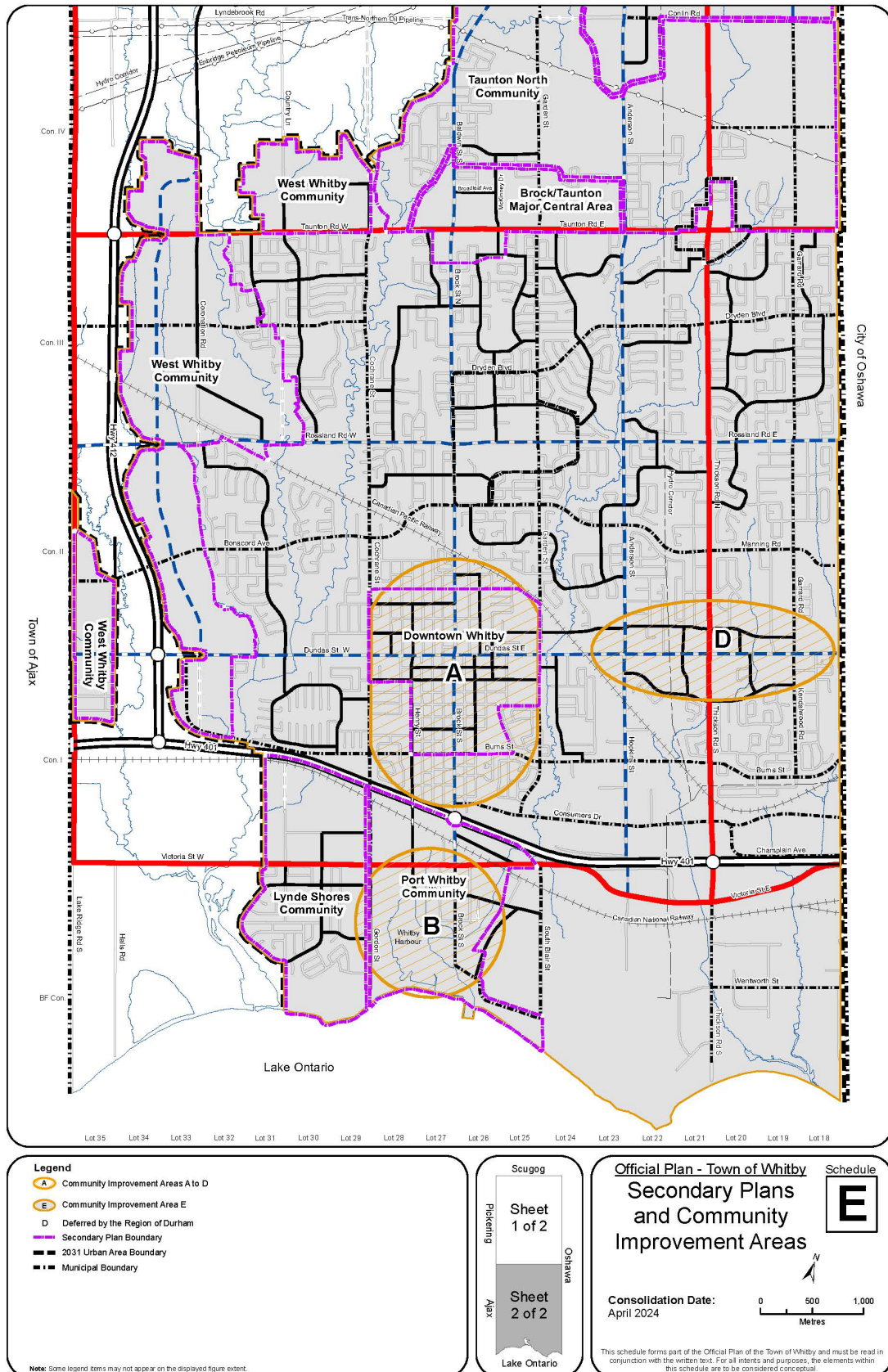
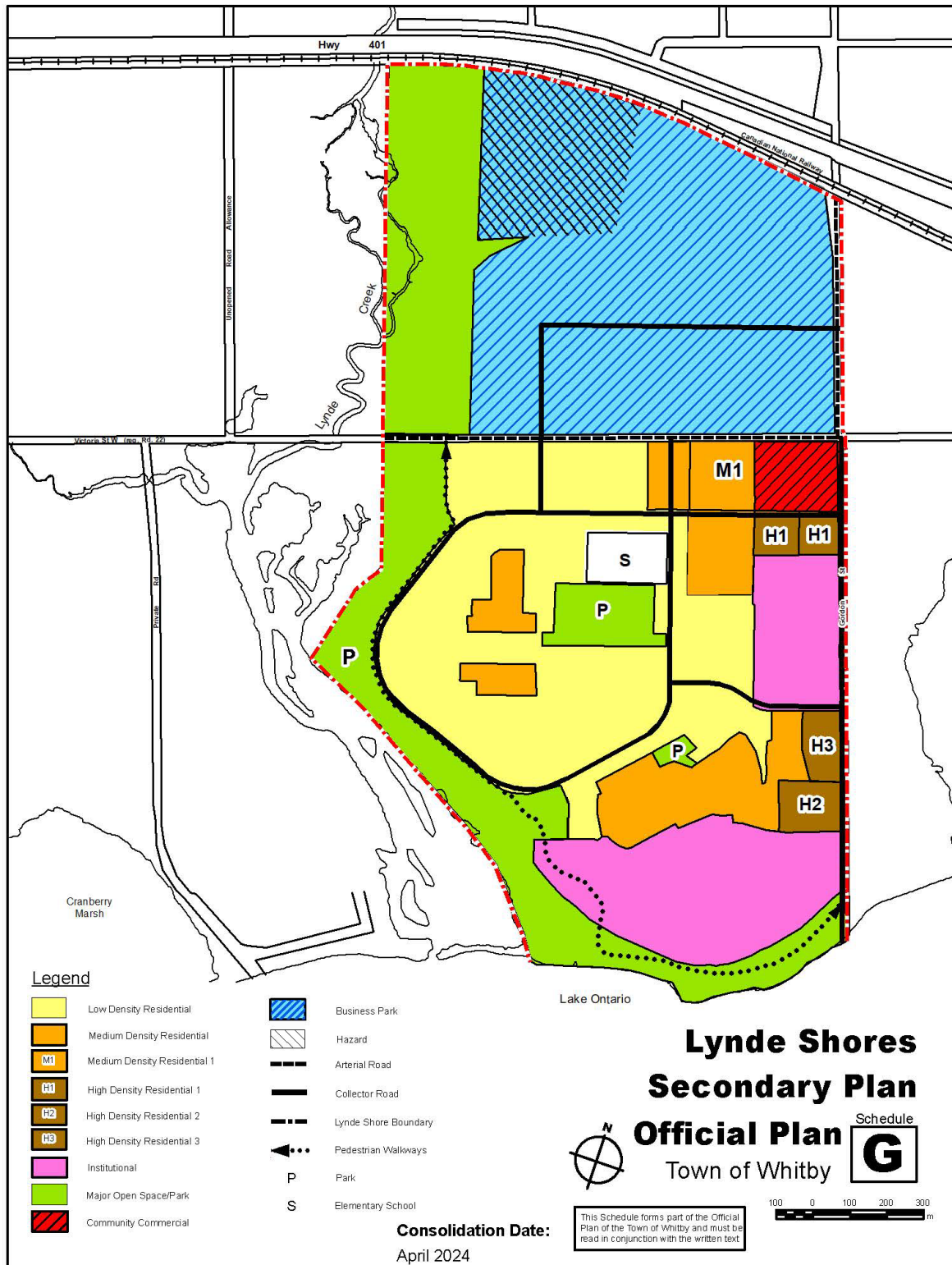


Exhibit 'E' to Amendment #133 To the Town of Whitby
Official Plan



E

Exhibit 'F' to Amendment #133 To the Town of Whitby
Official Plan

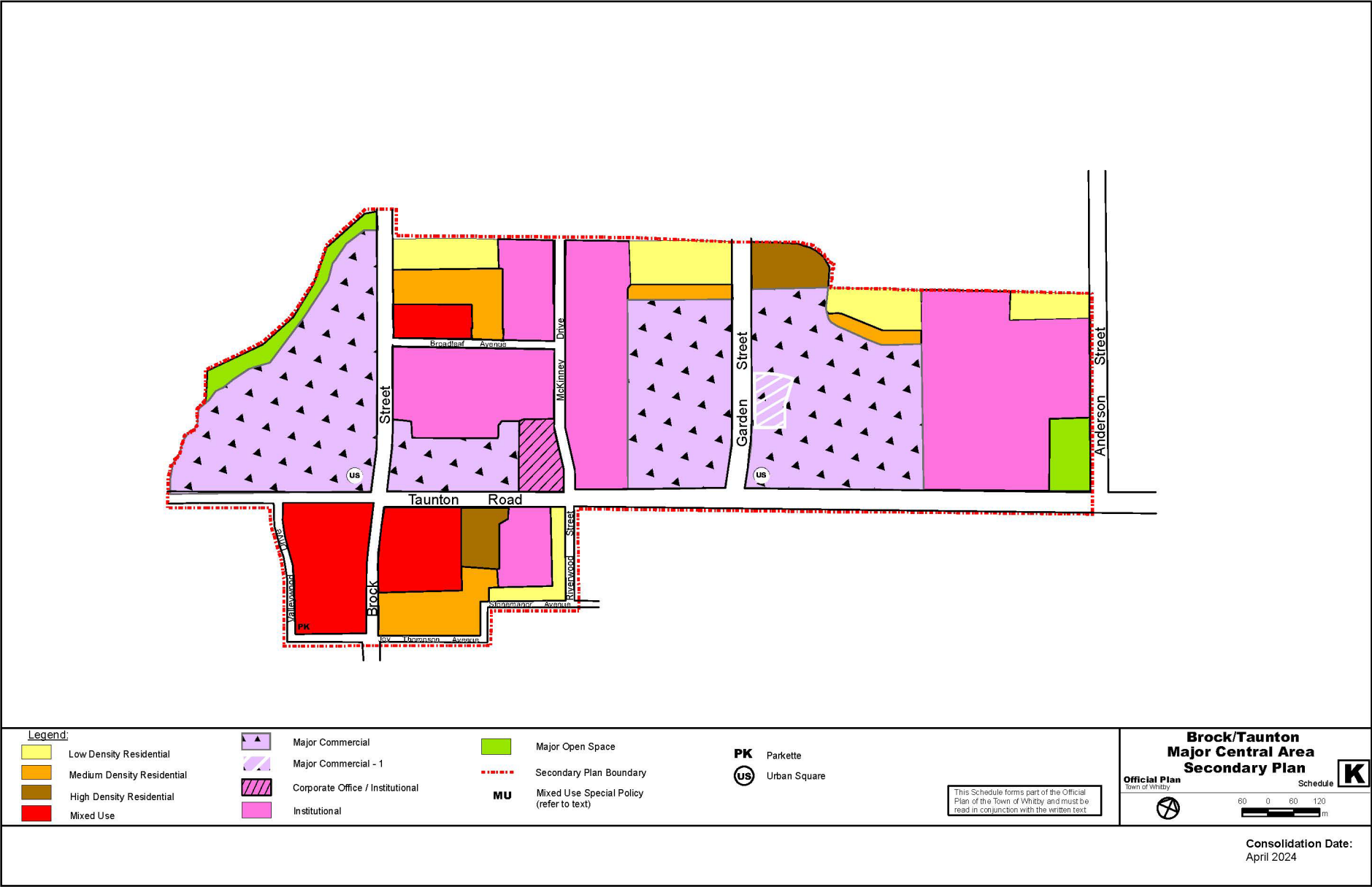


Exhibit 'G' to Amendment #133 To the Town of Whitby Official Plan

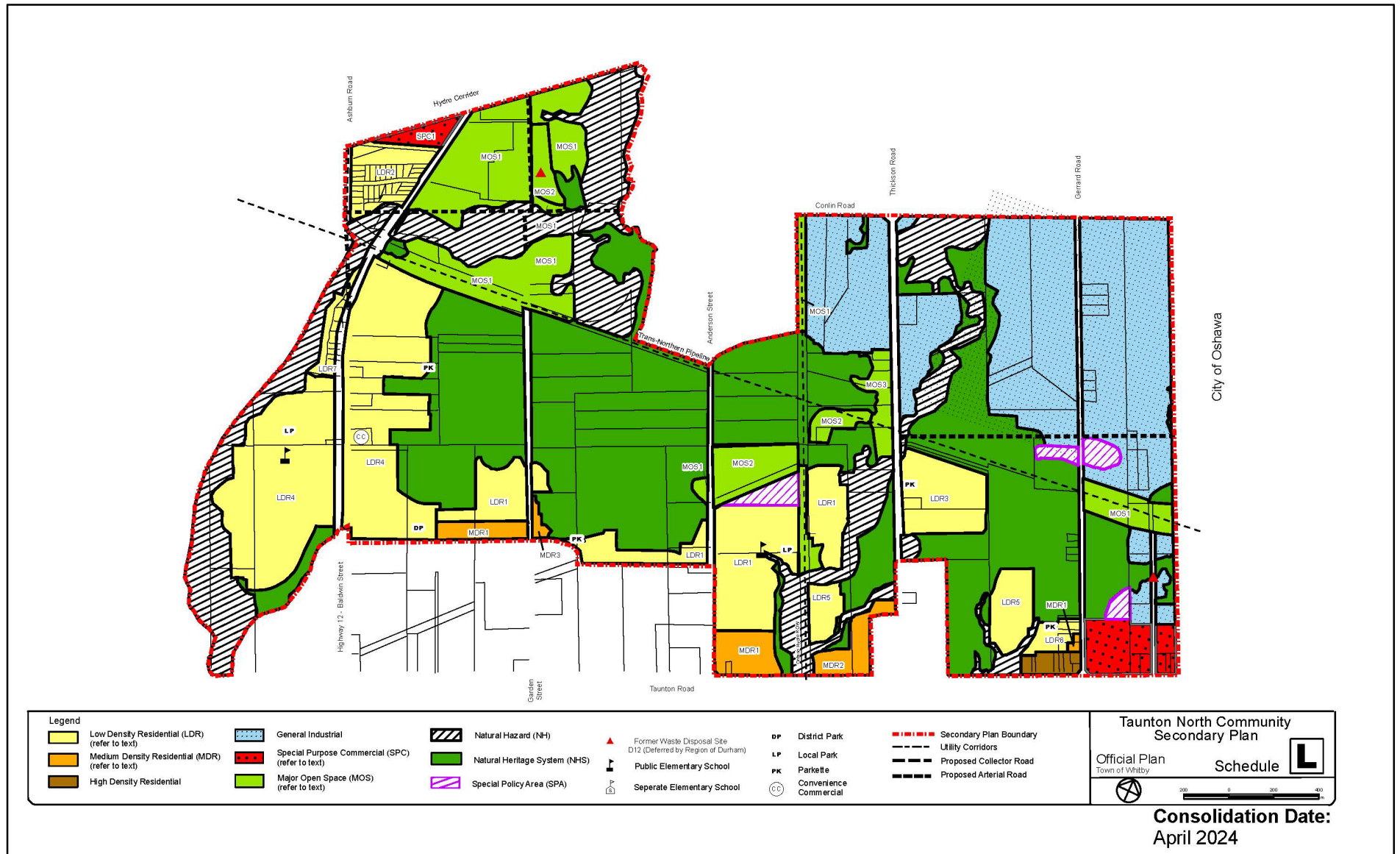


Exhibit 'H' to Amendment #133 To the Town of Whitby Official Plan

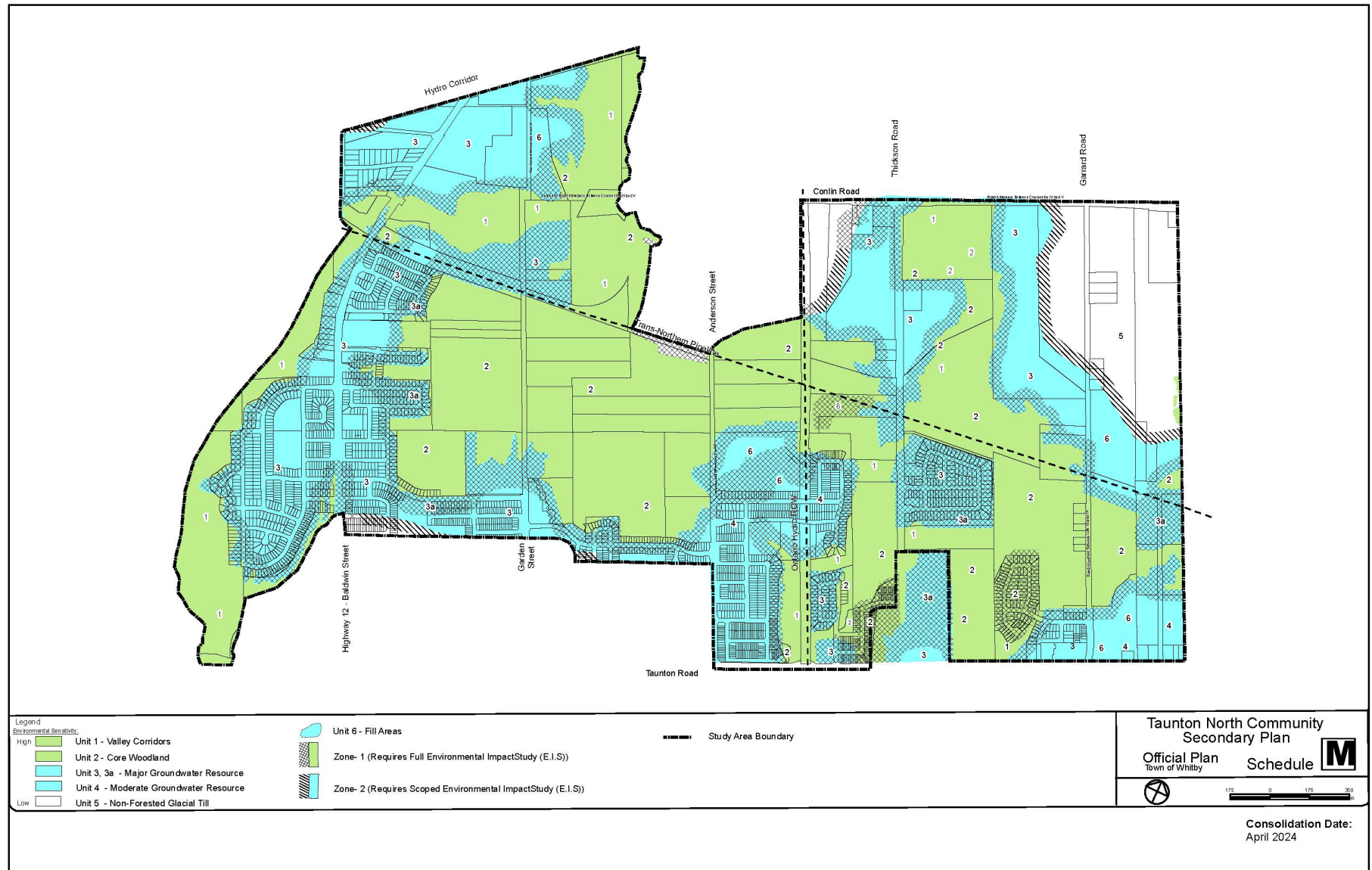


Exhibit 'I' to Amendment #133 To the Town of Whitby Official Plan

- c) The relevant policies of Section 4.2 and Section 6.2 shall apply to *development* and *redevelopment* proposals in the Dundas East Intensification Area.

4.3.3.4.4 Rossland/Garden Urban Central Area

- 4.3.3.4.4.1 Lands in the Rossland/Garden Urban Central Area shall be developed in accordance with the land use designations on Schedules "A" and "J" and the relevant policies of this Plan ~~and the Rossland/Garden Urban Central Area Secondary Plan.~~

- 4.3.3.4.4.2 For lands within the Rossland/Garden Intensification Area, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.5 along Brock Street;
- b) The minimum building height for new residential and mixed-use buildings shall be 2 storeys and the maximum building height shall be 18 storeys in proximity to Brock Street or Rossland Road; and
- c) The relevant policies of Section 4.2 shall apply to *development* and *redevelopment* proposals in the Rossland/Garden Intensification Area. New *development* and *redevelopment* in the Rossland/Garden Intensification Area shall assist in achieving an integrated mix of land uses to support the employment uses located in this area. The relevant policies of Section 6.2 shall apply, particularly the provisions of Sections 6.2.3.1 and 6.2.3.2.

4.3.3.5 Community Central Areas

- 4.3.3.5.1 Baldwin Street/Columbus Road, Cochrane Street/Columbus Road, Baldwin Street/Thickson Road, Gordon Street/Victoria Street, Thickson Road/Taunton Road, Rossland Road/Desmond G. Newman Drive, and Dundas Street/McQuay Boulevard are Community Central Areas as identified on Schedule "A" and may be identified in *Secondary Plans*.

- 4.3.3.5.2 Community Central Areas shall be smaller in scale than Urban Central Areas and shall be planned and developed to serve the weekly needs of small segments of the Urban Area through the provision of uses which complement those offered within the Urban Central Areas.

4.3.3.6 Local Central Areas

- 4.3.3.6.1 Local Central Areas are identified on Schedule "A" and in *Secondary Plans*.

Home-based businesses are not intended to permit economic activities that are more appropriately accommodated in commercial or industrial areas;

- e) Bed and Breakfast Establishments may be permitted within all designations where residential uses are permitted subject to the inclusion of appropriate provisions in the Zoning By-law and provided the establishment:
 - i) is low intensity in nature;
 - ii) is compatible with surrounding uses;
 - iii) can provide sufficient on-site parking; and
 - iv) has adequate water supply and sewage treatment systems provided;
- f) *Apartments in houses*, group homes, and *garden suites* may be permitted in all designations where residential uses are permitted subject to the relevant policies of Section 4.4.3.9.5, 4.4.3.9.6, and Section 7; and
- g) Rooming, boarding, and lodging houses may be permitted in locations where Medium Density and High Density Residential *development* is permitted pursuant to Sections 4.4.3.5 and 4.4.3.6, areas designated as Mixed Use, or mixed-use *developments* in Intensification Areas and Intensification Corridors, subject to the inclusion of appropriate provisions in the Zoning By-law, licensing, and the relevant provisions of this Section.

4.4.3.2 The locations for Low Density, Medium Density, and High Density Residential *development* shall be identified in *Secondary Plans*. Where there is no *Secondary Plan*, proposals for new residential *development* or *redevelopment* shall consider the policies, including locational criteria, identified in Sections 4.4.3.4 to 4.4.3.6, and the additional criteria in Section 4.4.3.9.2 in the case of Medium Density and High Density Residential *development*.

