

Town of Whitby Staff Report

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Report Title: Temporary Use Zoning By-law Extension Application, Durham Islamic Centre, 4618 Country Lane, File No. DEV-28-24

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 17-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

J. Taylor, Director of Planning Services,
905-444-2908

N. Kohek, Planner II, 905-444-2902

1. Recommendation:

1. That Council approve a Zoning By-law Amendment to extend the Temporary Use (Z-13-24) of a place of worship on the subject land for a period of three (3) years; and,
2. That the amending By-law be brought forward for Council's consideration.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by the Durham Islamic Centre to extend the existing temporary use of a place of worship for an additional three (3) years.

3. Background:

3.1. Site and Area Description

The subject land is located at 4618 Country Lane, north of Taunton Road West (refer to Attachment #1). The subject land is approximately 10.44 hectares (25.79 ac.) in size (refer to Attachment #2).

Surrounding land uses include:

- Rural residential to the north, west and east; and,
- Agricultural and residential to the south.

3.2. Application

The purpose of the proposed Zoning By-law Amendment is to permit the extension of an existing temporary use of a place of worship on the subject property for an additional three years.

The existing building is 325 m² in area. The place of worship is accessed from Country Lane and the existing building and parking area serving the place of worship will remain.

3.3. Documents Submitted in Support

A previously approved Site Plan has been submitted in support of the application (refer to attachment #3).

4. Discussion:

4.1. Whitby Official Plan

The subject land is designated “Major Open Space” on Schedule ‘A’ – Land Use of the Town of Whitby Official Plan (refer to attachment #4). A place of worship is not permitted in the Major Open Space area.

However, Section 10.1.9.1 of the Town’s Official Plan states that, “Council may pass a by-law to permit the temporary use of land, building, or structure for any purpose which is otherwise prohibited by the Zoning by-law, without an amendment to this plan for a period of up to three years.”

Further, Section 10.1.9.3 of the Town’s Official Plan states that, “In considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) The site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;

- b) The use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) The use will not prejudice the future development or redevelopment of the subject land and the surrounding area set out in this Plan; and,
- d) No new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted.”

In considering Section 10.1.9.3 above, it is concluded that:

- The site can continue to adequately accommodate the place of worship, and the existing parking area and landscaping required through the site plan agreement will remain. Public water and sanitary sewer services are not used by the place of worship;
- The continued use of the place of worship will not adversely affect the operation of Country Lane, the surrounding uses, or the natural environment;
- The place of worship will not prejudice development in the surrounding area, which is designated for rural and agricultural uses only; and,
- No expansion is proposed and the place of worship is intended to be used in the existing building, which was previously used as a single detached dwelling.

4.2. Zoning By-law

On June 28, 2022, the Ontario Land Tribunal (OLT) approved a Zoning By-law Amendment (Z-16-19) to permit the temporary use of a place of worship on the subject land. The OLT approved Agricultural – Except 14 Zone (A-14) permits, the temporary use of a place of worship, which is set to expire June 28, 2025 (refer to Attachment #5).

Under Section 39 of the Planning Act, and as outlined in Official Plan Section 10.1.9 above, the Council of a local municipality may authorize the temporary use of land for a purpose that is otherwise prohibited by the by-law for a maximum period of three years. Council may grant extensions to the authorization of a temporary use for a maximum period of three years at a time. It is recommended that Council approve an amendment to extend the temporary use of a place of worship for an additional three year period.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Central Lake Ontario Conservation Authority (CLOCA);
- Engineering Services;
- Region of Durham Community Growth; and,
- Region of Durham Public Health.

Refer to Attachment #6 for additional detailed comments.

8. Strategic Priorities:

This report is in a fully accessible format, and the previous Site Plan Application was reviewed by Accessibility staff, which addresses the Town's strategic priority of accessibility.

The recommendations contained in the staff report will support the Community Strategic Plan pillar 1 of Whitby's Neighbourhoods by investing and strengthening local culture.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Applicant's Existing Site Plan

Attachment #4: Excerpt from the Town of Whitby Official Plan Schedule 'A'

Attachment #5: Excerpt from Zoning By-law 1784

Attachment #6: Agency Comments