4.4.3.3 Notwithstanding any other provisions in this Plan to the contrary, in instances where the policies and designations contained in the *Secondary Plans* vary from the policies within Section 4.4.3 in terms of permitted uses, housing types, and densities, the more specific and detailed policies of the *Secondary Plan* shall prevail, provided the overall intent of the Official Plan is maintained.

4.4.3.4 Low Density Residential

4.4.3.4.1 Low Density Residential areas shall be developed in accordance with the following policies:

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- a) Low Density Residential areas shall generally be located in the interior of residential neighbourhoods on local or collector roads;
 - b) Single detached, semi-detached, and duplex dwellings and other similar ground related built forms shall be permitted with a density of up to ~~30~~ 35 dwelling units per net hectare; and
 - c) Notwithstanding subsection b) above, the maximum density in Low Density Residential areas may be exceeded through the inclusion of appropriate policies in *Secondary Plans for development* in *greenfield* areas.

4.4.3.4.2 The Municipality shall encourage the *development* of new residential units through *intensification* of Low Density Residential areas in accordance with the following criteria:

- a) the sizes of the lots, and the width and location of new driveways shall be compatible in relation to adjacent lots and other lots on the street and area;
- b) consideration is given to the potential for retaining existing trees and vegetation and compensation for any loss of trees and vegetation; and
- c) the proposal complies with any applicable provisions of Section 10.1.13.1.

4.4.3.4.3 Applications for *redevelopment* of existing lots in Low Density Residential areas that require a Zoning By-law amendment or minor variance shall be considered in accordance with the following criteria:

- a) The interior side yard setback is generally consistent with existing dwelling(s) on the same side of the street; and
- b) The front yard setback for the new dwelling unit(s) is generally consistent with the front yards that exist on the same side of the street.

4.4.3.5 Medium Density Residential

4.4.3.5.1 Medium Density Residential areas shall be developed in accordance with the following policies:

- a) Medium Density Residential areas shall generally be located in the interior or at the edges of neighbourhoods in proximity to transit, or located within Central Areas and/or Intensification Areas and Intensification Corridors with a transition of density and intensity of uses;
- b) Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4 storeys, shall be permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare; and

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- c) Applications for new *development* or residential *intensification* for Medium Density Residential uses shall be reviewed based on Section 4.4.3.9 of this Plan.

4.4.3.6 High Density Residential

4.4.3.6.1 High Density Residential areas shall be developed in accordance with the following policies:

- a) High Density Residential areas shall generally be located at the edge of neighbourhoods along arterial roads or located within Central Areas and/or Intensification Areas or Intensification Corridors;
- b) Townhouses, apartments, and other forms of multiple dwellings shall be permitted with a density range of greater than 65 and up to 135 dwelling units per net hectare;
- c) Notwithstanding subsection b) above, proposals for High Density Residential *development* and *redevelopment*, including High Density Residential uses within a mixed-use building, with a density range of greater than 135 and up to 300 dwelling units per net hectare may be considered through an amendment to the Zoning Bylaw where the lands are located within Intensification Areas or Intensification Corridors identified on Schedule "B". ~~Permissions for development and redevelopment at this density range for other intensification or infill sites may be considered in appropriate locations through a site specific amendment to the Zoning By-law and consideration of the criteria in Section 4.4.3.9.2.~~
- d) Applications for new residential *development* or residential *intensification* in the form of High Density Residential uses shall be reviewed based on Section 4.4.3.9; and
- e) Appropriate regulations including height, *massing*, and setback restrictions will be determined in the Zoning By-law.

4.4.3.7 Medium Density and High Density Residential *development* and *redevelopment* are encouraged to locate in Intensification Areas and Intensification Corridors as identified on Schedule "B". In addition, specific locations for Medium Density and High Density Residential *development* and *redevelopment* are identified in Section 4.4.5 and in *Secondary Plans*, where applicable. Where Medium Density or High Density Residential *development* and *redevelopment* is proposed in Intensification Areas or Intensification Corridors, the relevant policies of Sections 4.2 and 4.3 shall also apply. Where Medium Density or High Density Residential *development* is designated in *Secondary Plans*, the more detailed provisions of the *Secondary Plan* shall apply.

- d) the lands identified by Assessment Roll No. 18-09-040-030-22900, municipally known as 221 Kendalwood Road;
- e) the lands on the southeast corner of Garden Street and Burns Street East, identified by Assessment Roll No. 18-09-040-026-00200; and
- f) the lands identified by Assessment Roll No. 18-09-030-024-09700, municipally known as 105 Taunton Road West, the lands identified by Assessment Roll No. 18-09-030-024-09600, municipally known as 85 Taunton Road West and the lands on the southwest corner of Taunton Road West and Valleywood Drive, identified by Assessment Roll No. 18-09-030-024-07306.

4.4.5.4 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll Nos. 18-09-030-024-00126-0000 and 18-09-030-024-00127-0000 the minimum residential density shall be 170 dwelling units per net hectare and the maximum permitted residential density shall be 300 units per net hectare.

4.4.5.5 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll No. 18-09-030-017-19820-0000 the minimum residential density shall be 65 dwelling units per net hectare and the maximum permitted residential density shall be 125 units per net hectare, and a maximum building height of up to 8 storeys.

occasional basis with services and facilities which require larger parcels of land and exposure to traffic. Such uses include automotive and recreational vehicle sales and service, garden centres, restaurants, building supply centres, furniture and major appliance sales, financial establishments, and home supply and improvement centres.

- 4.5.3.4.2 Areas designated as Special Purpose Commercial shall be located with exposure to arterial roads and are encouraged to develop in a comprehensive block manner in accordance with Section 6.2.4.2 of this Plan.

~~4.5.3.4.3~~ 4.5.3.4.3 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By-law.

4.5.3.5 Special Activity Node A

- 4.5.3.5.1 Special Activity Node A is generally situated on the north side of Taunton Road, east of Cochrane Street, as shown on Schedule "A", and indicates a place of special interest to the Municipality.

- 4.5.3.5.2 Permitted uses in Special Activity Node A shall include uses such as conference centre, educational facility, museum, or other type of interpretive or education centre related to culture, arts and natural heritage, banquet hall, restaurant, spa and related wellness facilities, hotel, inn, bed and breakfast, gift shop, and public uses that are consistent with the intent of the use policies for these lands. Future uses on lands adjacent to Taunton Road and Cochrane Street may also include business, professional, and corporate offices.

It is the intent of the Municipality to protect and maintain *built heritage resources* designated under Part IV of the **Ontario Heritage Act**, located in Special Activity Node A. Uses permitted within Special Activity Node A apply to the *built heritage resources* provided there is no impact on the historical or architectural significance of the buildings.

The permitted uses within Special Activity Node A shall be implemented through the Zoning By-law. New *development* shall only proceed where the lands have frontage on an improved public street and full municipal services are available.

4.5.3.6 Special Activity Node B

- 4.5.3.6.1 The area designated as Special Activity Node B on Schedule "A" is located at the Highway 401/Thickson Road interchange. Permitted uses shall include *major retail uses*, offices, including *major offices*, community and recreational uses, entertainment uses, financial institutions, restaurants, banquet halls, hotels, private clubs, and light industrial uses

- c) locations shall be such that they would not create undue congestion or danger to vehicular, bicycle, or pedestrian traffic. Access points to each site shall be limited in number and designed in a manner which will minimize the danger to vehicular, bicycle, and pedestrian traffic in the immediate areas;
- d) sites will generally not be located adjacent to or opposite to schools or public recreation properties;
- e) where adjacent to residential areas and other sensitive uses, will only be permitted where there is no undue adverse effect on the adjacent ~~residential~~ use; and
- f) generally, no more than two automobile service stations, gas bars, and/or car washes shall be located at any intersection and diagonally opposite to each other.

~~4.5.3.9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

~~4.5.3.10 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By law.~~

4.5.4 Implementation

4.5.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Commercial areas.

4.5.4.2 In considering applications to amend the Zoning By-law or this Plan for proposed commercial *development* and *redevelopment*, the Municipality may require the preparation of a retail market impact analysis to justify the need for the additional floor space and to demonstrate no undue adverse impact on other existing and planned Central Areas. A peer review of the submitted analysis by a qualified professional may be required at the expense of the proponent.

~~4.5.4.33-9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

4.5.5 Special Provisions

4.5.5.1 Notwithstanding any other provisions of this Plan to the contrary, within the lands designated as Special Purpose Commercial south of Consumers Drive, directly east of the westbound Brock Street on/off ramp for Highway

4.11 Rural Settlements

4.11.1 Goal

- 4.11.1.1 To recognize the existing rural settlement pattern of the Municipality and restrict additional rural residential *development* in order to preserve the rural residential *character* of hamlets, the agricultural land base, and *Natural Heritage System*.

4.11.2 Objectives

- 4.11.2.1 To preserve the special rural residential *character* of the hamlets and existing settlements.
- 4.11.2.2 To encourage hamlets to develop in a manner which provides a variety of housing sizes, and commercial and community uses to serve the rural population.

4.11.3 Hamlets

- 4.11.3.1 Ashburn, Macedonian Village, Myrtle, and Myrtle Station are historical areas located outside the Urban Area boundary and are designated as Hamlet on Schedule "A". *Development* and *redevelopment* within Hamlets shall be governed by the appropriate *Secondary Plans*.
- 4.11.3.2 Permitted uses within Hamlets shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area.
- 4.11.3.3 New residential *development* is only permitted in the form of *infilling* within areas designated as Hamlet in accordance with the provisions of the relevant *Secondary Plan*, either by severance or by plan of subdivision. Applications for severances or plans of subdivisions are subject to the requirements of Durham Region's Drilled Wells and Lot Sizing Policies to ensure proposed lots can be adequately serviced with private wells and sewage disposal systems. Applications may be required to be accompanied by a hydrogeological report demonstrating the private servicing of the proposed lots will not adversely affect existing water wells or groundwater quality or quantity, in accordance with Durham Regional Requirements.
- 4.11.3.4 Community uses in Hamlets are encouraged to co-locate and integrate with other community uses to the extent possible in order to create *community hubs* and maximize the use of existing facilities.
- 4.11.3.5 Within the Hamlet of Macedonian Village, no driveways or public streets giving access to Coronation Road will be permitted other than those in existence at the time of adoption of this Plan, and those existing driveways

may be closed should alternate access be made available through development or redevelopment.

4.11.4 Estate Residential

- 4.11.4.1 Locations of approved, privately serviced estate residential subdivisions are shown on Schedule "A". Further estate residential *development* and lot creation shall not be permitted in accordance with Provincial and Regional policy and in recognition of this Plan's intent to concentrate rural residential development within the hamlets.

- 5.3.2.5 More detailed waterfront and shoreline policies may be contained in the Lynde Shores and Port Whitby [Community](#) Secondary Plans, as well as Section 4.9 of this Plan.

5.3.3 Former Lake Iroquois Beach

- 5.3.3.1 The Former Lake Iroquois Beach is identified on Schedule “C”. The significant natural areas within the Beach are generally located in Concessions IV and V. These lands comprise important natural heritage and hydrologic features including a number of *wetlands*, watercourses, wildlife habitat, and aggregate resources.
- 5.3.3.2 The Municipality recognizes the important *hydrologic function* provided by the Former Lake Iroquois Beach. As such, appropriate studies may be required prior to *development* demonstrating that there will be no negative impacts on the hydrological function of the area by maintaining existing recharge and discharge conditions, in accordance with Section 5.3.8.
- 5.3.3.3 Where *development* and *redevelopment* is proposed for lands within the Former Lake Iroquois Beach, the Municipality supports planning, design, and construction practices that maintain and, where possible, enhance the size, diversity, and *connectivity* of natural heritage and hydrologic features and functions.
- 5.3.3.4 More detailed policies related to the Former Lake Iroquois Beach may be contained in the Taunton North Community Secondary Plan, West Whitby Community Secondary Plan, and Brooklin Secondary Plan, as well as Section 4.9 of this Plan.

5.3.4 Oak Ridges Moraine

- 5.3.4.1 The Oak Ridges Moraine in north Whitby has been protected by the Province of Ontario under the Oak Ridges Moraine Conservation Plan. All *development* and *redevelopment* within the Oak Ridges Moraine shall be subject to the policies of this Plan and the Oak Ridges Moraine Secondary Plan as applicable. Where the policies of this Plan contradict the Oak Ridges Moraine Conservation Plan, the more restrictive policies shall prevail. However, in the case of *agricultural uses*, *mineral aggregate operations*, and wayside pits, the policies of the Oak Ridges Moraine Conservation Plan shall prevail.

5.3.5 Greenbelt Protected Countryside

- 5.3.5.1 The Provincial Greenbelt Plan provides legislated protection to the agricultural land base and the *ecological features* and functions occurring on this landscape. The Greenbelt Protected Countryside boundary and the Greenbelt Natural Heritage System are shown on Schedule “C”. This Plan

Section 8 - Transportation, Servicing & Utilities

8.1 Transportation

8.1.1 Goals

- 8.1.1.1 To establish and maintain a safe, efficient, interconnected, and accessible transportation network supporting all modes of transportation including transit, automobiles, *active transportation*, and the efficient movement of goods.
- 8.1.1.2 To encourage *sustainable* transportation initiatives supporting *active transportation*, complete communities, and healthy lifestyles.

8.1.2 Objectives

- 8.1.2.1 To provide a transportation network that is interconnected, *multi-modal*, and accessible.
- 8.1.2.2 To provide for the development of an efficient transportation network, minimizing negative social and environmental impacts and economic costs and promoting opportunities for enhancement and improvement.
- 8.1.2.3 To ensure that the transportation network is efficiently integrated and co-ordinated with adjacent municipalities and upper-tier jurisdictions.
- 8.1.2.4 To encourage the use of transit and *active transportation* modes to reduce parking demands, traffic congestion, and air pollution particularly through the promotion of *transit-supportive* land use planning and design, and the provision of a network of pedestrian and cycling trails and routes.

8.1.3 Policies

8.1.3.1 Transportation Network

- 8.1.3.1.1 The Municipality shall ensure that roads and *streetscapes* are interconnected and create a safe, efficient, and attractive environment for pedestrians, cyclists, and motorists.
- 8.1.3.1.2 The major road hierarchy is shown on Schedule "D". Major road alignments are approximate, and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies. Collector Road alignment and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies and may be added, modified or deleted, subject to adequate studies, site specific conditions, accepted engineering principles and approval by the authority having jurisdiction, without amendment to

this Plan. Local roads are shown for information purposes only and may be added or modified without amendment to this Plan.

- 8.1.3.1.3 Roads in the Municipality shall be classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. Minor variations may be considered to the provisions contained in Sections 8.1.3.3 to 8.1.3.5 by the authority having jurisdiction, without the need for an amendment, subject to adequate studies, site specific conditions, and accepted engineering principles.
- 8.1.3.1.4 Through traffic shall be directed to arterial and collector roads so that traffic on local roads is kept to a minimum.
- 8.1.3.1.5 There shall be close coordination between the Municipality and all other jurisdictional levels regarding the planning of roads and facilities within the Municipality which are not under the Municipality's jurisdiction. In addition, there shall be coordination of network development between the Municipality, adjacent municipalities, the Region, and the Province.
- 8.1.3.1.6 In accordance with the Durham Regional Official Plan, Lake Ridge Road and Thickson Road/Highway 12 north of Brawley Road shall be the preferred north-south haul routes for commercial vehicles. Through the *Class Environmental Assessment* process, the Municipality shall investigate the need and feasibility of establishing an alternative route to Baldwin Street for goods and people movement to avoid excessive through traffic in Downtown Brooklin and the urban area, in consultation with the Region and the Province.
- 8.1.3.1.7 In accordance with Policy 11.3.15 of the Durham Regional Official Plan, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street will be considered in conjunction with any proposal to redevelop the existing uses in the Industrial area north of Ronald C. Deeth Park.
- 8.1.3.1.8 Dedicated bus lanes and High Occupancy Vehicle lanes may be implemented to improve traffic efficiency and the convenience of transit services, subject to the consideration of traffic engineering principles, the reduction in road capacity available to other vehicles, and the ability to widen the road.
- 8.1.3.1.9 The Municipality shall encourage a grid-oriented street network in the planning of new development areas in order to distribute vehicular traffic more evenly, and provide for more accessible and efficient *multi-modal* transportation and goods movement.
- 8.1.3.1.10 All road and trail *infrastructure*, including location, design, construction, repair, and widening, shall be undertaken in a manner that limits negative

10.1.17 Public Consultation

10.1.17.1 Council shall:

- a) promote the active participation of the Municipality's residents, landowners, and businesses in the implementation of the policies of this Plan and any subsequent amendments, as well as providing opportunities for such participation in accordance with the formal requirements of the **Planning Act** and the **Environmental Assessment Act**;
- b) actively seek input and comments from the public and Committees of Council, in the review of planning matters as active participants in the decision-making process;
- c) actively seek input and comments from agencies and Aboriginal communities, where appropriate, in the review of planning matters as active participants in the decision-making process; and
- d) ensure that adequate reporting mechanisms are in place to provide Council and the public with a complete and unbiased record of the public consultation process undertaken on various planning and development matters.

10.2 Interpretation

10.2.1 General

10.2.1.1 The boundaries between land uses as designated on all schedules contained in this Plan are approximate, except where they coincide with major roads, railway lines, or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to approximate boundaries will not require amendment to this Plan. Notwithstanding the above, the Greenbelt Protected Countryside boundary and the southern boundary of the Oak Ridges Moraine as identified on the schedules of this Plan conforms to the requirements of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan and shall not be amended.

10.2.1.2 ~~All numerical figures in the Plan, except those indicating density and floor space allocations, should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.~~

All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.

Minimum Distance Separation Formulae – Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal – Transportation systems providing facilities for many modes of movement such as vehicular, rail, cycling, and walking.

Municipal Comprehensive Review – An official plan review undertaken by the Municipality, or an official plan amendment, initiated by the Municipality that comprehensively applies the policies of Provincial plans and the Provincial Policy Statement and the Durham Regional Official Plan.

Natural Heritage Features and Areas – Features and areas, including significant wetlands, *coastal wetlands*, *fish habitat*, *significant woodlands*, *significant valleylands*, habitat of *endangered species* and *threatened species*, *significant wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System – A system made up of *natural heritage features and areas*, and linkages intended to provide *connectivity* and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, conservation areas, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue.

Net Residential Hectare – The area of land measured in hectares utilized for residential dwellings including the lot areas but excluding all public roads and widenings, **private laneways within block developments**, public parks, open space blocks, school sites, local commercial areas, places of worship, and other public lands.

Noise Exposure Forecast/Projection (NEF/NEP) – A prediction of outdoor and indoor noise levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

Normal Farm Practices – A practice, as defined in the **Farming and Food Production Protection Act, 1998**, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the **Nutrient Management Act, 2002**, as amended from time to time, and regulations made under that Act.

On-farm Diversified Use – A use that is secondary to the principal *agricultural use* of the property, and are limited in area, including but not limited to, home-based businesses, *home industries*, uses that produce value-added agricultural products from

Exhibit 'J' to Amendment #133 To the Town of Whitby Official Plan

Part 2 – Secondary Plans

Section 11 - Secondary Plans

All policies outlined in Part I, Sections 1 to 10 shall generally apply to Part II - Secondary Plans. Part II - Secondary Plans will reflect the overall intent of Part I - Official Plan. Secondary Plans shall be prepared in accordance with Sections 9.3, 10.1.4 and 10.1.5 of this Plan.

Any area shown on Secondary Plan schedules, but lying outside of the Secondary Plan boundary, shall be governed by the policies of Part I of this Plan.

Secondary Plans shall be read in conjunction with Part I of this Plan, including Schedules "A" – "E"

In the event that a conflict exists between the *Secondary Plan policies and/or schedules* and those included within Part I of the Plan, then the more detailed *Secondary Plan* shall take precedence and prevail for interpretation and decision-making purposes.

Where a *Secondary Plan* is silent on a particular matter, the provisions of Part I of the Plan shall apply.

11.2 Lynde Shores Secondary Plan

11.2.1 Goals

- 11.2.1.1 To provide for the comprehensive development of the Lynde Shores Secondary Plan Area in a manner which protects and enhances the Lynde Creek wetland, natural heritage system and natural hazards, and integrates residential, commercial, institutional, industrial and community oriented uses.
- 11.2.1.2 To provide for the development of a Business Park area adjacent to Highway No. 401 that capitalizes on the advantages of the surrounding transportation facilities.

11.2.2 Objectives

- 11.2.2.1 To develop a fully integrated residential neighbourhood incorporating a range of residential densities and community facilities.
- 11.2.2.2 ~~To develop a neighbourhood which will integrate with, and shares various community facilities with, the adjacent Port Whitby area.~~ To develop a community that is integrated and interconnected with the Port Whitby community through active transportation networks, open space connections, and shared community facilities.
- 11.2.2.3 To develop a neighbourhood which ~~shall~~ provides a full range of housing types to satisfy the social and economic needs of Whitby's population.
- 11.2.2.4 To develop a strategically located Business Park taking advantage of the Highway No. 401 exposure and the surrounding transportation network.
- 11.2.2.5 ~~To provide for the ultimate needs of the two hospitals in a manner which is both compatible and integrated with the adjacent recreational and residential development.~~ To encourage the development and expansion of the Health Precinct.
- 11.2.2.6 To develop an open space system which provides both passive and active recreational opportunities ~~to the residents of Whitby~~, utilizing the Lake Ontario waterfront while respecting the environmentally sensitive nature of the Provincially Significant Wetlands on the western boundary of the area, and the sensitive nature of potential archaeological sites in the area.
- 11.2.2.7 To establish a focal point for the neighbourhood at the Gordon Street-Victoria Street intersection, incorporating a mixture of residential, retail

commercial, office and recreation uses while ensuring a high quality of design and visual appearance.

11.2.3 General Development Policies

- 11.2.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “G”. Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of the Whitby Official Plan, and the Port Whitby Secondary Plan, where applicable.
- 11.2.3.2 ~~The land use shown on Schedule “G” establishes the pattern of land use in the Secondary Plan area for the following categories:~~
- ~~Low Density Residential;~~
- ~~Medium Density Residential; Medium Density Residential 1;~~
- ~~High Density Residential 1, 2 and 3;~~
- ~~Community Commercial;~~
- ~~Business Park;~~
- ~~Institutional; and~~
- ~~Major Open Space.~~ Schedule “G” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.2, together with the general policies of this Plan, apply to the land use designations of the Lynde Shores Secondary Plan area as shown on Schedule “G”.
- 11.2.3.3 Development and redevelopment within 1 kilometre of the Lake Ontario shoreline, as shown on Schedule “C”, shall be in accordance with the policies of Section 5.3.2.4.
- 11.2.3.4 Portions of Victoria Street identified as Intensification Corridors as illustrated on Schedule “B” will be guided by the policies of Section 4.2.7, and the more detailed policies of this Secondary Plan.
- 11.2.3.5 The Community Commercial Areas as illustrated on Schedule “G” will be guided by the policies of Section 4.3.3.5.2, and the more detailed policies of this Secondary Plan.
- 11.2.3.6 Development and redevelopment shall be encouraged to incorporate energy conserving land use planning design principles in accordance with the policies of Section 3.2.

11.2.3.7 The development of all lands within the Lynde Shores Secondary Plan shall be undertaken in accordance with the recommendations of the “Environmental Management Plan - Lynde Shores Secondary Plan Area” (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.

As part of Council’s approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.

11.2.4 Residential

~~11.2.4.1 The intent of the Residential designations is to provide a variety of housing densities and forms such that people with a broad range of economic requirements will be afforded an opportunity to live in this area.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.

~~11.2.4.2 Development within the Residential designations shall be in accordance with the following policies:~~ Lands designated as Low Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policy.

~~a) Low Density Residential areas shall be developed at densities up to 35 units per net hectare similar in kind to single detached, semi-detached, linked and duplex dwellings and other ground related built forms which are physically and contextually compatible;~~ Notwithstanding Section 4.4.3.4, the maximum density in the Low Density Residential designation shall be 35 dwelling units per net hectare.

11.2.4.3 Lands designated as Medium Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

~~a) Medium Density Residential areas shall be developed at densities between 35 and 75 units per net hectare similar in kind to linked dwellings, cluster homes, townhouses and low-rise apartments to a maximum height of four storeys. In addition to these housing types, the Medium Density Residential 1 area may also be developed for semi-detached dwellings at a minimum density of 30 units per net hectare;~~ Notwithstanding Section 4.4.3.6, in the Medium Density

Residential designation the minimum density shall be 35 dwelling units per net hectare and the maximum density shall be 75 dwelling units per net hectare;

- b) Notwithstanding Section 4.4.3.6, in the Medium Density Residential 1 designation may also permit semi-detached dwellings with a minimum density of 30 units per net hectare.

11.2.4.4 Lands designated as High Density Residential 1, 2 and 3 on Schedule "G" shall be developed in accordance with the policies of Section 4.4.3.7 except as modified by the following additional policies.

- ~~ea)~~ ~~High Density Residential 1 areas shall be developed at densities between 75 and 100 units per net hectare similar in kind to stacked townhouses and apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 1 designation the minimum density shall be 80 dwelling units per net hectare and the maximum density shall be 170 dwelling units per net hectare, and shall not exceed 12 storeys in height.
- ~~bd)~~ ~~High Density Residential 2 areas shall be developed at densities between 80 to 170 units per net hectare similar in kind to apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 2 designation the minimum density shall be 100 dwelling units per net hectare and the maximum density shall be 275 dwelling units per net hectare, and shall not exceed 14 storeys in height.
- ~~ce)~~ ~~High Density Residential 3 areas shall be developed at densities between 100 and 275 units per hectare. similar in kind to apartments;~~
- ~~f)d)~~ ~~High Density Residential 4 areas shall be developed at densities between 75 and 220 units per net hectare similar in kind to apartments; and~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 3 designation the minimum density shall be 75 dwelling units per net hectare and the maximum density shall be 220 dwelling units per net hectare, and shall not exceed 6 storeys in height.
- ~~g)~~ ~~Development in High Density Residential 1 and 2 areas shall not exceed 12 storeys in height. Development in the High Density Residential 3 area shall not exceed 14 storeys in height.~~

~~Development in the High Density Residential 4 area shall not exceed 6 storeys in height.~~

~~11.2.4.3 Appropriate buffering measures shall be required for the low density residential development along Victoria Street.~~

11.2.4.5 Development within all Residential designations shall be encouraged to incorporate energy conserving land use planning design principles.

~~11.2.5~~ **School Sites**

~~11.2.5.1 Lands identified symbolically as School sites on Schedule "G" shall be developed in accordance with the policies of Section 4.8 except as modified by the following additional policy.~~

~~11.2.5.25 Two elementary school sites of at least 2.4 hectares in size shall be permitted adjacent to a district park. A school site(s) of at least 2.4 hectares in size shall be permitted adjacent to a district park.~~

~~11.2.4.6 Notwithstanding Section 11.2.4.5 of this Plan to the contrary, a second public elementary school site is also identified in the southern portion of the lands designated for Low Density Residential development. Should it be determined that this site is not required for an elementary school such lands can, without an amendment to this Plan, be developed for Low Density Residential purposes. Furthermore, this public elementary school may also be developed within the area designated Institutional, without an amendment to this Plan. However, should such a site within the Institutional area be developed, the presently identified site subject to this policy shall be developed for Low Density Residential purposes in accordance with the provisions of this Plan.~~

11.2.65 Community Commercial

11.2.5.16.1 ~~The Community Commercial designation may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan.~~ The Community Commercial designation associated with the Community Central Area identified on Schedule "G" may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan except as modified by the following additional policies.

11.2.6.2 ~~Residential development shall be permitted within the~~ On lands designated Community Commercial ~~designation~~ on the second and above floors of ~~the~~ commercial development to a maximum overall building height of 12 storeys and a maximum density of 100 units per net hectare.

- 11.2.~~6~~5.3 Notwithstanding ~~Sections 4.3 and 4.5 of this Plan to the contrary,~~ The minimum and maximum floor space capacity for the commercial component ~~within the~~ on lands designated as Community Commercial ~~designation~~ shall be 3,000 square metres and 8,900 square metres respectively.

11.2.~~7~~6 **Business Park**

- 11.2.~~7~~6.1 ~~The purpose of the Lynde Shores Business Park is to establish a comprehensively planned, high intensity employment area to meet the demands of business and information services, new advanced industrial and health related technologies in a campus setting.~~ Lands designated as Business Park on Schedule "G" shall be developed in accordance with the policies of Section 4.7.3.2 except as modified by the following additional policies.

- 11.2.~~7~~6.2 ~~The permitted uses in the Lynde Shores Business Park may include 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.~~ In addition to the uses permitted in Section 4.7.3.2, the following additional uses are permitted information processing establishments, communication production uses, pharmaceutical, light assembly and light manufacturing operations for the production and/or distribution of high value and high technology products.

~~In addition, a regional warehouse and distribution centre may be permitted within the northeast section, subject to inclusion of the appropriate provisions in the implementing Zoning By-law.~~

- 11.2.~~7~~6.3 Notwithstanding Section 4.7.3.2.3, within the northeast section of the Business Park designation adjacent Highway 401, the additional use of a regional warehouse and distribution centre may also be permitted, subject to the inclusion of appropriate provisions in the implementing Zoning By-law.

- 11.2.7.4 Development shall be encouraged to take full advantage of the Highway No. 401 exposure through the staggering of lot lines on opposite sides of internal roads, siting of buildings and other appropriate site design measures. Consideration and appropriate mitigation measures for contamination management and on-site containment shall be required for all development and redevelopment on lands designated as Business Park.

On-site water detention facilities shall be required to contain industrial spills.

- 11.2.76.5 ~~Appropriate public access to the open space system to the west and Iroquois Park to the east shall be required through separate pedestrian walkways or sidewalks within road rights-of-way.~~ Appropriate active transportation linkages shall be required through publicly accessible pedestrian walkways on private property and within rights-of-way where appropriate.
- 11.2.76.6 ~~To encourage a special identity and image, high urban, architectural and landscape design standards shall be used together with:~~ Within the Business Park designation, development and redevelopment should foster a distinct character area of high urban, architectural and landscape design. Development and redevelopment shall be in accordance with the policies of Section 6.2 and shall include the following:
- a) ~~the minimal use of~~ minimizing at-grade surface parking;
 - b) restricting service and loading areas ~~to interior and rear yards where feasible; and~~
 - c) minimizing and restricting outdoor storage areas; and
 - d) requiring berms, landscaping and other appropriate measures ~~shall be required to adequately buffer residential areas on the south side of Victoria Street from the uses on the north side of Victoria Street.~~
- 11.2.76.7 In addition to the permitted uses in Section 11.2.76.2 ~~of this Plan~~, the lands within the Community Central Area, shown on Schedule A, may be developed to include limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses serving the Business Park. Development within the Community Central Area fronting on Victoria Street West or Gordon Street shall have a minimum and maximum height restriction of 3 and 8 storeys respectively. As an exception, the following additional policies shall apply to a single office building located on lands at the immediate northeast corner of Victoria Street West and Montecorte Street:
- a) a minimum and maximum height restriction of 3 and 20 storeys respectively; and
 - b) notwithstanding the policy provisions set out in Section 10.1.11, the developer shall also be required to submit architectural drawings illustrating appropriate design characteristics and materials to

mitigate the potential for bird strikes; and a report from a qualified environmental consultant that states that appropriate and acceptable mitigation measures have been included in that design.

- 11.2.76.8 ~~Remedial work shall be required to bring the Low Hazard Land area indicated on Schedule “G” up to a standard that would permit development. The Low Hazard Land area shall not be deemed developable or zoned to permit development until such time as the existing or potential hazard has been overcome or agreements have been entered into between landowners and the Ministry of Natural Resources and Forestry and the Central Lake Ontario Conservation Authority for works to overcome the hazard, and the development proposal is shown to satisfy the requirements of the authorities having jurisdiction. Basements shall not be permitted in developments within the Low Hazard Land area.~~

Where detailed study in support of a development application confirms that the boundary of a Natural Hazards designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazards designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply.

- 11.2.76.9 ~~An automobile service station consistent with the intent of Section 4.5.3.8 of this Plan may be permitted after due consideration and subject to rezoning within the Community Central Area, at the collector road intersection on the north side of Victoria Street. In accordance with Section 4.5.3.8, an automobile service at the northwest corner of Victoria Street and Montecorte Street, may be permitted subject to appropriate zoning.~~

11.2.87 Institutional

- 11.2.78.1 ~~The “Institutional” designation identifies an area for the present and future spatial requirements of the Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences. Lands within the “Institutional” designation may also be used for those purposes indicated in Section 4.8.3.1 of this Plan, and other medical related and research — and development facilities.~~ Lands designated as Institutional on Schedule “G” shall be developed to support and expand the Health Precinct, which includes Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences.

Lands designated as Institutional shall be developed as a cluster of health and medical related facilities, and complementary health-related research and development facilities and shall be developed in accordance with the relevant policies of Sections 6.2 and 10.1.11.

~~11.2.7.2 The Lakeridge Health Whitby shall maintain its vehicular access and facility orientation to Gordon Street.~~

~~11.2.7.3~~ 8.2 That Building 22 of the former Whitby Psychiatric Hospital known as the Doctor's House, shall be preserved due to its significant heritage value. In order to support the economic viability of this heritage structure, the following uses shall be permitted within the existing building: day nursery, residential use, community centre, business and professional offices ancillary to the Ontario Shores Centre for Mental Health and Sciences, public use, and a clinic.

~~11.2.98~~ 98 Major Open Space

~~11.2.89.1 The development of all lands within the Lynde Shores Secondary Plan and the preparation of the Master Plan referred to in Section 11.2.9.2 shall be undertaken in accordance with the recommendations of the "Environmental Management Plan – Lynde Shores Secondary Plan Area" (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.~~

~~As part of Council's approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.~~ Lands designated as Major Open Space on Schedule "G" shall be developed in accordance with the policies of Section 4.9 of this Plan, except as modified by the following additional policies.

~~11.2.98.2 Prior to any development in the Business Park and Residential areas within the Lynde Shores Secondary Plan Area, a detailed Open Space Master Plan shall be prepared by the applicant to implement the Environmental Management Plan referred to in Section 11.2.9.1.~~

~~This Master Plan will not only outline the detailed design but also establish an operations program to facilitate implementation and ongoing maintenance. The Master Plan shall be prepared to the satisfaction of the Municipality in consultation with the Central Lake Ontario Conservation Authority and Ministry of Natural Resources and Forestry.~~

~~11.2.8.3~~ An Environmental Monitoring Program shall be in place during the implementation of the management system components in the Major Open Space area as well as construction of adjacent lands, and continued for a least a period of ten (10) years following the completion of development in the Lynde Shores Secondary Plan Area. The monitoring program should be designed to provide specific quantitative information on any changes in key natural features and associated use levels.

~~11.2.8.4~~ The Municipality will establish and administer a public environmental advisory committee to oversee the Environmental Monitoring Program described in Section 11.2.8.3 in accordance with the Environmental Management Plan. The Committee will operate in accordance with the recommendations contained in the Environmental Management Plan and submit an annual report to Whitby Council.

~~11.2.8.5~~ A looped open space system shall be required to facilitate public pedestrian and bicycle access such that Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area are linked in an integrated manner. This system, as shown on Schedule "G" shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and useability of this public recreational resource.

~~11.2.8.6~~ 9.3 Access for the servicing of public utilities, where necessary, shall may be provided through all lands within the Major Open Space designation.

~~11.2.8.7~~ It is the intent of the Central Lake Ontario Conservation Authority to acquire all those privately-owned, non-government lands below the Regional floodline and within the Major Open Space designation.

~~11.2.8.8~~ A District and two Local parks shall be required to serve the needs of the residential areas. The District park shall be adjacent to the designated elementary school sites. One local park of a passive nature shall be located west of the collector ring road and a small active parkette shall be located north of the Ontario Shores Centre for Mental Health and Sciences.

11.2.109 Transportation and Active Transportation

~~11.2.109.1~~ The internal collector road network is based on a looped system designed to facilitate easy movement of vehicles into and out of the area. The final road alignments for both collector and local roads shall be determined at the time of development review and approval. The Secondary Plan Area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following additional policies.

- 11.2.109.2 ~~As part of the studies identified in Section 11.2.7.3, the feasibility of linking the collector road system between the southern end of Gordon Street — and the collector road system to the west shall be investigated in order to provide a continuous collector road system.~~ Consideration of the future road linkage connecting Gordon Street to Annes Street shall be considered during the development approval process within the Business Park.
- 11.2.109.3 ~~Within the Business Park, the final design of the intended road system shall generally follow a looping route focusing on Victoria Street. A collector road linkage shall be provided to Annes Street while respecting the road widening requirements of the future Annes Street – Highway — No. 401 grade separation.~~ Active transportation corridors shall be maintained in the open space corridor along the Lake Ontario waterfront and Lynde Creek.
- 11.2.910.4 ~~The east limit of the collector ring road south of Victoria Street and adjacent to the Lynde Creek shall represent the limit of urban development. The ring road is an important component of the Environmental Management Plan identified in Section 11.2.8.1. This road supports the maintenance and security system for the Major Open Space area and encourages public appreciation.~~ A looped Active Transportation Network shall be required to facilitate public pedestrian and bicycle access to link Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area in an integrated manner. The Active Transportation Network, as shown on Schedule “G” shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and usability of this public recreational resource.
- 11.2.109.5 ~~Public pedestrian and bicycle access shall be required in the open space corridor along the Lake Ontario waterfront and Lynde Creek.~~ A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.
- 11.2.9.6 ~~A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.~~

~~11.2.9.7~~ Beyond the Victoria Street widening, the following major works projects shall require undertaking in order to accommodate the forecasted traffic volumes:

- ~~a) Annes Street construction to a level of service consistent with the planned function of the road; and~~
- ~~b) Gordon Street improvement to full municipal standards.~~

11.2.1~~0~~ Heritage Conservation

~~11.2.1~~0~~.1~~ The archaeological significance of the Secondary Plan Area has been reviewed in detail through reports prepared by Archaeological Services Inc. (1991) and the Museum of Indian Archaeology (1988). Reference shall be made to the recommendations of these reports prior to any development approvals, grading or any other soil disturbance and the issuance of any demolition permits for structures associated with the Ontario Shores Centre for Mental Health and Sciences.

~~More specifically, on lands south of Victoria Street and west Seaboard Gate, including lands within the Major Open Space designation, further examination of the candidate sites identified in the above noted reports shall be required to determine the need for mitigation and/or salvage excavation to the satisfaction of the Ministry of Tourism, Culture and Sport.~~ Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.2.1~~2~~4 Servicing

~~11.2.11.1~~ Development shall proceed in an orderly fashion, dependent in part on the availability of municipal water and sewage systems. Water and sewage systems are immediately available to the majority of the area and, as such, a servicing concept has been established. The servicing concept makes provisions for two pumping stations and ultimate twinning of existing trunk sanitary sewers through the Port Whitby Community. In this regard, the Lynde Shores Secondary Plan Area shall be serviced by looped extensions of existing trunk watermains and sanitary sewers in the vicinity of the Victoria Street and Gordon Street intersection. In addition, the internal sanitary servicing shall be dictated by local topographical constraints such that the northern two-thirds shall be serviced by a gravity fed sanitary sewer system, whereas the southern third and the extreme western portion of the area shall be serviced by a pumped sanitary sewer system. The Secondary Plan Area shall be developed in accordance with

the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

~~11.2.11.2 A master storm water management plan for the Lynde Shores Secondary Plan Area shall be undertaken in accordance with recommendations of the Environmental Management Plan and the requirements of the Ministry of the Environment. An engineering report detailing the storm water management plan shall be brought forward for Council approval once these studies have been prepared and reviewed by Public Works staff in consultation with the Ministry of Environment and Energy, the Ministry of Natural Resources and the Conservation Authority.~~

11.2.13.2 Implementation and Interpretation

~~11.2.12.3.1~~ The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan for Lynde Shores. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

~~11.2.12.2 Forthwith, upon the approval of this Secondary Plan, the existing Zoning By-law, as it affects the Secondary Plan Area, shall be reviewed and amended to conform to the policies of the Plan.~~

11.2.13 Interpretation

~~11.2.13.1 The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan as contemplated by this Plan.~~

~~11.2.13.2 The provisions of Section 11.2 to the Lynde Shores Secondary Plan Area are delineated on Schedule “G”. Schedule “G” provides more precise illustrations of the land use designations and provisions that are shown on Schedule “A”.~~

11.8 Brock/Taunton Major Central Area Secondary Plan

11.8.1 Goal

- 11.8.1.1 To provide for the development of a prominent, intensive, multi-functional Major Central Area ~~located at the intersection of Brock Street and Taunton Road~~ that provides a focal point of mixed use activities including major commercial, office, institutional, residential, recreational and entertainment activities, and respects the hazard lands and environmentally sensitive areas associated with Lynde Creek.

11.8.2 Objectives

- 11.8.2.1 To encourage the creation of a dynamic, vibrant area with a strong sense of identity, which provides a wide range of activities for residents and visitors.
- 11.8.2.2 To provide for a full range of retail and personal service uses to serve the needs of the residents. ~~which are appropriately timed to address the needs of the market place.~~
- 11.8.2.3 To encourage the creation of mixed use developments which provide a suitable integration of uses within the Major Central Area ~~context~~ and ~~which~~ provide a variety of employment and residential opportunities.
- 11.8.2.4 To provide a range of housing ~~opportunities~~ types to accommodate a variety of household sizes and incomes, that support the other land uses in the Major Central Area and are developed at densities which are transit supportive.
- 11.8.2.5 To respect, and protect the natural environmental features within the area ~~and where appropriate, incorporate them into the built environment.~~
- 11.8.2.6 To provide an appropriate balance between the traffic ~~movement~~ functions of the arterial roads and the need for active transportation and transit access, safety and comfort in the Major Central Area.
- 11.8.2.7 To create an area which is pedestrian and bicyclist friendly and ensures their comfort, safety and convenience.
- ~~11.8.2.8 To encourage development which is transit supportive through both its density and the provision for and integration of, transit facilities.~~

- 11.8.2.89 To ~~provide policies which~~ establish an the urban design framework for development in the Major Central ~~area~~ Area.

11.8.3 General Development Policies

- 11.8.3.1 ~~The boundary of the Brock/Taunton Major Central Area is shown on Schedule "N". The boundary of the Secondary Plan includes some lands not included within the Major Central Area boundary.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "N". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part 1 of this Plan.

- 11.8.3.2 Schedule "N" provides the detailed land use designations for both the Major Central Area and the larger Secondary Plan area. The more detailed policies of Section 11.8, together with the general policies of this Plan, apply to the land use designations of the Secondary Plan area as shown on Schedule "N".

- 11.8.3.32 Development within the Major Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan and the Durham Regional Official Plan, and in particular the overall density and long term *floor space index* targets in Section 4.3.3.3.4.2.

- ~~11.8.3.3 Schedule "N" provides the detailed land use designations for both the Major Central Area and Secondary Plan area. The land use designations shall include Major Commercial, Mixed Use, Institutional, Institutional/Corporate Office, High Density Residential, Medium Density Residential, Low Density Residential, Hazard Land and Park.~~

- 11.8.3.4 Development within the Major Central Area shall be: integrated in a compact form; pedestrian-oriented; accessible by public transit; and promote efficient and effective use of land resources and municipal services.

- 11.8.3.5 The highest intensity of land uses shall be within the Major Commercial and Mixed Use designations in the vicinity of the intersection of Brock Street and Taunton Road, ~~and as well as~~ Garden Street and Taunton Road East, ~~and t~~There shall be a ~~gradual~~ transition of densities towards the boundaries of the Major Central Area. New development will occur in an orderly manner which is consistent with the efficient and effective use and provision of municipal services and with the policies of this Plan.

11.8.3.6 Throughout the development ~~review~~ approval process, the municipality will encourage the use and implementation of urban design in accordance with Section 6.2 standards throughout the Major Central Area, with specific regard to development adjacent to the arterial roads and, ~~as appropriate~~, the tributary of the Lynde Creek.

11.8.3.7 New automobile service stations and gas bars shall not be permitted within ~~the~~ this Major Central Area.

~~11.8.3.8 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Policy 2.3.4 and Table E8 of the Durham Regional Official Plan.~~

~~11.8.3.9 Applications for development adjacent to Brock Street or Taunton Road, which include residential uses, shall be required to submit a noise study which will demonstrate how appropriate noise levels for residential development can be achieved, including the identification of any required mitigation measures.~~

11.8.4 Major Commercial

~~11.8.4.1 The Major Commercial designation shall permit a complete range of retail, personal service, office, institutional, community, recreational, residential, and entertainment uses, in accordance with the relevant policies of Sections 4.3 and 4.5 of this Plan.~~

Lands designated as Major Commercial on Schedule “N” shall be developed in accordance with the policies of Section 4.5.3.1 except as modified by the following additional policies.

~~11.8.4.2 The maximum gross leasable floor space assignment for retail and personal service uses, north of Taunton Road, within the Major Commercial designation shall generally be: 40,700 square metres on the west side of Baldwin Street South; 7,800 square metres on the east side of Baldwin Street South; 23,740 square metres on the west side of Garden Street, and 41,000 square meters on the east side of Garden Street for a total of 113,240 square metres.~~

11.8.4.23 Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to Section 4.5.3.7 and Section 4.3.3.3.4.2 ~~the requirements of the implementing Zoning By-law~~. Proposals for residential development shall be required to submit a detailed Noise Impact Study which evaluates the potential adverse effects on such residential uses from adjacent land uses and arterial roads. The study will demonstrate how appropriate noise levels for residential

development can be achieved, including the identification of any required mitigation measures.

- ~~11.8.4.4~~ ~~Development shall be encouraged to provide an appropriate built form and landscaping at Brock/Baldwin Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East. Within the Major Commercial designations, at the intersection of Brock Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East, a publicly accessible pedestrian Urban Square shall be provided in accordance with the provisions of Section 11.8.4.10 and Section 11.8.14.~~
- ~~11.8.4.5~~ ~~Development will be encouraged to take advantage of the views of the tributary of the Lynde Creek bordering the north side of the designation and to allow for the integration of development with a pedestrian trail system along the tributary of the creek. Pedestrian connections through the designation, from the Urban Square to the trail system along the tributary of the creek, shall also be encouraged.~~
- ~~11.8.4.6~~ ~~Development shall be required to coordinate access with: Valleywood Drive to the south of Taunton Road; and the access to the Institutional designation to the east of Brock Street.~~
- 11.8.4.3 New non-residential buildings greater than 500 square metres, shall have a minimum building height of 2 storeys and a maximum building height of 18 storeys.
- New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.
- All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street South, Brock Street North or Taunton Road East and West.
- 11.8.4.7 Development shall accommodate a continuous transit route_ connections for transit, pedestrian and vehicular traffic throughout through the Major Commercial designations_ from Brock Street to Taunton Road.
- ~~11.8.4.8~~ ~~Consideration will be given to relocating the existing Hydro Electric Power Corridor to a location within the Taunton Road right-of-way.~~
- ~~11.8.4.9~~ ~~The minimum building height shall be 2 storeys and the maximum building height shall be 18 storeys.~~

- ~~11.8.4.10~~ ~~Development of lands within the Major Commercial designation shall be undertaken in accordance with the following:~~
- ~~a) An Urban Design Plan shall be prepared for the Major Commercial designation, in accordance with Section 11.8.14, to illustrate: the integration of the uses; the Urban Square features; the pedestrian connections; the opportunities for transit integration; the potential relocation of the existing hydro corridor; and the views of the Lynde Creek tributary.~~
 - ~~b) Development adjacent to the Lynde Creek Environmentally Sensitive Area and/or the Lynde Creek tributary shall be required to undertake an Environmental Impact Study, in accordance with Section 5.4.2.4, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measure which may be required.~~
- 11.8.4.5~~11~~ Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density on lands designated as Major Commercial-1 is 555 units per net hectare. For the purposes of this calculation, net residential hectare shall include all private laneways.
- 11.8.4.6~~12~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4 Part Lot 26, municipally known as 70 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29800-0000, the additional use of a commercial self-storage facility may be permitted as an exception, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- 11.8.4.7~~13~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4, Part Lot 26, municipally known as 20 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29725-0000, the additional use of a commercial self-storage facility may be permitted, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- In addition, a lot for the commercial self-storage facility may be created without frontage on an open public road provided there are necessary easements respecting such matters as appropriate shared access across

parcels to/from a public road, vehicular and pedestrian circulation, and municipal servicing.

11.8.5 Mixed Use

- 11.8.5.1 Lands designated as Mixed-Use on Schedule “N” shall be developed in accordance with policies of Section 4.6 except as modified by the following additional policies.

~~Development within the Mixed Use shall designation shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.~~

~~Recreational, institutional and community uses permitted in accordance with Section 4.4.3.1 a) of this Plan, shall also be permitted in Mixed Use designations, subject to an amendment to the Zoning By-law.~~

- 11.8.5.2 Development within the Mixed Use shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.

The residential component of a mixed use development may be located either within the same building as the permitted non-residential uses or, in separate buildings on the same site with permitted non-residential uses, as part of an integrated development plan. Where the residential and non-residential uses are not proposed within the same building, the development shall demonstrate the means by which integration of residential and non-residential uses shall occur, prior to rezoning. ~~Applications for mixed use development which include S~~ single-purpose land uses ~~shall be discouraged~~ within the Mixed Use designation shall not be permitted.

- 11.8.5.3 Recreational, institutional and community uses in accordance with Section 4.4.3.1 a) of this Plan, may also be permitted.

- 11.8.5.4 Development and redevelopment in the Mixed Use designation shall ~~be carried out on the basis of comprehensive site plans which~~ take into consideration the Urban Design policies established in Section 11.8.14 and Section 6.2 of this Plan.

- ~~11.8.5.4 The highest intensity of uses within the Mixed Use designations shall be encouraged to locate in the vicinity of the intersection of Brock Street and~~

~~Taunton Road and there shall be a gradation of densities towards the boundaries of the Mixed Use designations.~~

- 11.8.5.5 ~~The minimum building height for new residential and mixed-use buildings shall generally be 6 storeys and the maximum building height shall be 18 storeys. Buildings that have a height greater than 8 storeys shall generally be located in proximity to Brock Street or Taunton Road. New non-residential buildings that are greater than 500 square metres in gross floor area shall have a minimum height of 2 storeys.~~

New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.

All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street, Brock Street or Taunton Road.

New non-residential buildings greater than 500 square metres in gross floor area shall have a minimum building height of 2 storeys

- ~~11.8.5.6 Retail commercial development which involves large, freestanding, independent buildings including, but not limited to, department stores, retail warehouse stores, and supermarkets that would detract from the Major Commercial designation shall not be permitted in the Mixed Use designation.~~

- ~~11.8.5.67 Food stores with a gross leasable floor space of less than 1,200 square metres shall be permitted within a Mixed Use designation.~~

~~Development of food stores with a gross leasable floor space of greater than 1,200 square metres may be considered in accordance with the following:~~

- ~~a) Subject to an application for re-zoning;~~
- ~~b) A supermarket has been developed within the Major Commercial designation of this Plan;~~
- ~~b) The submission of a retail market impact analysis, in accordance with Section 4.5.4.2 of this Plan to justify to the satisfaction of Council that no undue adverse impact will occur on existing supermarket facilities.~~

11.8.5.7~~8~~ Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including such matters as: co-ordination of access points; internal traffic circulation; parking; pedestrian connections, and integrated landscaping.

~~11.8.5.9 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.5.8 ~~11.8.5.10~~ Additional Specific policies have been developed for specific areas designated ~~each~~ Mixed Use ~~designation~~ as illustrated on Schedule "N". Development shall proceed in accordance with the following:

11.8.5.8.1 ~~11.8.5.10.1~~ **Mixed Use Area 1**

a) ~~The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 1 shall generally be 6,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

11.8.5.8.1.1 ~~b)~~ Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.

11.8.5.8.1.2 ~~c)~~ ~~Development of Mixed Use Area 1 shall be required to include medium and high density residential uses. Approximately fifty percent of the residential units proposed shall be comprised of high density residential uses, in accordance with Section 4.4.3.6 of this Plan.~~ There shall be a transition of densities with the highest densities occurring closest to the Brock Street and Taunton Road intersection.

d) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 1, to illustrate: the integration of uses; building placement; the park location and features; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit integration.~~

~~11.8.5.8~~ **Mixed Use Area 2**

11.8.5.8.1.3 The gross leasable floor area assignment for retail and personal service uses within Mixed Use Area at the south east quadrant of

Brock Street South and Taunton Road East shall generally be 5,300 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.

b) 11.8.5.8.1.4 Commercial uses and buildings shall be encouraged to be situated in close proximity to ~~the~~ Brock Street North and Taunton Road East ~~intersection.~~

11.8.5.8.1.5 Development of Mixed Use ~~2~~ shall be required to include medium and/or high density residential uses, in accordance with Sections ~~4.4.3.5 and 4.4.3.6 of this Plan~~ 11.8.5.2.

c) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 2, to illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit connections.~~

~~11.8.5.8.3 10.3~~ Mixed Use 3 Area 4

~~11.8.5.8.3.1a) The gross leasable floor area assignment for retail and personal service uses shall generally be 3,400 square metres within Mixed Use Area 3 4. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

~~11.8.5.8.3.2b) All Commercial uses and buildings shall be encouraged to be situated in close proximity to Baldwin Street South.~~

~~c) In accordance with Section 11.8.14, any site plan application in Mixed Use Area 4, shall illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; opportunities for transit connections, landscaping; and proposed buffering to adjacent uses.~~

11.8.6 Institutional/Corporate Office

11.8.6.1 The predominant uses permitted within Institutional/Corporate Office designation shall include 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, banquet halls and fraternal organizations.

11.8.6.2 In addition to the uses permitted in Section 11.8.6.1, residential uses are also permitted within mixed use ~~the Institutional/ Corporate Office designation in the form of multi-unit~~ buildings that have a minimum height of 6 storeys and a maximum height of 10 storeys.

11.8.6.3 For the purposes of this designation, 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 of gross leasable area.

~~11.8.6.4 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.7 Residential

~~11.8.7.1 The predominant use of lands within a Residential designation shall be for residential purposes.~~

11.8.7.1 ~~11.8.7.2~~ A range of tenure types and built forms of residential development shall be encouraged to serve a variety of housing needs within the Major Central Area.

11.8.7.2 9 Lands designated as Low Density Residential ~~Areas~~ on Schedule "N" shall be developed in accordance with Section 4.4.3.4 and are located ~~within the boundaries of the Secondary Plan but~~ outside of the Major Central Area. ~~Permitted uses within the Low Density Residential designation shall include single detached, semi-detached or linked, and duplex dwellings, in accordance with Section 4.4.3.4 of this Plan. Development shall occur at densities of up to 30 units per net hectare.~~

11.8.7.3 4 Lands designated as ~~Permitted uses within the~~ Medium Density Residential on Schedule "N" shall be developed in accordance with Section 4.4.3.5 ~~designation shall include street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, in accordance with Section 4.4.3.5 of this Plan. Development shall occur at densities between 30 and 65 units per net hectare and shall not exceed a maximum height of 4 storeys.~~

~~Notwithstanding Section 4.4.3.5 of this Plan, linked and semi-detached dwelling units shall be permitted on the northeast quadrant of the Brock/Taunton Major Central Area Secondary Plan, in the area designated Medium Density Residential.~~

~~11.8.7.4 Notwithstanding Section 4.4.3.6 of this Plan, linked and semi-detached dwelling units shall also be permitted on lands designated Medium Density Residential in the northeast quadrant of the Brick/Taunton Major Central Area Secondary Plan, the area designated as Medium Density Residential.~~

11.8.7.5 Lands designated as High Density Residential shall be developed in accordance ~~Development and permitted uses within the High Density Residential designation shall be in accordance~~ with Section 4.4.3.6 and 4.3.3.3.4 of this Plan and the following additional policies.

~~Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.6 Day care centres, nursing homes and homes for the aged may be permitted in all Residential designations in the Major Central Area subject to an amendment to the Zoning By-law. Such uses shall be compatible with the residential areas in which they are located. Where appropriate, uses generating moderate to high levels of vehicular traffic shall be encouraged to locate adjacent to arterial roads.~~

~~11.8.7.63 The minimum height for new Hhigh Ddensity residential development shall be 6 storeys and the maximum building height shall be 18 storeys.~~

~~Buildings that have a height greater than 8 storeys shall generally be located within proximity to Brock Street or Taunton Road.~~

~~11.8.7.7 Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.8 A variety of built forms will be encouraged within the Medium Density areas and consideration will be given to innovative housing types which fall within the density parameters established in Section 11.8.7.4.~~

Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Sections 4.4.3.1 b) and 4.4.3.1 c) of this Plan, shall not be permitted ~~be prohibited~~ within the Residential designations in this Secondary Plan ~~of the Major Central Area.~~

11.8.8 Institutional

- 11.8.8.1 A variety of Institutional uses currently exist within the Major Central Area. ~~New~~ Institutional uses, including schools, places of worship, community centres, libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.
- 11.8.8.2 Integrated access points and circulation routes with adjacent uses shall be encouraged.
- ~~11.8.8.3 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed-use developments where uses share a common building or site and have non-coincident peak parking requirements.~~
- ~~11.8.8.3 Where institutional uses are proposed adjacent to a Low or Medium Density Residential designation, the provisions of Section 4.9.3.6–6.2.3.12 of this Plan shall apply.~~

11.8.9 Major Open Space Hazard Lands

- 11.8.9.1 Lands designated Major Open Space shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.
- 11.8.9.2 Natural Heritage System and Natural Hazards, shown on Schedule “C”, ~~Hazard Lands within the Secondary Plan area~~ comprise of a portion of the Major Open Space ~~open space~~ corridor along the Lynde Creek tributary.
- ~~11.8.9.3 The provisions of Section 5.3.7 and 5.3.10 of this Plan shall apply to all lands identified as Natural Heritage System and/or Natural Hazards, on Schedule ‘C’ Hazard Lands within this Secondary Plan.~~
- ~~11.8.9.4 Development applications which include, or are in close proximity to, lands identified as Major Open Space may be required to submit an Environmental Impact Study, in accordance with Section 5.4.2, in consultation with the Town of Whitby and the Conservation Authority.~~
- ~~11.8.9.3 The boundaries of the Hazard Lands designation along the Lynde Creek tributary shall be determined to the satisfaction of the Town of Whitby in association with the Conservation Authority, and may include the greater of top of bank, flood hazard, erosion setbacks, slope stability setbacks, and/or maintenance access, where required. Hazards Lands as identified are encouraged to be transferred to the Town.~~

~~11.8.9.4 The exact location and extent of Hazard Lands shall be determined through the subdivision and site plan approval process in accordance with the required Environmental Impact Study.~~

~~11.8.9.5 The location of Hazard Lands shall be specified in the Zoning By-law.~~

~~Where boundaries are adjusted, the abutting land use designation shall apply without amendment to this Plan, provided the intent of the Plan is maintained.~~

~~11.8.9.6 A trail system shall be developed in proximity to the Lynde Creek tributary, to provide pedestrians and bicyclists with recreational opportunities which take advantage of the views and ambiance of the natural environment.~~

~~11.8.9.7 Where the trail is to be accommodated within the Hazard Lands designation, the trail shall generally be established in accordance with the following:~~

- ~~a) A location within areas of low environmental sensitivity;~~
- ~~b) A design which avoids sensitive soils and erosion-prone areas;~~
- ~~c) A location which minimizes disruption to existing vegetation and fragmentation of wildlife habitat; and~~
- ~~d) A design which ensures user safety for a wide range of users. The exact location of the trail shall be determined through the site plan approval process and shall take into consideration any relevant recommendations of the Environmental Impact Study required for the Major Commercial designation. Connections between the trail system and the public sidewalks shall be provided and access to the trail through the adjacent development shall be encouraged.~~

~~11.8.9.8 A pedestrian crossing of the northern reach of the Lynde Creek tributary within the Major Commercial designation shall be encouraged, in order to provide connections between the Major Central Area and the residential lands to the north.~~

11.8.10 Parks ~~Open Space~~

11.8.10.1 Parkettes and Urban Squares are shown symbolically on Schedule "N" and shall be developed in accordance with the relevant policies of Sections 4.9.3.22.

~~11.8.10.1 The park located within the south west quadrant of the Major Central Area is intended to primarily serve the residential uses within the Mixed Use Area 1 designation. The size of the park shall be determined based on the actual density of residential lands being developed within Mixed Use Area 1, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the site plan approval process and may be relocated without amendment to this Plan.~~

11.8.11 Environmental Management

~~11.8.11.1 Development shall have regard to its effect on the natural environment and measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value.~~

~~11.8.11.2 Development applications Applications for subdivision, severance or site plan approval which include or are in close proximity to, lands identified as Hazard lands Major Open Space may shall be required to submit an Environmental Impact Study, in accordance with Section 5.4.2 satisfactory to the Town, in consultation with the Town of Whitby and the Conservation Authority which addresses one or more of the following elements:~~

- ~~a) A detailed delineation of the on-site existing physical and biological features and functions, including the determination of flood hazards, sensitive soils, and erosion-prone areas;~~
- ~~b) An assessment of the proposed servicing and grading plan, its potential environmental impacts on the lands (e.g. the vegetation), and the potential mitigative measures to be undertaken during and after grading;~~
- ~~c) The identification of potential environmental impacts resulting from the proposed development;~~
- ~~d) Measures to be undertaken which will retain or enhance existing environmental features and conditions, or to mitigate potential negative impacts on these features and conditions that may result from development;~~
- ~~e) An engineering analysis to address erosion and sediment control both pre- and post-development, and its potential impacts;~~
- ~~f) An engineering analysis of surface and sub-surface drainage, both pre- and post-development, and its potential impacts;~~

- g) ~~Mitigative measures to be undertaken during construction of the development; and~~
- h) ~~A determination of the width of the buffer or setback required between the adjacent development and the Hazard Lands or Environmentally Sensitive lands, and/or the confirmation of any buffer or setback that may be determined by the Town, or other relevant agency.~~

~~11.8.11.3 The recommendations of the Environmental Impact Study shall generally be consistent with Section 5 of this Plan.~~

11.8.11 11.8.12 Transportation

11.8.11.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of Sections 8.1 and 6.2 in particular Section 6.2.3.12 and 6.2.3.14 except as modified by the following policies.

11.8.11.2 ~~11.8.12.1~~ Taunton Road is a Type “A” arterial road which is intended to provide cross regional transportation ~~opportunities; however, this~~ This road also provides the main east-west transportation connection and individual property access within the Major Central Area.

11.8.11.13 ~~11.8.12.2~~ Brock Street North/Baldwin Street South ~~is~~ a Type “B” arterial road which is intended to provide the main north-south transportation connection through the Major Central Area ~~and also currently provides individual property access opportunities.~~

11.8.11.4 ~~11.8.12.3~~ In order to respect the designated road functions of the arterial roads and to provide opportunities for access to intensified uses within the Major Central Area, individual property access to the arterial roads may be restricted and may be required to be coordinated with other developments in order to ensure adequate vehicular and pedestrian safety. The Town of Whitby and the Region of Durham shall determine these requirements during the development ~~subdivision, severance or site plan~~ approval process.

11.8.11.5 ~~11.8.12.4~~ A vehicular and pedestrian movement shall be designed to reduce ~~pattern may be encouraged which reduces~~ conflict between pedestrians and vehicular traffic, and between residential and non-residential vehicular traffic.

11.8.11.6 ~~11.8.12.5~~ The use of ~~selective~~ traffic control measures may be required in the future to address the impacts of through traffic, or locally generated non-

residential traffic, on local streets within the Residential designations shown on Schedule “N”.

~~11.8.12.6 The location of the collector roads which are shown on Schedule “N” shall be determined through the subdivision approval process and may be modified without amendment to this Plan, as long as the intent of the Plan is maintained. The roads shall be developed to municipal standards in accordance with Section 8.1.3.4 of this Plan.~~

11.8.11.7 ~~11.8.12.7~~ Future public transit routes and facilities shall serve the Major Central Area and be designed to provide optimum service to the various land uses within the Major Central Area. Transit facilities ~~connection opportunities for both local and regional transit services~~ may be required in the Major Commercial designation and all land uses shall make provision for transit connections, where necessary.

11.8.11.8 ~~11.8.12.8~~ Safe and convenient pedestrian circulation systems shall be provided within all areas of the Major Central Area. Within developed areas, the pedestrian system shall include sidewalks and walkways which shall be well lit and hard surfaced. Within open space areas, the pedestrian system will be designed in accordance with the environmental character of the area. Appropriate pedestrian road crossing locations shall be provided. Landscaping and buffering of the pedestrian system shall be encouraged and shall be addressed through the development site plan approval process where appropriate.

11.8.11.9 ~~11.8.12.9~~ Active transportation ~~Bicycle use~~ shall be encouraged in and through the Secondary Plan area. The integration of active transportation bicycle parking facilities ~~with development~~ shall be addressed through the development site plan approval process, where appropriate ~~necessary~~.

11.8.11.10 ~~11.8.12.10~~ In addition to the matters listed in Section 4.4.3.13.2, the Municipality may also consider reduced parking requirements after detailed study for all developments, where justified in terms of need, to the satisfaction of the Municipality. ~~Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards~~ Where specific land uses share a common ~~building or~~ site and have non-coincident peak parking requirements.

It is the long-term intent of this Plan that the majority of the parking spaces in the Central Area be included within structured parking garages or underground. In this regard, a long term parking strategy for the area which takes into account the phasing of development should be prepared.

11.8.13 Servicing

~~11.8.13.1 The Secondary Plan area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3, the site servicing policies of Section 6.2.3.16, and the Storm Water Management policies of Sections 5.3.9 and 8.2.5.~~

~~Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

~~11.8.13.2 Applications for development shall be required to employ appropriate storm water management techniques and practices, in accordance with Sections 5.3.9 and 8.2.5 of this Plan.~~

~~11.8.12.2 11.8.13.3 The Town, in consultation with the Conservation Authority shall require the use of Best Management Practices (BMPs) green infrastructure and low impact development measures, where appropriate based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the condition of the receiving watercourses.~~

~~11.8.13.4 Storm water management facilities may be permitted in any land use designation on Schedule “N”, subject to any required approvals from the Town, in consultation with the Conservation Authority.~~

~~11.8.13.5 Storm water quality control measures shall be provided for all new development located north of Taunton Road. Storm water quantity controls shall be provided for all new development located north of Taunton Road and east of Brock Street, in accordance with Section 8.2.5 of this Plan.~~

~~11.8.13.6 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.13.7 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.14~~ 11.8.12 Urban Design

~~11.8.14.1~~ 11.8.12.1 The provisions of Section 6.2 and 4.3.3.7 of this Plan shall apply to all development within the Major Central Area.

~~11.8.14.2~~ An Urban Design Plan shall be prepared as part of any development application to assist Council in the evaluation of development proposals within the Major Commercial and Mixed Use designations.

~~11.8.14.3~~ The Urban Design Plan shall address and include the following:

- ~~a) — The location and distribution of all land uses and general building envelopes through a detailed concept plan. — The concept plan will establish visual and functional relationships between individual buildings and groups of buildings establish the visual relationship with the Lynde Creek tributary, where appropriate and define building setbacks which reinforce the streetscape and the valley open space area.~~
- ~~b) — Within the Major Commercial designation, the provision for a publicly accessible Urban Square on the northwest corner of Brock Street and Taunton Road, the purpose of which is to:
 - ~~i) — promote the identity of the Central Area;~~
 - ~~ii) — to add a visually attractive feature to that corner; and~~
 - ~~iii) — to provide the opportunity for pedestrian comfort, convenience and enjoyment.~~~~

~~The Urban Square shall be encouraged to have edges which are defined by buildings and landscaping which contributes to the prominence of the location within the Major Central Area. The Urban Square may include lands within the existing hydro corridor;~~

- ~~c) — The location and coordination of access points onto the arterial roads;~~
- ~~d) — The location of vehicular and service circulation and access, including the integration of parking and loading areas. Parking and loading areas should have regard to both convenience and visual impact from the street;~~
- ~~e) — The provision of safe and convenient pedestrian access and connections and the provision of connections from the public sidewalks and the Urban Square, to the trail system along the Lynde Creek tributary;~~

- ~~f) — Where relevant, the location of a pedestrian trail system adjacent to the Lynde Creek tributary which takes into consideration recommendations of the required Environmental Impact Statement;~~
- ~~g) — The provision for and distribution of integrated transit facilities which may include on-site transit facilities routes and which provide for convenient access to all land uses and buildings, in particular within the Major Commercial designation, as appropriate; and;~~
- ~~h) — Guidelines addressing: the design and massing of buildings in order to create a sense of continuity and contextual harmony; building locations which encourage building placement in close relation to the arterial roads, landscaping, streetscape and other matters; and~~
- ~~i) — Where lands of a single designation are under more than one ownership, the Urban Design Plan should demonstrate how development of the land uses can be integrated.~~

~~11.8.14.4 The following policies shall be used to evaluate the urban design aspects of development applications for areas of this Plan not required to undertake an Urban Design Plan:~~

- ~~a) Existing natural features are preserved and wherever possible, incorporated into the man-made environment;~~
- ~~b) The road pattern reduces the need for, or distance of local vehicular trips and addresses the road pattern established in Section 11.8.12;~~
- ~~c) The road pattern contributes to the efficient provision of public transit services;~~
- ~~d) Building entrances are encouraged to be placed in close relationship to transit stops;~~
- ~~e) The provision of safe and comfortable pedestrian movements;~~
- ~~f) Reverse frontage residential lots are to be avoided, where possible;~~
- ~~g) Shadow and privacy impacts on residential areas and public open space shall be minimized; and~~

- h) ~~Where lands are under more than one ownership, the development application should demonstrate how development of the land uses can be integrated.~~

11.8.12.2 ~~11.8.14.5~~ Roads form an important aspect of the public realm within the Major Central Area. Proposals for development and redevelopment, adjacent arterial roads, shall be evaluated by the relevant urban design provisions of Section 6.2 and the ~~The~~ following urban design criteria: ~~shall be used to evaluate the urban design aspects of proposals adjacent to arterial roads:~~

- a) A coordinated streetscape theme ~~shall be encouraged, where~~ appropriate, within both the public and private realms in order to enhance the identity of the Major Central Area;
- b) ~~Landscaping enhancement shall be encouraged through regularly placed tree plantings that are aligned with street lighting and through the arrangement of street furniture to assist in defining the streetscape and pedestrian environment and not obstructing pedestrian movements or vehicular sight lines;~~
- b.)e) The provision of enhanced entrance landscaping treatments within the Major Commercial and Mixed Use designations ~~shall be encouraged where collector roads intersect with arterial roads;~~
- c.)d) The location and arrangement of built form, including reduced setbacks, where appropriate, shall be used ~~Building design may provide selective placement of the buildings and reduced building setbacks~~ in close proximity to the street edge in order to promote the image of the area as a high intensity node and to provide a more pedestrian-friendly and lively street environment;
- d.)e) ~~Transit connections along arterial and collector roads are provided for in locations providing safe, convenient and direct access to buildings or uses in those locations;~~ Primary access shall be coordinated between adjacent land parcels to minimize pedestrian and vehicular conflicts; and
- f) ~~Primary access shall be coordinated between adjacent landowners to minimize pedestrian and vehicular conflicts; and~~
- e.)g) Appropriate sidewalk connections ~~widths are~~ shall be incorporated within land parcels and to the right of way, where appropriate ~~necessary~~, to maximize opportunities for pedestrian movement.

11.8.12.3 ~~11.8.14.6~~ More ~~The more~~ intensive land uses and ~~the tallest~~ buildings shall be encouraged to be adjacent ~~to Brock Street and Taunton Road~~ arterial roads, wherever appropriate with a transition of ~~development~~ densities and building heights ~~radiating away~~ from these arterial roads.

~~11.8.14.7~~ ~~Maximum building heights for individual sites shall be determined through the development approval process. A minimum building height of 2 storeys shall generally be required for all residential, mixed use and, where appropriate, commercial development situated along arterial roads. Building heights shall be restricted to a maximum of 18 storeys for high density residential, commercial and mixed use buildings.~~

11.8.12.4 ~~11.8.14.8~~ Off street parking and service areas shall be encouraged to locate at the side or rear of buildings, where feasible, in order to promote an attractive streetscape and reduce the visual impact of large surface parking lots.

Underground or decked parking or other similar parking solutions shall be encouraged ~~permitted~~ and the treatment of such structures shall be consistent with the building materials and landscaping used elsewhere on the site. Sufficient setbacks for enhanced landscaping where parking is located adjacent to an arterial or collector road shall be provided, which does not limit or impair pedestrian or vehicular sightlines ~~encouraged in order to reduce the visual impact, while maintaining safety for pedestrians and vehicles.~~

11.8.12.5 ~~11.8.14.9~~ Commercial service areas shall be encouraged to locate away from residential areas and shall not be visible from arterial roads. Service areas shall be screened with a combination of fencing and /or landscaping.

11.8.12.6 ~~11.8.14.12~~ Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.8. 12.7 ~~14.10~~ Landscaping and planting shall be ~~used~~ provided in accordance with Section 6.2.3.15.1 and also include the following:

- ~~a) Screen unattractive views and buffer adjacent land uses;~~
- a) ~~b)~~ Define pedestrian and vehicular routes;
- b) ~~e)~~ Establish and define a uniform and coordinated street edge; and
- ~~d) Shelter and enhance outdoor activities;~~

e) ~~Enhance existing natural features; and~~

c)f) Reinforce the prominence and enhance ~~of~~ focal points within enhanced landscaping within the Major Central Area.

11.8.12.84.14 Landscaping plans shall include native local species, where appropriate.

~~11.8.14.13 The Town will work with Whitby Hydro, Durham Region and landowners, to secure the re-location of the existing hydro facilities to a location within the Taunton Road right-of-way.~~

11.8.145 Implementation and Interpretation

11.8.145.1 ~~The provisions of Sections 11.8 together with Schedule “N” of the Town of Whitby Official Plan shall comprise the Brock/Taunton Major Central Area Secondary Plan. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.8.16 Interpretation

~~11.8.16.1 The provisions of Section 11.8 apply to the Brock/Taunton Major Central Area Secondary Plan delineated on Schedule “N”.~~

11.8.14.2 ~~11.8.16.2~~ Notwithstanding Section 10.2.1.2 of this Plan, minor deviations to the floor space allocations of this Secondary Plan may be permitted without amendment to this Plan, where such deviations do not affect the general intent and purpose of this Plan and where supported by a valid planning rationale; to the satisfaction of the Town of Whitby.

~~11.8.16.3 The Brock/Taunton Major Central Area Secondary Plan Schedule “N” provides more precise illustrations of the land use designations than is shown on Schedule “A”.~~

11.10 Taunton North Community Secondary Plan

11.10.1 Goal

- 11.10.1.1 To provide for the comprehensive development of a safe, healthy, and attractive residential and industrial community that meets the needs of current and future residents and businesses.
- 11.10.1.2 To ensure that all decisions are based on an “Environment First” principle which preserves, protects, and enhances the significant environmental features, functions and linkages.

11.10.2 Objectives

- 11.10.2.1 To employ an ecosystem approach in planning to ensure all of the components of the ecosystem, which are air, water, land, and living organisms are considered as a whole and that balanced decisions are made with an understanding of the environmental, community and economic implications. Balance may not occur on each individual property and protection of the natural environment will be given more weight in certain areas.
- 11.10.2.2 To work with public and private sector interests to preserve, protect and enhance the significant environmental features, functions and linkages including valley and stream corridors, hydrogeological functions, water quality and quantity, groundwater recharge, headwater functions, riparian vegetation, fish habitat, forest and tree cover, species at risk and endangered species ~~uncommon species~~, wetlands and important terrestrial functions within the community.
- 11.10.2.3 To create a safe, livable, and healthy community that has a sense of community identity.
- ~~11.10.2.4 To ensure that the community is integrated with the rest of Whitby and adjacent communities, is linked to the Brock / Taunton Major Central Area and Thickson / Taunton Community Central Area and is internally integrated with community facilities.~~
- 11.10.2.~~4~~⁵ To encourage innovative and alternative forms of development ~~which~~ that respond to and enhance the environmental attributes of the area.
- 11.10.2.~~5~~⁶ To encourage, to the extent possible, an urban form that is efficient and cost effective for servicing, stormwater, transportation and public transit systems and is sensitive to environmental conditions.

- 11.10.2.~~67~~⁷⁸ To provide safe, comfortable and convenient opportunities for pedestrian, bicycling and other similar active transportation movements through streets, paths and greenways such as utility corridors throughout the community and to provide a connection from the Lynde Creek to the Whitby / Oshawa boundary.
- 11.10.2.~~78~~⁸⁹ To encourage a high standard of urban design ~~for both public and private sector lands~~ to ensure the creation of an attractive community.
- 11.10.2.~~89~~⁹¹⁰ To provide parks, open space, linkages and recreational opportunities that meet the needs of the community, respect the environment and ~~create meeting places.~~ provide opportunities for social connectivity.
- 11.10.2.~~910~~¹⁰⁴ To encourage the provision of a variety of housing forms which provide choices and address the economic and social needs of all facets of the population.
- 11.10.2.~~104~~¹² To provide for business opportunities ~~which~~ that benefit the community, provide employment opportunities, take advantage of existing and future transportation linkages and are sensitive to environmental conditions.
- ~~11.10.2.12 Where higher intensity uses are appropriate from an environmental perspective, to encourage them to locate close to major transportation routes and community and service facilities.~~
- ~~11.10.2.13 To preserve and incorporate existing cultural features wherever possible.~~

11.10.3 General Development Policies

- 11.10.3.1 ~~The boundary of the Taunton North Secondary Plan is shown on Schedule "P". The urban boundary is also shown on Schedule "P" and coincides with the boundaries of the Secondary Plan.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "P". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of this Plan.

- 11.10.3.2 ~~Schedule "P" provides the detailed land use designation for the Secondary Plan Area. The land use designations include Low Density Residential, Medium Density Residential, High Density Residential, Institutional, High School, Special Purpose Commercial, General Industrial, Hazard Lands, Environmental Protection/Conservation Lands, Special Policy Area, Parks and Major Open Space. Many of these designations have been further refined through provision of a number following the designation. The~~

~~number refers to policies in the Secondary Plan that must be read in conjunction with the designation.~~

Schedule “P” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.10, together with the policies of Part I of this Plan, apply to the land use designations of the Taunton North Community Secondary Plan area as shown on Schedule “P”.

11.10.3.3 Schedule “Q” identifies areas within which an Environmental Impact Study (EIS) shall be required prior to any development or development approvals being permitted to occur ~~and is based on the Taunton North Environmental Study prepared by Gartner Lee Limited (February, 1999).~~ For the purposes of this Secondary Plan, the term development as it relates to Schedule “Q” is defined to include the construction of any building or structure which requires ~~regrading~~, vegetation removal or installation of services. Policies outlining the EIS requirements are found in Section 11.10.4.

~~11.10.3.4 New development will occur in an orderly manner that is consistent with the efficient use and provision of municipal and community services, including transit.~~

11.10.3.4~~5 There are a number of buildings that have been identified as significant by the municipal heritage committee. These buildings contribute to the architectural history and character of the area and the Municipality shall encourage the retention of these buildings in their current state or the incorporation of these buildings into future development.~~

Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.10.3.5~~6 Prior to any rezoning development or redevelopment within the Secondary Plan area boundary, an archaeological survey may be required in accordance with Section 6.1.4, and Policy 2.3.4 and Table ‘E8’2.3.4 of the Durham Regional Official Plan.~~

11.10.3.6~~7 Applications for development adjacent to arterial roads which include residential land uses shall be required to submit a noise study that will demonstrate how appropriate noise levels of the residential development can be achieved, including the identification of any required mitigation measures.~~

Known former waste disposal sites are identified on Schedule “P”. The policies of Section 5.3.11 shall apply to those lands within 500 metres of identified former waste disposal sites.

- 11.10.3.7 Lands identified as School sites on Schedule “P” shall be developed in accordance with the policies of Section 4.8.

Schools are symbolically shown and the exact location shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

Where a designated school site is not required, the site may be developed in accordance with the underlying designation without amendment to this Plan

11.10.4 Environmental Management Policies

- ~~11.10.4.14~~ ~~All owners in the Secondary Plan area shall be encouraged to protect, preserve and enhance to the greatest extent possible, the significant natural heritage values of their land. Development will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority (Conservation Authority) that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.~~ Development and redevelopment shall be subject to the appropriate policies of Section 5.3 of the Official Plan, except as modified by the following additional policies.

- 11.10.4.2 All owners in the Secondary Plan area shall be encouraged to protect, preserve, and enhance to the greatest extent possible, the significant natural heritage of their land.

Development and redevelopment will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.

- ~~11.10.4.3~~ ~~Existing Core woodlands as identified on Schedule ‘Q’ by the Taunton North Environmental Study prepared by Gartner Lee Limited~~ shall be protected and maintained in a natural state subject to the policies of this Plan. All owners ~~shall also be~~ are encouraged to promote restoration of forest edges and interior gaps through either active planting or passive

natural succession processes, in consultation with the Central Lake Ontario Conservation Authority.

11.10.4.4 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.

~~11.10.4.4~~ ~~Lands that are within the Environmental Protection/Conservation Lands designation that are part of a large parcel of land which also contains lands that are outside of the Environmental Protection/Conservation Lands or Hazard Lands designation and for which a development application has been submitted, may be eligible for bonusing provisions under the Planning Act for woodlands that are protected or restored. Such bonusing will be in accordance with the provisions of Section 10.1.10 of this Plan.~~

11.10.4.5 Schedule “Q” identifies those lands that are required to prepare a full or scoped Environmental Impact Study (EIS) prior to any development or redevelopment approvals being permitted to occur ~~on the land~~.

If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address the environmental conditions identified.

For the purposes of this Secondary Plan, the terms “development” and “redevelopment”, as it relates to Schedule “Q”, are defined to include the construction of any building or structure which requires regarding, vegetation removal or installation of services.

~~Schedule “Q” identifies whether a full EIS is necessary or whether the EIS can be scoped to focus on certain issues.~~ A full EIS is intended to apply to all those lands that are designated Natural Hazards ~~Hazard Lands~~ or Natural Heritage System ~~Environmental Protection/Conservation Lands~~ and to all lands within approximately 50 metres of those designations. A scoped EIS is intended to apply to those lands that have been identified ~~through the Taunton North Environmental Study~~ as having a high or moderate groundwater resource or lands within approximately 50 metres of such lands. The Municipality in consultation with the Central Lake Ontario Conservation Authority shall be responsible for the interpretation of the limits of the boundaries as shown on Schedule “Q” and the need for preparation of an EIS.

11.10.4.6 EIS shall be prepared in accordance with the policies of Section 5.4.2 of this Plan, except as modified by the following additional policies.

~~11.10.4.6 Where the preparation of an EIS is required, the EIS report shall be prepared to the satisfaction of the Municipality in consultation with the Conservation Authority and other agencies as required. The recommendations of the EIS shall be consistent with Section 5 of this Plan.~~

~~11.10.4.7 All Environmental Impact Studies shall be prepared by experts qualified in the fields of ecology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Municipality in consultation with the Conservation Authority. The work plan shall identify the boundaries of the area to be studied and may include lands beyond the area for which the EIS is being carried out. The objective of the EIS is to identify and assess the potential impacts of a specific development proposal on the key environmental functions, attributes and linkages of the potentially affected area and to ensure that the proposed development complies with the policies and intent of the Secondary Plan for protection and enhancement of the environment. For development on individual lots of record, the Municipality in consultation with the Conservation Authority may consider modifying the requirements of a full EIS to reflect the scale of development.~~

11.10.4.6.1 In addition to the requirements of Section 5.4.2.4, Components of a full EIS shall generally include, but are not necessarily limited to:

- a) a detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions, biological setting and Natural Hazard lands;
- b) a characterization of existing on-site and adjacent natural heritage features and functions, including the roles of vegetation, surface water and groundwater in maintaining the natural heritage area and an assessment of the contribution of the study area to those adjacent functions;
- c) a detailed description of the proposed development or land use activities including servicing and grading plans and building envelopes where appropriate;
- d) a prediction of the potential direct, indirect and cumulative effects of the proposed development on the environment compared with the overall environmental objectives;
- e) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change

in land use through the use of site planning design and Best Management Practices;

- f) an identification and evaluation of options to avoid or mitigate impacts, including recommendations for establishing buffers/setbacks, erosion and sediment control, surface and sub-surface drainage, and habitat restoration/enhancement;
- g) a strategy for implementing the recommended mitigation measures;
- h) a summary of predicted net effect following mitigation/rehabilitation compared with overall environmental objectives;
- i) recommendations to be applied to the Construction Management Plan and an evaluation of the need for a post construction monitoring program; and
- j) recommendations on information to be incorporated into the environmental education/awareness program, to be provided to the homeowners, as appropriate.

11.10.4. ~~96.2~~ ~~A scoped EIS shall generally focus on maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems. Provided that the issues are restricted to groundwater recharge/discharge functions, then only a hydrogeological study will be required. The study shall include the preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices. It shall also identify the need for a construction and post-construction monitoring program and make recommendations on information to be incorporated into the environmental education/awareness program.~~

In addition to the requirements of Section 5.4.2.4, components of a A scoped EIS shall generally include, but are not necessarily limited to:

- a) details regarding maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems.
- b) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices.
- c) construction and post-construction monitoring program and recommendations on information to be incorporated into the environmental education/awareness program.

d) recommendations on information to be incorporated into an environmental education/awareness program, to be provide to the homeowners, as appropriate.

11.10.4.7~~10~~ ~~Buildings and structures which require substantial below-ground excavation that could cause groundwater interference and dewatering may not be permitted in areas requiring an EIS unless an appropriate mitigation plan is approved as part of the EIS.~~

11.10.4.8~~11~~ Where the EIS recommends that minor modifications can be made to the boundary of the ~~Hazard Lands or Environmental Protection/Conservation Lands~~ Natural Hazards or Natural Heritage System and the Municipality, in consultation with the Conservation Authority approves that recommendation, then the boundary can be refined without further amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained.

11.10.4.9~~12~~ A Construction Management Plan shall be required for all lands requiring an EIS. The Construction Management Plan shall be prepared in accordance with Section 5.4.3.2 of this Plan.

11.10.4.13 The Construction Management Plan may identify any s~~Special~~ construction and servicing techniques ~~shall be~~ utilized where necessary to prevent the alteration of existing groundwater conditions and to address disturbance of the natural environment during construction. Sewer materials and construction methods shall be designed to minimize the impact on water table conditions. ~~The specific techniques to be utilized shall be identified in a Construction Management Plan.~~

11.10.4.10~~4~~ Impacts of future road and utility crossings on stream and valley corridors shall be minimized to the greatest extent possible through the use of siting, design and construction techniques. Precise alignments of new roads will be determined by appropriate studies, such as, but not limited to environmental assessment studies.

11.10.4.11~~5~~ In accordance with the Durham Regional Official Plan and Section 4.9.3 of this Plan, an open space/wildlife corridor has been identified along the Trans Northern Oil Pipeline. Strengthening of the corridor adjacent to the pipeline shall be encouraged through such measures as naturalization or restoration of adjacent lands and buffering from adjacent land uses where appropriate.

~~11.10.4.16 An environmental education/awareness program which informs homeowners of the environmental sensitivities of the Taunton North Community shall be prepared by all developers to the satisfaction of the Municipality in consultation with the Conservation Authority. Preparation of this program shall be addressed through the subdivision approval process and will include recommendations from the EIS.~~

11.10.5 ~~Hazard Lands~~ Natural Hazards

~~11.10.5.1 The Hazard Lands designation in this Secondary Plan comprise lands associated with the Lynde and Pringle Creek valleys and the provisions of Section 5.3.10 shall apply to all Hazard Lands within this Secondary Plan.~~ Lands designated as Natural Hazards on Schedule 'P' comprise, in part of, lands associated with the Lynde and Pringle Creek valleys, and shall be developed in accordance with the policies of Section 5.3.10 of this Plan, except as modified by the following additional policies.

- 11.10.5.2 ~~The intent of the Hazard Lands policies is to address lands that have inherent environmental hazards and to ensure the preservation, conservation and enhancement of the natural environment. Lands having a Hazard Lands designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. In keeping with the goals and objectives of this Secondary Plan the protection, enhancement and restoration where possible of the vegetation, groundwater, surface water quality and quantity, uncommon species, fish habitat and wetlands within the Hazard Lands designation will be given the highest priority.~~ Natural Hazards are lands that have inherent environmental hazards requiring the preservation, conservation and enhancement of the natural environment. Lands having a Natural Hazard designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Natural Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. Within the Natural Hazards designation, protection, enhancement and restoration of the vegetation, groundwater, surface water quality and quantity, species at risk and endangered species, fish habitat and wetlands will be given the highest priority.
- 11.10.5.3 Permitted uses on lands designated as Natural Hazards ~~in a Hazard Lands designation~~ include conservation and passive recreational uses. Additional uses such as agriculture, passive recreation, conservation of soil, wildlife and fisheries habitats, may be permitted subject to the provisions of an ~~EIS~~ Environmental Impact Study (EIS) in accordance with the policies of Section 11.10.4.
- 11.10.5.4 The extent and exact limit of the Natural Hazards ~~Lands designation~~ shall be defined in the Zoning By-law, in consultation with the Municipality and the Central Lake Ontario Conservation Authority. The boundary shall be determined through the development approval process in accordance with the recommendations of the EIS, prepared in accordance with Section 11.10.4, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.

11.10.5.5 Natural Hazard ~~s~~Lands as designated on schedule 'P' identified are encouraged to be transferred to ~~the Municipality~~ public ownership through the development ~~review~~approval process.

11.10.6 **Environmental Protection/Conservation Lands** **Natural Heritage System**

~~11.10.6.1 The goal of the Environmental Protection/Conservation Lands is to protect and enhance the natural features, functions and linkages of these lands.~~

~~11.10.6.2 The objective of the Environmental Protection/Conservation Lands is to ensure that the natural heritage features are not compromised through urban development and that the quality of the ecosystem as a whole is maintained for present and future generations.~~

11.10.6.13 **Environmental Protection/Conservation Lands designated Natural Heritage System shall be developed in accordance with the policies of Section 5.3.7 of this Plan, except as modified by the following additional policies. These** ~~Lands~~ have high environmental sensitivity and are composed of lands which are generally part of large and contiguous core woodlands but may include openings in the forest cover that are within or adjacent to the forest block. The core woodlands contain a variety of vegetation communities and harbour many locally and regionally significant plant species. The forest provides habitat for regionally rare and provincially rare and vulnerable wildlife. It also provides habitat and local and regional movement corridors for a variety of species. The size of the core woodlands provides the opportunity for area sensitive wildlife and forest interior breeding bird species. Much of this area lies on the Lake Iroquois beach and is characterized by a high water table which makes this area a major groundwater recharge and discharge resource. The area provides baseflow to the Lynde and Pringle Creeks and the vegetation cover assists in providing temperature control for the surface and groundwater runoff. Together with the Natural Hazard ~~L~~ands, the Natural Heritage System ~~the Environmental Protection/Conservation Lands~~ forms a contiguous corridor of land which create north/south and east/west environmental linkages which are critical to the long term sustainability of the environmental health of the Town.

11.10.6.24 Permitted uses on lands designated as Natural Heritage System will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation ~~functions~~uses such as trails may also be permitted provided such uses are compatible with environmental conditions. ~~The establishment of golf courses shall require an amendment to this Plan and~~

~~are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.~~

Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record ~~is~~ may be permitted subject to ~~the approval of~~ an Environmental Impact Study as defined in Section 11.10.4 of this Plan and subject to the approval of the Municipality and the Conservation Authority. Further subdivision or severance of land within this designation is not permitted without amendment to this Plan.

The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.

11.10.6.~~3~~5 ~~The extent and~~ exact limit of the ~~Environmental Protection/Conservation Lands-Natural Heritage System~~ shall be defined in the Zoning By-law, in consultation with the Central Lake Ontario Conservation Authority. ~~The boundary shall be determined through the findings of the EIS. The development approval process in accordance with the recommendations of the EIS, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.~~

11.10.6.~~4~~6 ~~Removal, modification or destruction of natural features, functions or linkages within this designation shall not provide the rationale for removal of these lands from their existing designation. Restoration of the natural features that have been damaged, modified or destroyed shall be strongly encouraged and is subject to the approval of the Municipality in consultation with the Conservation Authority.~~

In accordance with Section 5.3.7.14, where any feature in the Natural Heritage System is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking development approvals on the affected lands.

11.10.6.~~5~~7 Where lands designated ~~as Natural Heritage System~~ Environmental Protection/Conservation Lands are under private ownership, it shall not be construed ~~as implying~~ that such areas are free and open to the public ~~nor that they~~ will be ~~purchased~~ acquired by the municipality or other public agency.

However, ~~where a plan of subdivision or severance has been submitted during the development approval process,~~ the dedication of ~~Environmental Protection/Conservation Lands~~ Natural Heritage System lands to the municipality or the provision of an Environmental Easement across some or all of the lands shall be encouraged. Where the lands have been dedicated to the municipality or other public agency, they shall be maintained in their natural state.

- 11.10.6.~~6~~8 Where new development is proposed on a site, those lands which are Natural Heritage System lands shall not be acceptable as part of the parkland dedication requirements under the Planning Act.

11.10.7 Major Open Space

- ~~11.10.7.1 The intent of the Major Open Space designation is to recognize existing uses that occur in the Major Open Space category such as cemeteries and golf courses, to recognize lands that form part of open space corridors and linkages, or to recognize areas where contamination of lands may have occurred and restoration is strongly encouraged.~~

- ~~11.10.7.12 The permitted use in the Major Open Space 1 designation shall be for active and/or passive recreational and conservation uses including parks, trails, conservation areas and greenways, existing golf courses and existing cemeteries. Forest, fisheries and wildlife management, agriculture, nurseries, gardening and other private recreational uses may also be permitted. New golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan. In addition to the uses permitted in Section 4.9.3, existing single detached dwelling units or the creation of a new single detached dwelling unit on a lot of record shall be permitted.~~

Lands designated as Major Open Space 1 shall be developed in accordance with the policies of Section 4.9 of this Plan.

Where lands in Major Open Space 1 are intended to form part of an open space corridor identified in this Plan, owners shall be encouraged to restore the environmental features, functions and linkages of the lands where appropriate and to minimize the impacts ~~from~~ of development on adjacent environmentally sensitive lands. ~~The provisions of Section 4.9.3 of this Plan shall apply to all Major Open Space 1 lands.~~

- 11.10.7.~~2~~3 Lands ~~that are~~ designated as Major Open Space 2 have been identified as having ~~some~~ environmental sensitivities and have also been filled or used for landfill purposes in the past. In some areas, there is the potential for

the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past. Prior to any development being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore ~~their~~ such lands to ~~its~~ their former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required.

If it is demonstrated to the satisfaction of the Municipality, Region of Durham, and the Conservation Authority that these lands can be safely utilized, then the applicable permitted uses and provisions of Section 4.9.3 of this Plan shall apply ~~to the lands designated Major Open Space 2.~~

- 11.10.7.34 ~~There are existing residential and commercial uses on lands designated Major Open Space 3. The provisions of Section 4.9.3 shall apply to all lands designated Major Open Space 3 within this Secondary Plan.~~

Lands designated as Major Open Space 3 shall be developed in accordance with the policies of Section 4.9 of this Plan.

~~In addition to the uses permitted in Section 4.9.3.5 of this Plan, the existing uses~~ In accordance with Section 10.1.6.5, legally existing uses shall be permitted to continue and Council may zone to permit the minor expansion or enlargement of the existing uses or the variations to similar uses subject to the recommendations of an Environmental Impact Study in accordance with Section 11.10.4 of this Plan and provided the uses have no adverse effect on the ~~present~~ existing uses of the surrounding lands or the implementation ~~of the provisions~~ of this Plan.

11.10.8 Residential

- 11.10.8.1 The predominant use of land in areas designated as Residential shall be for residential purposes. Additional uses that are compatible with residential uses by their activity, scale and design and which serve the residential area shall also be permitted in accordance with Section 4.4.3.1.

~~These include recreational, institutional, and community uses such as places of worship, community centres, day care centres, nursing homes, branch libraries, schools and parks. Home-based business uses shall be permitted in accordance with the policies of Section 4.4.3.1 d) of this Plan. Business and professional offices and personal service uses may be permitted in accordance with the policies in Section 4.4.3.1 c) of this Plan.~~

~~Local Commercial Areas and Convenience Commercial Centres shall require an amendment to this Plan.~~

- 11.10.8.2 ~~Provision has been made in this Secondary Plan area for a variety of residential densities to accommodate a variety of housing opportunities. Residential development shall be sequential.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.
- 11.10.8.3 Alternative and innovative housing forms and development design techniques which allow for greater protection or enhancement of the environmental conditions shall be encouraged.
- 11.10.8.4 The school and park symbols that are shown in the Residential designations are not intended to control the precise location of the land uses that they represent. The exact location will be determined at the time of development application. Where a designated school site is not required, the site may be developed in accordance with the underlying residential designation without amendment to this Plan.
- 11.10.8.5 All residential development shall be encouraged to provide attractive, coordinated streetscapes that enhance the identity of the area and reflect the environmental goals of this Plan.
- 11.10.8.6 Residential development may be required to prepare an EIS in accordance with Section 11.10.4 of this Plan and to address other matters as identified within this Plan prior to development ~~being permitted to proceed.~~ or redevelopment being permitted to proceed. If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.
- 11.10.8.7 The development of new medium and high density residential units shall be encouraged to contribute to the affordable housing targets in the Municipality ~~as identified in the Municipal Housing Statement.~~
- 11.10.8.8 Medium and High Density Residential development shall address the requirements of Sections 4.4.3.9.2 and 4.4.3.9.4 of this Plan.
- 11.10.8.9 Low Density Residential**
- 11.10.8.9.1 ~~The provisions of Section 4.4.3.4 of this Plan shall apply to all lands designated Low Density Residential 1. Development within lands designated Low Density Residential 1 may be subject to the requirements~~

~~of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.~~ Lands designated as Low Density Residential 1, 2, 3, 4, 5, 6 and 7 on Schedule "P" shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following policies.

- 11.10.8.9.2 ~~Lands designated as Low Density Residential 2 shall only permit that are designated Low Density Residential 2 are currently developed with single detached houses that are privately serviced. The permitted uses shall be single detached houses dwellings on existing lots of record. Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Due to servicing constraints in this area, f~~Further intensification of this area shall not be permitted and preservation of the character of the existing residential development located within the Robmar subdivision shall be encouraged. If municipal services are provided to this area, then Council ~~shall~~may review this policy.
- 11.10.8.9.3 ~~Lands that are designated Low Density Residential 3 are currently used for agricultural and open space purposes. It is not the intent of this Plan to discourage the continuation of these uses but to recognize the long-term potential land uses for this area. The uses permitted in Section 4.4.3.4 of this Plan shall apply to all land designated Low Density Residential 3. In addition to the uses permitted under Section 4.4.3.4 of this Plan, the~~ Lands designated as Low Density Residential 3 shall also permit the additional uses permitted in the Major Open Space designation under Section 4.9.3.5 ~~of this Plan shall also be permitted in the Low Density Residential 3 designation. Given the location of these lands which are on the edge of the residential community and in order provide for greater sensitivity to the existing environmental conditions, executive housing shall be encouraged and~~

Notwithstanding Section 4.4.3.5 the maximum density shall be up to 15 dwelling units per net residential hectare. ~~Development in this area shall be subject to the provision of an EIS in accordance with Section 11.10.4 of this Plan and shall be sensitive to the adjacent Hazard Lands and Environmental Protection/Conservation Lands.~~

Additional buffering and enhancement adjacent to the open space corridor along the Trans Northern Pipeline shall be required ~~at the time of development.~~

~~Notwithstanding any other provisions in this plan to the contrary, the maximum permitted residential density for lands identified by Assessment Roll No.s 18-09-010-037-15500 and 18-09-010-037-15400 shall be 17 units per net residential hectare.~~

- 11.10.8.9.4 ~~Lands that are designated Low Density Residential 4 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Low Density Residential 4 shall be limited to a maximum net density of~~ On lands designated Low Density Residential 4, the maximum density shall be 15 dwelling units per net hectare. For the purposes of this calculation, ~~net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of an overall plan of subdivision may exceed the maximum net density as long as the overall density within the draft plan of subdivision generally remains within the maximum density permitted, subject to the approval of the Regional Works Department. The uses permitted within Low Density Residential 4 shall include single detached, semi-detached or link and duplex dwellings and other similar ground related built forms. Development within Low Density Residential 4 shall be required to prepare an EIS as identified in Section 11.10.4 of this Plan and shall be~~ the net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Regional Works Department. An EIS is required and shall be prepared in accordance with Section 11.10.8.6 and shall also address the sensitive ~~to the~~ groundwater recharge functions of this area.
- 11.10.8.9.5 ~~Lands that are designated Low Density Residential 5 are completely surrounded by Hazard Lands and Environmental Protection/Conservation Lands and have major groundwater resource constraints. Development within lands designated Low Density Residential 5 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan. The form of development will be encouraged to respond to the environmental sensitivities of the area by limiting the development envelope and reducing the environmental impact on adjacent lands. In accordance with this principle, block townhouses and other forms of multiple dwellings not exceeding a height of four storeys arranged in clusters shall be permitted and encouraged. Such development shall be permitted to a maximum of 40 dwelling units per net hectare although the density of ground oriented units shall be lower. Freehold subdivision development shall be restricted to single detached dwellings at a maximum net density of 15 dwelling units~~

~~per net hectare. For the purpose of this calculation, net density is defined as the land on which the lot is situated and the local road adjacent to the lot.~~

On lands designated as Low Density Residential 5 the permitted use shall be single detached dwellings with a maximum net density of 15 dwelling units per net hectare and / or block townhouses and other forms of multiple dwellings, arranged in clusters with a maximum density of 40 dwelling units per net hectare.

For purposes of this calculation, net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Town of Whitby.

11.10.8.9.6 ~~Lands that are designated Low Density Residential 6 shall permit uses in accordance with Section 11.10.8.9.1 of this Plan.~~ On lands designated Low Density Residential 6, a full EIS is required. Increased building heights along the Taunton Road Intensification Corridor may be considered in accordance with Section 4.2.7.

11.10.8.9.7 ~~Lands that are designated Low Density Residential 7 are currently developed with single detached houses that are privately serviced. The permitted uses shall be those listed in Section 4.4.3.4 of this Plan. Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Further~~ On lands designated Low Density Residential 7, further intensification may be considered subject to the applicable intensification policies of Section 4.2 and other relevant policies of this Plan.

11.10.8.10 Medium Density Residential

11.10.8.10.1 ~~The provisions of Section 4.4.3.5 of this Plan shall apply to all lands that are designated Medium Density Residential 1. Development within lands designated Medium Density Residential 1 may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~

Lands designated as Medium Density Residential 1, 2 and 3 shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

~~11.10.8.10.2 Lands that are designated Medium Density Residential 2 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Medium Density Residential 2 shall be limited to a net density of 32 dwelling units per net hectare. For the purposes of this calculation, net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of this designation may exceed the maximum net density as long as the overall density within the designation remains within the maximum density permitted. The uses permitted in Medium Density Residential 2 designation shall include street and block townhouse, triplex, fourplex and other forms of multiple dwellings, not exceeding four storeys.~~

11.10.8.10.3~~2~~Lands that are designated Medium Density Residential 3 are adjacent to Natural Hazard and Natural Heritage System and have major groundwater constraints. ~~Development within lands designated Medium Density Residential 3 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan.~~ The form of development will be encouraged to respond to the environmental sensitivities of the area. The permitted uses include street and block townhouses, cluster bungalows, other forms of multiple dwellings and retirement homes not exceeding a height of four storeys; and, in limited amounts, semi-detached and small lot single detached units. Notwithstanding Section 4.4.3.6, the minimum ~~Such development shall be~~ permitted ~~at a density shall be of 20 units per net hectare and the maximum permitted density shall be to~~ 65 units per net hectare.

11.10.8.10.3~~4~~Lands that are designated Medium Density Residential 4 are adjacent to Natural Heritage System lands which include significant woodlots and Provincially Significant Wetlands. Lands designated as Medium Density Residential 4 permit street, block and stacked townhouses and other forms of multiple dwellings not exceeding a maximum height of 3 storeys and a maximum permitted net residential density of up to 80 units per net hectare. For the purpose of this calculation, net residential density excludes private roads and laneways.

11.10.8.11 High Density Residential

- 11.10.8.11.1 ~~The provisions of Section 4.4.3.6 of this Plan shall apply to all lands that are designated High Density Residential within this Secondary Plan. Development within lands designated High Density Residential may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~ Lands designated as High Density Residential shall be developed in accordance with the policies of Section 4.4.3.7.

11.10.9 Special Purpose Commercial

- 11.10.9.1 ~~The permitted uses within the Special Purpose Commercial 1 designation shall be in accordance with Section 4.5.3.4 of this Plan. Development shall be located with exposure to arterial roads and is encouraged to develop in a “comprehensive block” manner as defined in Section 6.2.4.2 of this Plan. Development within Special Purpose Commercial 1 areas may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and layout of development that will be permitted shall be determined through the EIS process and may be required to address environmental conditions identified.~~

The permitted uses for lands designated as Special Purpose Commercial shall be in accordance with the policies of Section 4.5.3.4.

11.10.10 General Industrial

- 11.10.10.1 The permitted uses for ~~all~~ lands designated as General Industrial shall be in accordance with ~~governed by~~ the policies of Section 4.7.3.1 ~~of this Plan.~~
- 11.10.10.2 Development or redevelopment adjacent to lands designated as Natural Hazards Hazard Lands or Natural Heritage System Environmental Protection /Conservation Lands shall be required to carry out an EIS in accordance with Section 11.10.4 of this Plan, ~~and~~ shall ~~provide~~ incorporate appropriate buffers and landscape treatments adjacent to those lands, and shall. ~~Development shall~~ also address the requirements in Sections 11.10.15.9 and 11.10.15.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established ~~which~~ that protect, maintain and enhance adjacent environmentally sensitive areas.

- 11.10.10.3 New development ~~or~~ expansion of existing development or redevelopment on lands designated as General Industrial, adjacent to Major Open Space 3 lands or existing residential uses ~~within the General Industrial designation~~ shall be sensitive to existing residential and commercial uses and shall provide appropriate buffers as determined by the Municipality in consultation with the ~~Ministry of Environment and Climate Change~~ Central Lake Ontario Conservation Authority.

11.10.11 Parks

- 11.10.11.1 Lands identified as a District Park, Local Park, and Parkette ~~and District Park symbols are~~ shown on Schedule “P” to this Plan shall be developed in accordance with the policies of Section 4.9.3.22.

Parks are symbolically shown and the exact location and size shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

~~and are intended to denote the approximate location of these facilities. The actual size and location of these parks shall be determined by the development approval process and shown in the Zoning By-law. Relocation of these parks may be permitted without amendment to this Plan. In particular, the two Parkettes located between Garden Street and Anderson Road may be consolidated to create one Local Park, if it is deemed appropriate at the time of development approvals.~~

- ~~11.10.11.2 The parks shown on Schedule “P” are primarily intended to serve the residents of the Taunton North Community.~~

- ~~11.10.11.3 The provisions of Section 4.9.3 of this Plan shall apply to parks in this Secondary Plan.~~

- 11.10.11.24 Connections between parks and open space lands which are under public ownership or for which access arrangements have been made shall be encouraged where environmentally appropriate.

11.10.12 Special Policy Area

- 11.10.12.1 Lands that are designated as Special Policy Area have been filled or used for landfill purposes in the past. In some areas, there is the potential for the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past.

Prior to ~~rezoning or to~~ any development or redevelopment being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. If it is demonstrated to the satisfaction of the Municipality that these lands can be safely developed, then the land use designation as shown on Schedule “A” of this Plan and the corresponding provisions of this Plan shall apply.

Where the land use designation on Schedule “A” is Residential then the provisions of the Low Density Residential designation shall apply. All other provisions of this Secondary Plan including Section 11.10.4 shall apply to the lands designated Special Policy Area.

11.10.13 Urban Design

11.10.13.1 The relevant provisions of Section 6.2 of this Plan shall apply to all lands within this Secondary Plan.

~~11.10.13.2 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.~~

~~11.10.13.3 Where development occurs adjacent to Hazard Lands or Environmental Protection/Conservation Lands, landscaping enhancement shall be encouraged and lighting shall be oriented internally to the site so as not to cause glare on those lands.~~

~~11.10.13.4 For all development, landscaping and planting shall be used to enhance existing natural features, establish a uniform and coordinated street edge, and buffer and/or screen adjacent land uses.~~

~~11.10.13.5 Landscaping plans shall include native local species, where appropriate.~~

11.10.13.26 Rear yards for residential lots adjacent to arterial roads are to be avoided, wherever possible.

11.10.13.37 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.10.14 Transportation

~~11.10.14.1 There is an existing network of Type A, B and C arterial roads within the Secondary Plan area. The location of arterial and collector roads is shown~~

~~on Schedule “P” as well as Schedule “D” of this Plan. Local roads are not shown on Schedule “P” and the creation of local roads will be determined at the time of draft plan of subdivision.~~

The Secondary Plan area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following policies. The location of arterial and collector roads are shown on Schedule “P” as well as Schedule “D” of this Plan.

- ~~11.10.14.2 In addition to the existing arterial road network, the Regional and Town Official Plans have identified the completion of several arterial roads and the creation of one new Type C arterial road within the Secondary Plan area. A preliminary analysis of the need for and potential alignments of these roads has been reviewed as part of the background analysis work for this Secondary Plan. The final alignment for these roads shall be determined through a Class Environmental Assessment process which shall take into consideration the environmental goals and objectives of this Secondary Plan.~~
- ~~11.10.14.3 The constructed portion of Conlin Road currently ends west of Anderson Street. The continuation of this road to Baldwin Street and possibly beyond is shown on Schedule “D” of this Plan and Schedule “D” identifies that the road link will be subject to special study. The background analysis prepared for this Secondary Plan indicates that this road connection will be required. Based on the Environmental Study prepared by Gartner Lee Limited for this area, it was identified that utilization of the existing road allowance would require crossing the Lynde Creek and an area of environmentally sensitive lands. In order to minimize the impact on the environment, other alternative road alignment locations which avoid these sensitive lands should be considered and the study area for the completion of this stretch of Conlin Road should be increased in size. The study area for Conlin Road extends from the Hydro Corridor in the north to the Trans Northern Pipeline in the south or approximately 450 metres north and 500 metres south of the existing road allowance. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.4 The completion of Garden Street across the Lynde Creek is also identified in Schedule “D” of this Plan. Utilization of the existing road allowance may be acceptable from an environmental perspective although the final determination of the road alignment will be determined through a Class Environmental Assessment.~~

- ~~11.10.14.5 The completion of Ashburn Road is shown on Schedule “D” as following the existing road allowance through the Robmar subdivision and across the Lynde Creek. This link is identified as being subject to special study on Schedule “D”. In order to avoid crossing the Lynde Creek and to avoid impacting the Robmar subdivision, alternative alignments were examined in the background analysis for this Secondary Plan which would involve connecting Ashburn Street to Baldwin Street north of the Robmar subdivision. The study area includes the area from Ashburn Street to Baldwin Street between the Robmar subdivision and approximately 700 metres north of the hydro corridor. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.6 The Town and Regional Official Plans provide for the creation of an east-west Type C arterial road located between Conlin Road and Taunton Road which is to be built from the Town’s eastern boundary to Thickson Road. Schedule “D” of this Plan identifies that this road link will be subject to special study and will require co-ordination with the City of Oshawa. The location of this road as shown on Schedule “D” crosses areas designated Environmental Protection/Conservation Lands and Hazard Lands. Alternative locations for this road were reviewed in the background analysis for this Secondary Plan to consider options that may reduce the environmental impact from this road. The study area for this road ranges from 400 metres to the north and 200 metres to the south of the location shown on Schedule “P”. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.7 The location of the collector between Baldwin Street and Garden Street is intended to route traffic around the Brock/Taunton Major Central Area and to provide transition from the Special Purpose Commercial and Institutional uses to the south and the residential uses to the north. The exact location of this road will be determined through a functional alignment study and may be modified without amendment to this Plan as long as the intent of the Plan is maintained.~~
- 11.10.14.28 ~~The roads shall be developed to municipal standards in accordance with Section 8.1.3 of this Plan.~~ In determining the location of roads, consideration shall be given to minimizing the impact on the natural environment. Consideration should also be given to the alignment of connections on both sides of arterial roads ~~in order~~ to control the number of intersections on the arterial road networks and to provide continuity for any future transit service. Where it is undesirable to align roads, then they

should be sufficiently offset, and adequate spacing between intersections shall be provided wherever possible on arterial roads.

11.10.14.39 ~~Future public transit routes may serve the Secondary Plan area and shall be designed to provide optimum service to the area.~~ The location and distribution of land uses shall also be designed to be transit supportive.

11.10.14.40 Safe and convenient active transportation ~~pedestrian circulation~~ systems shall be provided within the Secondary Plan area in accordance with Section 8.1.3.7 of this Plan.

Connections between residential, industrial, commercial and community and recreational facilities shall be provided, where appropriate.

11.10.14.5 Within ~~the~~ developed areas, the pedestrian system shall include sidewalks and walkways that are well lit and hard surfaced, where appropriate.

11.10.14.6 Within the open space areas, the pedestrian system will be designed in accordance with the environmental character of the area.

Connections between sidewalks and the pedestrian systems within the open space system shall be encouraged. Appropriate pedestrian crossings shall be provided and landscaping and buffering of the pedestrian system shall be encouraged.

11.10.14.7 A direct pedestrian connection between the Lynde Creek valley system and the City of Oshawa boundary may be provided within the Taunton North Community.

11.10.14.8 ~~14 Bicycle~~ Cycling use shall be encouraged in and through the Secondary Plan area and adequate ~~provision for the use of bicycles shall be~~ cycling facilities shall be encouraged. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process.

11.10.15 Servicing

11.10.15.1 ~~Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

- ~~11.10.15.2 Municipal water supply plant and water pollution control plant capacity will be allocated upon execution of a servicing/subdivision agreement with the Region.~~
- ~~11.10.15.23 The majority of lands within the Secondary Plan area are to be serviced by the Zone 2 water supply system with the exception of the north-eastern area which will be serviced by the Zone 3 water supply system. The extension of the Zone 3 water supply system will ultimately require the completion of the Thicksen Road Reservoir and Zone 3 Pumping Station. The Zone 3 water supply system may be supplied from the Garrard Road Pumping Station. Adequate looping of watermain within each pressure zone~~s shall be incorporated into development plans in accordance with the Region of Durham's design criteria and engineering principles.
- ~~11.10.15.4 The majority of land within the Secondary Plan may be serviced by sequential extension of the sanitary sewer system with the Lynde Creek and Pringle Creek watershed systems. Private and/or municipal sanitary pumping stations may be required depending on the development form and area.~~
- ~~11.10.15.35~~ Development of municipal services in areas with a high water table shall provide appropriate design and construction techniques to address potential negative impacts on the groundwater regime. The design may include a restriction on the density of development. These restrictions shall be determined through the subdivision approval process and in accordance with the provisions of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan. In addition, the specific construction techniques shall be addressed in the Construction Management Plan as identified in Section 11.10.4 of this Plan.
- ~~11.10.15.46 Notwithstanding any provisions of this Plan to the contrary, consideration may be given to allowing development of one house on an existing lot of record within lands designated Environmental Protection/Conservation Lands to proceed on the basis of private services if municipal servicing is not available and subject to the completion of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan.~~

Applications for development shall be required to employ appropriate stormwater management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Lynde Creek Master Drainage Plan, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.

- ~~11.10.15.7 Lands designated Low Density Residential 2 are currently developed on the basis of private services. At this point in time there are no plans to provide full services to this area, however, when lands to the north develop, full municipal services may be provided in conjunction with that development. If the option of constructing a Regionally owned sanitary sewage pumping station is considered to service the area, the force main will be required to discharge into the Anderson Street trunk sanitary sewer or the Fallingbrook sanitary sewer.~~
- ~~11.10.15.8 Sanitary servicing constraints currently exist for lands identified as Low Density Residential 4 and Medium Density Residential 2 and the corresponding density constraints are identified in Sections 11.10.8.9.4 and 11.10.8.10.2 respectively of this Plan.~~
- ~~11.10.15.9 Applications for development shall be required to employ appropriate storm water management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Pringle Creek Master Drainage Plan Update, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.~~
- 11.10.15.5~~10~~ The Municipality, in consultation with the Conservation Authority shall require the use of Best Management Practices based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the conditions of the receiving watercourses. In particular, the storm water management facilities for development within the Lake Iroquois Beach area, and within areas of high water table and/or groundwater recharge functions shall address these criteria in conjunction with the criteria in Section 11.10.4 of this Plan.
- ~~11.10.15.11 Conceptual locations for stormwater management facilities have been identified through the background analysis carried out for this Secondary Plan. The exact location of these facilities shall be determined through the subdivision approval process.~~
- 11.10.15.6~~12~~ For commercial, institutional and industrial development within the Secondary Plan area, Oen-site stormwater quantity and quality controls shall be encouraged for specific types of commercial, institutional and industrial uses in accordance with the background analysis for this Secondary Plan.

~~11.10.15.137~~ Stormwater management facilities may be permitted in any land use designation on Schedule “P” except for the ~~Environmental Protection/Conservation Lands~~ Natural Heritage System designation, subject to any required approvals from the Municipality in consultation with the Conservation Authority.

~~11.10.15.14 Alternative site development standards may possibly be considered where safety and operational criteria can be maintained.~~

11.10.16 Implementation and Interpretation

~~11.10.16.1 The provisions of Sections 11.10 together with Schedules “P” and “Q” of the Town of Whitby Official Plan shall comprise the Taunton North Community Secondary Plan.~~ The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.10.16.2 The lot lines shown on Schedules ‘P’ and Q’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

~~11.10.17~~ — Interpretation

~~11.10.17.1 The provisions of Section 11.10 apply to the Taunton North Community Secondary Plan delineated on Schedule “P”.~~

~~11.10.17.2 The Taunton North Community Secondary Plan Schedule “P” provides more precise illustrations of the land use designations and policies than is shown on Schedule “A”. Schedule “Q” identifies the locations where full or scoped Environmental Impact Studies shall be required. The final determination of when an Environmental Impact Study shall be required shall be made by the Municipality.~~

11.11 Oak Ridges Moraine Secondary Plan

~~The Oak Ridges Moraine Conservation Act and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.~~

~~The following text and Schedules “R”, “S”, “T”, and “U” constitute the Secondary Plan for the Oak Ridges Moraine Secondary Plan Area and should be read in conjunction with the Official Plan Part I, the Ashburn Secondary Plan and the Durham Regional Official Plan.~~

11.11.1 **Goal**

To protect the ecological and hydrological features and functions of the Oak Ridges Moraine.

11.11.2 **Objectives**

- 11.11.2.1 To protect the ecological and hydrological integrity of the Oak Ridges Moraine Area.
- 11.11.2.2 To ensure that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted.
- 11.11.2.3 To maintain, improve and where possible, restore the health, diversity, size and connectivity of significant natural heritage features, hydrologically sensitive features and related ecological functions.
- 11.11.2.4 To maintain natural stream form and flow characteristics and the integrity and quality of watercourses.
- 11.11.2.5 To maintain the quantity and quality of groundwater and surface water, and maintain groundwater recharge.
- 11.11.2.~~6~~⁵ To ensure that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations.
- 11.11.2.~~7~~⁶ To provide for land and resource uses and development that is compatible with the other objectives of the Official Plan.

- 11.11.2.~~87~~ To encourage all ~~private~~ landowners to practice good stewardship and enhance natural features and functions on the Oak Ridges Moraine wherever possible.
- 11.11.2.~~98~~ To provide for appropriate public recreational access to the Oak Ridges Moraine Area.
- 11.11.2.~~109~~ ~~To guide and~~ provide ~~clear~~ direction on ~~what~~ which, where, and when uses are permitted and under what conditions the uses ~~as~~ may be specified in the implementing Zoning By-law.
- ~~11.11.2.10 To maintain the quantity and quality of groundwater and surface water.~~
- ~~11.11.2.11 To maintain groundwater recharge.~~
- 11.11.2.1~~12~~ To establish a process whereby certain uses, buildings and structures ~~can~~ may be permitted adjacent to Key Natural Heritage Features and Hydrologically Sensitive Features.

11.11.3 General Development Policies ~~Boundary~~

11.11.3.1 The **Oak Ridges Moraine Conservation Act** and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The applicable provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.

11.11.3.2 The Oak Ridges Moraine Secondary Plan southern boundary, within the town of Whitby is shown on Schedules “A”, “C”, ~~and~~ “E” and Appendix “1” of the Town of Whitby Official Plan. The southern boundary of the Oak Ridges Moraine coincides with the boundary defined in the Oak Ridges Moraine Conservation Plan.

The boundary of the Oak Ridges Moraine has been established by the Province by Ontario Regulation 01/02 and can only be changed by the Province. However, in the case of a discrepancy between the 245 metre contour elevation and the boundary shown on the mapping, a licensed Ontario Land Surveyor shall be consulted, at the proponent’s cost, to identify those lands above the 245 metre (Ontario Geodetic Datum) contour elevation for the purposes of establishing more accurate zone boundaries. An application to amend the Zoning By-law may be permitted to refine the boundaries.

11.11.3.3 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “R”, “S”, “T”, and “U”. Any area shown on this map, but lying outside of this boundary is governed by the policies of Part I of this Plan.

11.11.4 Existing and Accessory Uses

11.11.3.44.4 Nothing in this Secondary Plan or the Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was legally used for that purpose on November 15, 2001 and continues to be used for that purpose.

11.11.3.54.2 Nothing in this Secondary Plan applies to prevent the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8(2) of the **Building Code Act**, 1992 on or before November 15, 2001 providing the permit has not been revoked under subsection 8 (10) of the **Building Code Act**, 1992, and the building or structure when erected is used and continues to be used for the purpose for which it was erected.

~~11.11.4.3 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:~~

- ~~a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and~~
- ~~b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.~~

~~If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section 11.11.4.10 of this Plan.~~

~~For the purposes of this subsection, institutional use includes, without limitation, churches, community centres and fire halls.~~

11.11.3.64.4 Nothing in this Secondary Plan applies to prevent the reconstruction of any building or structure that legally existed on November 15, 2001, provided the ground floor area of the reconstructed building or structure is within the outside limits of the building or structure that existed on

November 15, 2001 and provided the use of the building or structure, once reconstructed, will be the same as, the use of the building or structure on November 15, 2001 and there is no intensification of the use.

11.11.3.7~~4.5~~ Nothing in this Secondary Plan applies to prevent the conversion of a legally existing use to a similar use. An application to amend the Zoning By-law to permit any other use not identified in the by-law will be required and will only be approved if it can be demonstrated that the conversion will bring the use into closer conformity with the requirements of the Official Plan and will not adversely affect the ecological integrity of the Oak Ridges Moraine.

11.11.3.8 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:

- a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and
- b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.

If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section ~~11.11.4.10~~ 11.11.5 of this Plan.

For the purposes of this subsection, institutional use includes, without limitation, existing place of worship ~~churches~~, existing community centres and existing fire halls.

11.11.3.9 Nothing in this Plan shall prevent the erection of an accessory building or structure provided it:

- a) is accessory to a principal use that is permitted on the property;
- b) is located in close proximity to the main building or structure on the lot; and
- c) complies with Section 11.11.5, 11.11.9.4 and 11.11.9.5 of this Plan.

Notwithstanding any other policy in this Plan to the contrary, deemed to be hazardous, unless specific permission is obtained from the Conservation Authority.

11.11.3.10 Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:

- a) the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;
- b) the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and
- c) the development complies with Section ~~11.11.4.10~~ 11.11.5 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.

~~11.11.3.11~~ 11.11.4.6 Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,

- i) there will be no change in use; and
 - ii) the expansion will not adversely affect the ecological integrity of the Plan Area.
- ~~b)~~ If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine, any **Planning Act** or **Condominium Act** application to expand the building, structure or use or to convert the existing use to a similar use may be considered provided the approval, if granted, will bring the use into closer conformity with the requirements of the Official Plan.

11.11.3.12 Notwithstanding any other policy in this Plan to the contrary, in accordance with the Durham Regional Official Plan, granny flats/garden suites within ~~on~~ the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.

~~11.11.4.7~~ ~~Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:~~

- a) ~~the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;~~
- b) ~~the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and~~
- c) ~~the development complies with Section 11.11.4.10 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.~~

~~11.11.4.9 Notwithstanding Section 11.11.4.8, nothing in this Plan shall prevent the erection of an accessory building or structure provided it:~~

- a) ~~is clearly accessory to a principal use that is permitted on the property;~~
- b) ~~is located in close proximity to the main building or structure on the lot; and~~
- c) ~~complies with Section 11.11.4.10 of this Plan.~~

~~11.11.4.10 Notwithstanding any other policy in this Plan, the construction of buildings or structures within a significant wetland is not permitted. In addition, no development is permitted on lands that are deemed to be hazardous, unless specific permission is obtained from the applicable Conservation Authority.~~

~~Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

~~Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.~~

~~The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is~~

~~deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:~~

- ~~a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;~~
- ~~b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and~~
- ~~c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.~~

~~Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.~~

~~A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder. A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.~~

~~Notwithstanding any other policy in this Plan, the entering into of a Site Plan Agreement is not required for development that is located within the Oak Ridges Moraine Rural Settlement designation, provided such~~

~~development is located no closer than 30 metres from the boundary of the Environmental Protection designation.~~

11.11.45 Land Use Designations

11.11.45.1 Only applications for development, redevelopment, and site alteration that conform to the Official Plan will be considered within the Oak Ridges Moraine Secondary Plan Area. The following land use categories, as shown on Schedule “R”, govern the use of land within the Oak Ridges Moraine. All development, redevelopment, and site alteration shall conform to the purposes and objectives of the applicable land use designation as set out in the Oak Ridges Moraine Conservation Plan.

11.11.45.2 Oak Ridges Moraine Natural Linkage Area

11.11.4.2.1a) The Oak Ridges Moraine Natural Linkage Area as shown on Schedule “R” applies to lands identified as being part of a Provincially Significant open space corridor that stretches along the length of the Oak Ridges Moraine. The purpose of the Oak Ridges Moraine Linkage Area is to maintain, and where possible improve or restore, the ecological integrity of the Moraine, and where possible, to improve or restore the regional-scale open space linkages between Key Natural Heritage Features, Hydrologically Sensitive Features, Landform Conservation Areas, river valleys and stream corridors.”

11.11.4.2.2b) Only those uses permitted in the land use designations, as specified in Sections 11.11.4.3 and 11.11.4.5, shall be permitted ~~in the Oak Ridges Moraine Natural Linkage Area~~, save and except ~~for~~ agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.

11.11.4.2.3c) ~~On lands within the Natural Linkage Area, e~~ Every **Planning Act** or **Condominium Act** application or site alteration shall be supported by information which identifies the planning, design and construction practices that will ensure that no buildings or other site alterations will impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands.

11.11.4.2.4d) The use of lands ~~within the Oak Ridges Moraine Natural Linkage Area designation, as shown on Schedule “R”~~, shall be in accordance with the relevant policies of this Secondary Plan, including Subsections 11.11.5 to 11.11.9 inclusive.

11.11.4.3 Oak Ridges Moraine Agriculture

11.11.4.3.1 ~~a)~~ Any development, redevelopment or site alteration ~~in the Oak Ridges Moraine Agricultural designation, as shown on Schedule "R",~~ shall be subject to the policies of Section 4.10 ~~–Agriculture of the Official Plan~~ in addition to the underlying land uses permitted in Section 11.11.4.5 ~~policies of the Oak Ridges Moraine Secondary Plan~~. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.

11.11.4.3.2 ~~b)~~ New or expanding mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the Part 1 policies, including Section 4.12 of the Whitby Official Plan and the relevant sections of the Durham Regional Official Plan and shall be further subject to the policies of ~~Subsection Section~~ 11.11.6.27.

11.11.4. 3.3-8 ~~Within the Oak Ridges Moraine Agricultural designation, nothing in this Plan shall prevent t~~The following accessory uses to agricultural uses are permitted, but are not limited to:

- a) construction of buildings and structures that are farm-related and required for a farm operation;
- b) roadside sale of produce from a farm operation;
- c) development of a second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling:
 - i) is required to house help that is needed on the farm operation on a seasonal or full time basis;
 - ii) does not require a consent under Section 50 or 53 of the **Planning Act**; and
 - iii) will not adversely affect the ecological integrity of the Oak Ridges Moraine.
- d) uses accessory to the agricultural uses shall be developed in accordance with the relevant policies of this Secondary Plan, including Subsections ~~11.11.7~~ 11.11.4 to ~~11.11.9~~ 11.11.9 inclusive.

~~In addition, approval for the dwelling shall conform to Section 11.11.4.10 of this Plan if applicable.~~

11.11.54.4 Oak Ridges Moraine Rural Settlement

11.11.4.4.1a) The Oak Ridges Moraine Rural Settlement designation includes the Hamlets of Ashburn, Myrtle and Myrtle Station as shown on Schedule “R”.

Any development, redevelopment or site alteration in Hamlets on the Oak Ridges Moraine shall be subject to the policies of Section 4.11.3 —~~Rural Settlements of the Official Plan and in addition to~~ the policies of this Secondary Plan. ~~In addition to Section 4.11 of the Official Plan, the Hamlet of Ashburn shall also be subject to the policies of Section 11.7 — Ashburn Secondary Plan. Where there is a conflict between the policies of either Sections 4.11 or 11.7 of the Official Plan and this Secondary Plan, the policies of this Secondary Plan shall prevail.~~

11.11.4.4.2 The permitted uses for lands designated as Oak Ridges Moraine Rural Settlement shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area in accordance with the policies of this Secondary Plan.

11.11.4.4.3 Community uses include, but are not limited to, ~~such as~~ parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs ~~may be permitted in any land use designation within the Hamlet.~~

11.11.4.4.4 The Municipality shall encourage and, where possible, may require that new development ~~residential dwellings~~ in the Hamlet complement the architectural character of that Hamlet ~~Ashburn~~ in terms of a variety of height, siting and design.

11.11.4.4.5 Notwithstanding any other policy in this Plan to the contrary, the entering into of a Site Plan Agreement is not required for residential development that is located within the Oak Ridges Moraine Rural Settlement designation, are exempt from Site Plan Control, provided such development or redevelopment is not:

- i) located no closer than 30 metres from the boundary of the Environmental Protection designation;
- ii) located within a Natural Heritage System or Natural Hazard indication as shown on Schedule “C”;
- iii) designated under the Ontario Heritage Act; and

- iv) a structure that is a garden suite.

11.11.4.4.6 Limited Commercial, Industrial and Institutional within Oak Ridges Moraine Rural Settlement designation

11.11.4.4.6.1 New or expanding small scale commercial, industrial and institutional uses shall only be permitted if:

- i) such uses do not require large scale modification of terrain or vegetation, and do not require large scale buildings and structures; and
- ii) the buildings and structures will be planned, designed and constructed so as not to adversely affect the character of the hamlet or the ecological and hydrological integrity of the Oak Ridges Moraine.

11.11.4.4.6.2 Notwithstanding any other policy in this Plan to the contrary, within the Hamlet of Ashburn, the following properties identified as:

- a) the lands identified by Assessment Roll No. 18-09-010-043-04000-0000, municipally known as 8990 Ashburn Rd;
- b) the portion of land adjacent the former Wilson House Hotel, on the lands identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd;
- c) the portion of land adjacent Myrtle Road West outside of the Natural Heritage System on Schedule 'C' – Environmental Management, on land identified by Assessment Roll No. 18-09-010-043-37310-0000, municipally known as 600 Myrtle Rd W,

may permit commercial and are intended for limited retail and personal service uses, automobile service stations, public garages and farm implement dealerships. The specific commercial uses permitted on a particular property shall be specified in the Zoning By-law.

11.11.4.4.6.3 ~~Notwithstanding the policies of Section 4.4 of this Plan to the contrary, subject to the provisions of Section 11.7.4.2, the residential property at the north-east corner of Myrtle Road and Ashburn Road may also be zoned for commercial purposes.~~

Notwithstanding Section 11.11.4.4.6.2, on the property located at the north-east corner of Myrtle Road and Ashburn Road, identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd, indicated as being subject to a ~~Heritage Use Policy on Schedule "M"~~ is the former Wilson House

Hotel. ~~This property~~ building may also be zoned to permit a commercial use within the existing building if it is designated as a heritage structure under Part IV of the Ontario Heritage Act.

11.11.4.5.5 Oak Ridges Moraine Environmental Protection

11.11.4.5.1a) Lands within the Oak Ridges Moraine Environmental Protection designation are those lands identified as key natural heritage features or hydrologically sensitive features on Schedules “R” and “S” of the Official Plan.

11.11.4.5.2b) The following land uses may be permitted in the Oak Ridges Moraine Environmental Protection designation:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Existing agricultural uses;
- iv) Low intensity recreational uses;
- v) Transportation, infrastructure and utilities (subject to Section 11.11.9 of this Plan); and
- vi) Uses accessory to the uses set out above.

11.11.4.5.3c) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:

- i) Non-motorized trail uses;
- ii) Natural heritage appreciation;
- iii) Unserved camping on public and institutional land; and
- iv) Accessory uses.

11.11.4.5.4d) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Oak Ridges Moraine will be kept to a minimum by:

- i) keeping disturbed areas to a minimum; and
- ii) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.

11.11.6 ~~Specific Land Use Policies~~

11.11.6.1 ~~Granny Flats / Garden Suites~~

~~Notwithstanding any other policy in this Plan to the contrary, In accordance with the Durham Regional Official Plan, granny flats/garden suites within on the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.~~

11.11.75 Development Criteria

11.11.57.1 Key Natural Heritage and Hydrologically Sensitive Features

11.11.5.1.1a) Key natural heritage features relate to wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, significant valley lands, significant woodlands, and significant wildlife habitat. Hydrologically sensitive features relate to permanent and intermittent streams, wetlands, and seepage areas and springs.

The general location of key natural heritage features and hydrologically sensitive features are shown on Schedule "S". Schedule "S" does not include seepage areas and springs. These features shall either be identified on a site-by-site basis or through the appropriate study such as a natural heritage evaluation prior to undertaking any development or site alteration on the Oak Ridges Moraine.

Minor changes and refinements to Schedule "S" based on updated information from the Province or as a result of a natural heritage evaluation and/or hydrological evaluation will not require an amendment to this Plan.

11.11.5.1.2b) Development, redevelopment and site alteration shall be prohibited within key natural heritage features and hydrologically sensitive features and their related minimum vegetation protection zone as identified by Table 1. Notwithstanding, forest, fish and wildlife management, conservation and flood or erosion control projects, transportation, infrastructure, utilities, and low intensity recreational uses may be permitted.

11.11.5.1.3c) New agricultural uses and/or agriculturally related uses including accessory uses shall not be permitted within a key natural heritage feature and/or a hydrologically sensitive feature and their associated minimum vegetation protection zone.

11.11.5.1.4 ~~e)~~ An application for development or redevelopment requiring approval under the **Planning Act** and **Condominium Act** or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature and/or hydrologically sensitive feature, but outside the feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation and/or hydrological evaluation.

11.11.5.1.5 ~~e)~~ Where lands require a natural heritage evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A natural heritage evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage features and its connectivity with other key natural heritage features;
- iii) in the case of an application relating to land in an Oak Ridges Moraine Natural Linkage Area, Oak Ridges Moraine Environmental Protection or Oak Ridges Moraine Agriculture Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;
- iv) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient to protect the natural heritage features within it and their associated functions, and if not, specify whether a larger minimum vegetation protection zone is necessary and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
- v) where a minimum vegetation protection zone is not specified in Table 1, determine whether such a minimum vegetation protection zone is required and if so, provide the appropriate dimensions to protect, improve or restore the key natural heritage feature and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;

- vi) in the case of key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans.

11.11.5.1.6f) Where lands require a hydrological evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A hydrological evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore, the health, diversity and size of the hydrologically sensitive feature;
- iii) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

11.11.5.1.7g) In determining the minimum vegetation protection zone for permanent and intermittent streams and seepage areas and springs, a key natural heritage evaluation shall include an analysis of land use, soil type, slope and vegetation type using criteria established by the Province to the satisfaction of the Municipality.

11.11.5.1.8h) Schedule 'S' does not ~~include~~ identify significant portions of the habitat of endangered, rare and threatened species, significant valleylands, significant wildlife habitat and seepage areas and springs. These features shall either be identified on a site-by-site basis or through the completion of an appropriate study such as a watershed plan or natural heritage evaluation, prior to undertaking any development or site alteration within the Oak Ridges Moraine.

Table 1:

Key Natural Heritage Features and Hydrologically Sensitive Features - Minimum Areas of Influence and Minimum Vegetation Protection Zones

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
2.	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
3.	Fish Habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
4.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
5.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subsection to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
6.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
7.	Permanent and Intermittent streams	All land within 120 metres of meander belt	All lands within 30 metres of meander belt, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> and subsection 11.11.7.1

			(f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
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Table 1: continued

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
8.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause <u>Sections 11.11.7.1 (e) 11.11.5.1.5</u> and subsection 11.11.7.1 (f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
9.	Sand barrens, Savannas and Tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if natural heritage evaluation is required.

11.11.5.2 Watershed and Subwatershed Plans

11.11.5.2.1 ~~a)~~ Any major development or redevelopment proposed in the Secondary Plan Area shall be in accordance with watershed and subwatershed plans prepared by the Region of Durham.

11.11.5.2.2 ~~b)~~ Notwithstanding any other provision of this Plan, Major development is prohibited after April 23, 2007 unless:

- i) the appropriate watershed plan, including the water budget and conservation plan, has been completed to the satisfaction of Ministry of Municipal Affairs and Housing;
- ii) the proposed major development conforms to the Watershed Plan; and
- iii) it can be demonstrated that water supply required for the proposed major development is sustainable in accordance with the appropriate water budget and conservation plan.

11.11.5.2.3 ~~e)~~ Notwithstanding any other provision of this Plan, ~~a~~ Applications for major development made before April 22, 2007 shall not be approved unless;

- i) the Region of Durham has confirmed compliance with Section 11.11.7.2(b) (iii) of the Town of Whitby Official Plan; or
- ii) the applicant identifies any hydrologically sensitive features and related hydrological functions on the site and how they will be protected; and
- iii) the applicant demonstrates that an adequate water supply is available for the development without compromising the ecological integrity of the Oak Ridges Moraine; and
- iv) the applicant provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that models groundwater and surface flow systems, identifies the availability, quantity and quality of water sources and identifies water conservation measures.

11.11.5.2.4~~e~~) Development, redevelopment and site alteration are prohibited if the total percentage of the area of the sub-watershed that has impervious surfaces exceeds 10% or any lower percentage of the applicable watershed plan.

11.11.5.2.5~~e~~) In considering applications for development or site alteration with respect to land in a sub-watershed Council shall take into account the desirability of ensuring at least 30% of the area of the sub-watershed has self-sustaining vegetation.

11.11.5.2.6~~f~~) Applications that exceed 10% impervious surface and provide less than 30% self-sustaining vegetation shall be forwarded to the Region of Durham for confirmation of the sub-watershed policies identified in Section 11.11.5~~7~~.2.

11.11.5.2.7~~g~~) The Town shall incorporate through an official plan amendment the applicable objectives and requirements of completed watershed and subwatershed plans undertaken by the Region of Durham as well as the results of related environmental studies and monitoring into planning documents as appropriate.

11.11.5~~7~~.3 Areas of High Aquifer Vulnerability Policies

11.11.5.3.1~~a~~) Aquifer vulnerability refers to the susceptibility of the groundwater aquifer to contamination from both human and natural sources. Areas of High Aquifer Vulnerability are shown on Schedule "T".

11.11.5.3.2~~b~~) Council shall consider impacts on Areas of High Aquifer Vulnerability when new development, redevelopment or site

alteration is proposed. The following uses are prohibited on the lands identified as High Aquifer Vulnerability on Schedule “T”:

- 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.

11.11.5.4 Landform Conservation Area Policies

11.11.5.4.1a) Landform Conservation Areas are areas consisting of steep slopes and representative landforms that shall be protected for their contribution to the ecological integrity and hydrological function of the Moraine. Landform Conservation Areas (Categories 1 and 2) are shown on Schedule “U”.

11.11.5.4.2b) Council shall consider impacts on landform conservation areas when new development or site alteration is proposed.

11.11.5.4.3e) A **Planning Act** or **Condominium Act** application for development or site alteration on lands identified as a Landform Conservation Area - Category 1 or 2 with the exception of mineral aggregate operations shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum including:

- i) maintaining significant landform features such as steep slopes, kames, ravines and ridges in their natural undisturbed form;
- ii) limiting the portion of the net developable area of the site in accordance with the following:

Criteria	Category 1	Category 2
Maximum net developable area of the site that is disturbed	25%	50%

Maximum net developable area of the site with impervious surfaces	15%	20%
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11.11.5.4.4 ~~e)~~ A **Planning Act** or **Condominium Act** application for major development with the exception of mineral aggregate operations with respect to land in a Landform Conservation Area shall be accompanied by Landform Conservation Plan ~~that shows~~, to the satisfaction of the municipality, that included, but not limited to:

- i) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;
- ii) analysis of the site by slope type;
- iii) significant landform features such as kames, ravines and ridges; and
- iv) all water bodies including intermittent streams and ponds.

11.11.5.4.5 ~~e)~~ The landform conservation plan shall also include a development strategy, to the satisfaction of the municipality, that identifies appropriate planning, design and construction practices to minimize disruption to landform character including but not limited to:

- i) retention of significant landform features in an open, undisturbed form;
- ii) road alignment and building placement to minimum grading requirements;
- iii) concentration of development on portions of the site that are not significant;
- iv) use of innovative building design to minimize grading requirements; and
- v) use of selective grading techniques.

11.11.5.4.6 ~~f)~~ A **Planning Act** or **Condominium Act** application for development or site alteration with the exception of mineral aggregate operations that does not constitute major development in a Landform Conservation Area shall be accompanied by a site plan ~~that~~, to the satisfaction of the municipality, that includes, but is not limited to:

- i) identifies the areas within which all building, grading and related construction will occur; and
- ii) demonstrates that buildings and structures will be located within the areas referred to in clause i) so as to minimize the amount of site alteration required.

11.11.5.4.7g) Site Plan Control will be used to limit grading and the alteration of the natural landscape to implement the policies of this Section of the Plan.

11.11.68 Lot Creation Policies

11.11.68.1 Notwithstanding any provision of this Plan, a lot may be created subject to the policies of this Plan and under the following conditions, where applicable:

- a) Severance, from a rural lot, of a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total. This policy applies, whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- b) Severances of 40 hectare parcels or greater may be permitted only if the subject properties have previously merged in title and the severance follows the original lot lines or original half lot lines and the retained portion has an area of at least 40 hectares.
- c) Allowing land acquisition for transportation, infrastructure and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- d) The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.
- e) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.
- f) Severance from each other the parts of a lot that are devoted to different uses, but only if uses are legally established at the time of the application for severance.

11.11.68.2 A lot may be created subject to the policies Section 11.11.68.1 and under the following conditions:

- a) Only residential infilling and lot creation shall be permitted within the hamlet boundaries of Ashburn, Myrtle and Myrtle Station. An expansion of these hamlet boundaries shall not be permitted.
- b) A lot may only be created if there is enough net developable area on both the severed lot and the retained lot to accommodate the proposed uses, buildings, structures and accessory uses without encroachment into key natural heritage features or hydrologically sensitive features shown on Schedule "S" or as identified within an approved natural heritage evaluation or hydrological evaluation.

- c) When a lot is created, Council shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features or hydrologically sensitive features on the lot.
- d) New lots shall not be created within or partially within a minimum vegetation protection zone of a key natural heritage feature and/or a hydrologically sensitive feature.
- e) New estate residential subdivisions shall not be permitted within the Oak Ridges Moraine.
- f) A lot shall not be permitted that would extend or promote strip development.
- g) Any application to create new lots must include a report demonstrating that the application is in conformity with the requirements of the Oak Ridges Moraine Secondary Plan.

11.11.6.27 Mineral Aggregate Operations and Wayside Pits

11.11.7.1a) In addition to the policies of Section 4.12 – Aggregates of the Official Plan, the policies of Section 11.11.7 shall apply to lands within the Oak Ridges Moraine Secondary Plan Area.

11.11.7.2b) Applications for mineral aggregate operations or wayside pits shall not be approved unless the applicant demonstrates that:

- i) the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
- ii) the health, diversity, size and connectivity of key natural heritage features on the site or on adjacent land, will be maintained and, where possible, improved or restored;
- iii) there will be no extraction within 1.5 metres of the water table within the Natural Linkage Area designation;
- iv) the extraction of mineral aggregates from the site will be completed as quickly as possible within the Natural Linkage Area designation; and
- v) the entire site will be rehabilitated as quickly as possible, and in the case of a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level and in all other cases, by establishing or restoring natural self-sustaining vegetation.

11.11.7.3e) In order to maintain connectivity, when a mineral aggregate operation or wayside pit is located in the Natural Linkage Area

designation, there shall at all times be an excluded area which may contain both undisturbed land and land whose rehabilitation is complete that:

- i) is at least 1.25 kilometres wide;
- ii) lies outside the active or unrehabilitated portions of the area being used; and
- iii) connects parts of the Natural Linkage Area designation outside of the mineral aggregate operation or wayside pit.

11.11.7.4~~e)~~ Notwithstanding Section 11.11.~~7.1(b)~~5.2, an application for mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved provided:

- i) the key natural heritage feature is occupied by young plantations or early successional habitat; and
- ii) the applicant demonstrates to the satisfaction of the Municipality that:
 - the long-term ecological integrity of the site will be maintained, or where possible improved or restored;
 - the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; and
 - the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

11.11.7.5~~e)~~ An application for mineral aggregate operation or wayside pit in a Landform Conservation Area shall not be approved unless the applicant demonstrates to the satisfaction of the municipality and that:

- i) the area from which the mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent lands; and
- ii) the long-term ecological integrity of the subject lands will be maintained, or where possible improved or restored.

11.11.7.6~~f)~~ The Town of Whitby shall work cooperatively with the aggregate industry to develop and implement comprehensive rehabilitation

plans for the parts of the Oak Ridges Moraine that are affected by mineral aggregate operations.

11.11.7.7g) Mineral aggregate operations are exempt from the requirements of Section 11.11.57.2.

11.11.9 Infrastructure Policies

~~11.11.9.1 In addition to the policies of Section 8—Transportation, Servicing and Utilities of the Official Plan, the policies of Section 11.11.9 of this Secondary Plan shall apply to lands within the Oak Ridges Moraine Secondary Plan Area. Where there is a conflict between the policies of Section 8 of the Official Plan and this Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.~~

11.11.9.28 Transportation, Infrastructure and Utilities

11.11.8.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of the Oak Ridges Moraine Conservation Plan and Section 8.1 and 8.2 of this Plan, except as modified or clarified by the following policies.

11.11.8.2 Transportation, infrastructure and utility uses are only permitted within the Oak Ridges Moraine if the appropriate study has been undertaken, to the satisfaction of the municipality, and demonstrated both need and that there is no reasonable alternative to the undertaking.

An undertaking for a transportation, infrastructure or utility use is required to demonstrate that the requirements of this Secondary Plan and the Oak Ridges Moraine Conservation Plan for protecting the ecological and hydrological integrity of the Moraine have been fulfilled.

11.11.89.3 Transportation, infrastructure and utilities uses are defined to include:

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and
- h) rights of way required for the facilities listed in clauses (a) to (g).

- 11.11.89.4 An application for a transportation, infrastructure or utilities use shall not be approved unless:
- a) the need for the project has been demonstrated and there is no reasonable alternative, to the satisfaction of the municipality; and
 - b) the applicant demonstrates the applicant demonstrates, to the satisfaction of the municipality that the following requirements will be satisfied, to the greatest extent possible while also meeting all applicable safety standards:
 - i) The area of construction disturbance will be kept to a minimum;
 - ii) Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible;
 - iii) The project will allow for wildlife movement;
 - iv) Lighting will be focused downwards; and
 - v) The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum.
- 11.11.89.5 Except as permitted in Sections 11.11.89.4 and 11.11.89.6, with respect to land in a key natural heritage feature or a hydrologically sensitive feature, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited.
- 11.11.89.6 Transportation, infrastructure, and utilities uses may be permitted to cross a key natural feature or hydrologically sensitive feature if the applicant demonstrates, to the satisfaction of the municipality that:
- a) the need for the project has been demonstrated and there is no reasonable alternative;
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum;
 - c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages.
 - d) the landscape design will be adapted to the circumstances for the site and use native plant species as much as possible, especially along rights of way; and

- e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.
- f) service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater to a minimum.

11.11.~~8.9~~.7 Stormwater Management

11.11.8.7.1 Every application for development, redevelopment or site alteration shall demonstrate planning, design and construction practices, to the satisfaction of the municipality, to protect water resources will be used, including:

- a) keeping the removal of vegetation, grading and soil compaction to a minimum;
- b) keeping all sediment that is eroded during construction within the site;
- c) seeding or sodding exposed soils as soon as possible after construction; and
- d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

11.11.~~8.7.2~~~~9.8~~ In considering an application for development, redevelopment or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads.

11.11.~~9.9~~8.7.3 Municipal development standards shall incorporate planning, design and construction practices that will:

- 1. reduce the portions of lots and sites that have impervious surfaces; and
- 2. provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.

11.11.~~9.10~~8.7.4 Sections ~~11.11.9.7 to 11.11.9.9~~ 11.11.8.7.1 to 11.11.8.7.3 (inclusive) ~~of this Plan~~ do not apply to applications for mineral aggregate operations.

11.11.~~9.11~~8.7.5 For the purposes of stormwater management, the minimum standard for water quality is that 80 percent of suspended solids shall be removed from stormwater runoff as a long-term average.

11.11.~~9.12~~8.7.6 ~~Despite anything else in this Plan~~ Notwithstanding any other provisions in this plan to the contrary, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.

11.11.~~9.13~~8.7.7 An application for major development shall be accompanied by a Stormwater Management Plan.

11.11.~~9.14~~8.7.8 **Stormwater Management Plans**

11.11.8.7.8.1 The objectives of a stormwater management plan are to:

- a) maintain groundwater quality and flow and stream base flow;
- b) protect water quality;
- c) protect aquatic species and their habitat;
- d) prevent increases in stream channel erosion; and
- e) prevent any increase in flood risk.

11.11.~~9.15~~8.7.8.2 A stormwater management plan shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation:

- a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;
- b) conveyance controls such as grassed swales; and
- c) end-of-pipe controls such as wet ponds at the final discharge stage.

11.11.~~9.16~~8.7.8.3 A Stormwater Management Plan shall be prepared in accordance with the applicable watershed plan, if one exists.

11.11.~~9.17~~8.7.8.4 ~~Despite anything else in this Plan~~ Notwithstanding any other provisions in this plan to the contrary, new rapid infiltration basins and new rapid infiltration columns are prohibited.

~~11.11.7.5~~ 11.11.8.8 Sewage and Water Services

An application for major development shall be accompanied by a sewage and water system plan that demonstrates, to the satisfaction of the municipality:

- a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;
- b) that the quantity and quality of groundwater and surface water will be maintained;
- c) that stream baseflows will be maintained;
- d) that the project will comply with the applicable watershed plan and water budget and conservation plan; and
- e) that the water use projected for the development will be sustainable.

Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

11.11.9.10 Implementation and Interpretation

~~11.11.109.1 The provisions of Sections 11.11 together with Schedules “R”, “S”, “T”, and “U” of the Town of Whitby Official Plan shall comprise the Oak Ridges Moraine Secondary Plan. This Secondary Plan shall be implemented by a Zoning By-law under Section 34 of the Planning Act. Permitted uses are subject to inclusion in the implementing Zoning By-law. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.11.9.2 The lot lines shown on Schedules ‘R’, ‘S’, ‘T’ and ‘U’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

11.11.9.3 All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of the Oak Ridges Moraine Conservation Plan, Part 1 and this Secondary Plan.

11.11.9.4 Zoning By-Law and Minor Variances

~~11.11.10.2~~ 9.4.1 Lands within the Rural Settlement designation shall be placed within the appropriate zone in the Zoning By-law to provide for a

range of residential uses and small scale commercial and industrial uses that meet the needs of the rural area.

11.11.~~10.3~~9.4.2

All key natural heritage features and hydrologically sensitive features shall be placed within an appropriate zone in the Zoning By-law.

~~11.11.10.4~~

~~All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of this Secondary Plan.~~

11.11.9.4.3

The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small-scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:

- a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;
- b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and
- c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.

11.11.9.4.4

A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder.

11.11.9.4.5 A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.

11.11.9.5 Site Plan Control

11.11.9.5.1 Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.

Notwithstanding this Policy, where the lands are situated on the Oak Ridges Moraine, site plan control shall be in accordance with the relevant policies of the Oak Ridges Moraine Conservation Plan, and Subsection 10.1.11 of this Plan

~~11.11.9.5.2 Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

11.11.9.5.2 Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.

11.11.9.6 Definitions

~~11.11.11.1 The provisions of Section 11.11 apply to the Oak Ridges Moraine Secondary Plan delineated on Schedule "R". Despite the policies of this Secondary Plan and the Oak Ridges Moraine Conservation Plan, lands located on the Oak Ridges Moraine are also subject to the policies in both the Region of Durham Official Plan and the Provincial Policy Statement where there is no conflict.~~

~~11.11.11.2~~ 29.6.1 ~~The following~~ definitions contained in the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02 shall apply in the Oak

Ridges Moraine Secondary Plan Area in addition to the definitions of Section 10.2.2 of the Official Plan (where questions of interpretation arise, regard shall be had to the Oak Ridges Moraine Conservation Plan itself).

~~“Adverse Effect” means any impairment, disruption, destruction or harmful alteration;~~

~~“Agriculture-related Uses” means commercial and industrial uses that are,~~

- ~~a) small-scale,~~
- ~~b) directly related to a farm operation, and~~
- ~~c) required in close proximity to the farm operation;~~

~~“Aquifer Vulnerability” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;~~

~~“Connectivity” means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;~~

~~“Development” means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:~~

- ~~a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of the this Secondary Plan; or,~~
- ~~b) for greater certainty:~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Ecological Features” means naturally occurring land, water and biotic features that contribute to ecological integrity;~~

“Ecological Functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

“Ecological Integrity”, which includes hydrological integrity, means the condition of ecosystems in which,

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- (b) natural ecological processes are intact and self-sustaining, and
- (c) the ecosystems evolve naturally;

“Ecological Value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species;

“Endangered Species” means any native species, as listed in the regulations under the **Endangered Species Act**, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

“Farm Retirement Lot” means a lot that is severed from land that is being used in a farming operation, on the application of a person who,

- (a) owned and operated the farm operation, as a full time farmer, for a substantial number of years;
- (b) was engaged in farming on January 1, 1994 or on an earlier date set out in the Official Plan; and
- (c) has reached retirement age and is retiring from active working life;

“Fish Habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

~~“Forest Access Road”~~ means a one or two lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

~~“Forest Management”~~ means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (a) ~~for the production of wood and wood products, including maple syrup;~~
- (b) ~~to provide outdoor recreation opportunities;~~
- (c) ~~to maintain, and where possible improve or restore, conditions for wildlife; and~~
- (d) ~~to protect water supplies;~~

~~“Habitat of Endangered, Rare and Threatened Species”~~ means land that,

- (a) ~~is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species;~~
- (b) ~~has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;~~

~~“Hazardous Waste”~~ has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

~~“Hydrological Features”~~ means;

- (a) ~~permanent and intermittent streams;~~
- (b) ~~wetlands;~~
- (c) ~~kettle lakes and their surface catchment areas;~~
- (d) ~~seepage areas and springs; and~~

(e) ~~aquifers and recharge areas;~~

“Hydrological Functions” means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environmental including its relation to living things;

“Hydrological Integrity” means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;

“Impervious Surface” means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;

“Landform Features” means distinctive physical attributes of land such as slope, shape, elevation and relief;

“Liquid Industrial Waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

“Major Development” means development consisting of:

- (a) ~~the creation of four or more lots; or~~
- (b) ~~the construction of a building or buildings with a ground floor area of 500 square metres or more;~~

“Meander Belt” means the land across which a stream shifts its channel from time to time;

“Mineral Aggregate Operation” means,

- (a) ~~an operation, other than a wayside pit, conducted under a licence or permit under the **Aggregate Resources Act**, and~~
- (b) ~~associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;~~

“Natural Self-Sustaining Vegetation” means self-sustaining vegetation dominated by native plant species;

“Original Half Lot” means half of an original lot that contained 80.9 hectares (200 acres) more or less;

“Original Lot” means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

“Rapid Infiltration Basin/Column” means a basin/column or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

“Rare Species” means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increased in certain types of human activity;

“Rural Lot” means a lot that is at least 97.5 % of the land that is left in an original lot or an original half lot after the deduction of any land that is,

- (a) conveyed at any time for transportation, utilities or infrastructure, whether before, on or after November 16, 2001; or
- (b) validly conveyed before June 27, 1970.

“Sand Barrens” means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- (a) has sparse or patchy vegetation that is dominated by plants that are:
 - i) adapted to severe drought and low nutrient levels; and
 - ii) maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- (b) has less than 25% tree cover;
- (c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures

established by the Ministry of Natural Resources as amended from time to time;

~~“Savannah” means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:~~

- ~~(a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;~~
- ~~(b) has from 25% to 60% tree cover;~~
- ~~(c) has mineral soils; and~~
- ~~(d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;~~

~~“Self-Sustaining Vegetation” means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;~~

~~“Site Alteration” means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:~~

- ~~(a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of this Secondary Plan; or~~
- ~~(b) for greater certainty,~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the **Drainage Act** and in existence on November 15, 2001; or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Subwatershed” means an area that is drained by a tributary or some defined position of a stream;~~

~~“Surface Catchment Area” means the area including and surrounding a kettle land or wetland, from which surface runoff drains directly into the kettle lake or wetland;~~

“Sustainable”, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

“Tallgrass Prairie” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- (b) has less than 25% tree cover;
- (c) has mineral soils; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;

“Threatened Species” means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

“Watershed” means an area that is drained by a river and its tributaries;

“Wildlife Habitat” means land that:

- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“Woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.