



Town of Whitby

By-law # 7979-23

Zoning By-law Amendment

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #2585;

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

1. General

- 1.1. Schedule "A" to By-law #2585 is hereby amended by changing the zoning from I1-DT and H-R6-DT to R6-DT-22, R6-DT-23 and F for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Subsection 26.8.3 – Residential Type 6 – Downtown Zone (R6-DT) – Exceptions of By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

26.8.3.22 Exception 22 (R6-DT-22) 100 Garden Street & 604 Dundas Street East

1. Defined Area

The lands located south of Mary Street East and west of Garden Street and zoned R6-DT-22 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any stacked townhouse dwelling situated within an R6-DT-22 Zone shall be established in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-22 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Mary Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard
Minimum Depth 2.7 m

(d) Interior Side Yard
Minimum Width 3.0 m

Except in the case of a setback to the F zone, where the minimum width shall be 1.5 m

(e) Location of Parking Areas and/or Parking Spaces

Any parking area and/or parking spaces not directly providing access to a dwelling unit shall be set back a minimum distance of 3.0 m from any public street line, 1.5m from the end wall of any building and 1.0 m from any other lot line.

(f) Decks, Porches, Steps, Patios and Balconies

(i) Decks, porches, patios and balconies are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line or internal roadway.

(ii) Steps are permitted to project provide they are set back a minimum distance of 0.6 m from a street line or internal roadway.

(g) Accessory Structure

(i) Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law to the contrary, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

(ii) The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.8 m.

(iii) The minimum setback to a street line shall be 2.7m.

(h) Private Amenity Space
Minimum 8.0 m²/unit

(i) Parking Requirements

(i) The minimum number of parking spaces for a stacked townhouse dwelling with an integral private garage and related driveway shall be:

- Resident 2 spaces/unit
- Visitor 0.25 spaces/unit

(ii) The minimum number of parking spaces for a stacked townhouse dwelling without an integral private garage and related driveway shall be:

- Resident 1.75 spaces/unit
- Visitor 0.25 spaces/unit

3. Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R6-DT-22 by this By-law amendment:

- 6 (2) (h) Satellite Dish
- 26.8.2.1.9 Floor Space Index
- 26.8.2.1.12 Separation Distances for Buildings on the Same Lot

1.3. Subsection 26.8.3 – Residential Type 6 – Downtown Zone (R6-DT) to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

**26.8.3.23 Exception 23 (R6-DT-23)
100 Garden Street & 604 Dundas Street East**

1. Defined Area

The lands located north of Dundas Street East and west of Garden Street and zoned R6-DT-23 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law # 2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any use, building, or structure in an R6-DT-23 Zone shall be established in accordance with the provisions of subsection 26.8.2 except that the following provisions shall apply to stacked townhouse dwellings and an apartment building.

Stacked Townhouse Dwelling

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-23 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Dundas Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard

Minimum Depth 3.0 m

(d) Interior Side Yard

Minimum Width 3.0 m

Except in the case of a setback to the F zone, where the minimum width shall be 1.5 m

(e) Location of Parking Areas and/or Parking Spaces

Any parking area and/or parking spaces not directly providing access to a dwelling unit shall be set back a minimum distance of 3.0 m from any public street line, 1.5 m from the end wall of any building and 1.0 m from any other lot line.

(f) Decks, Porches, Steps, Patios and Balconies

(i) Decks, porches, patios and balconies are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line or internal roadway.

(ii) Steps are permitted to project provide they are set back a minimum distance of 0.6 m from a street line or internal roadway.

(g) Accessory Structure

Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law to the contrary, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.8 m.

(h) Private Amenity Space
Minimum 8.0 m²/unit

(i) Parking Requirements

(i) The minimum number of parking spaces for a stacked townhouse dwelling with an integral private garage and related drive way shall be:

- Resident 2 spaces/unit
- Visitor 0.25 spaces/unit

(ii) The minimum number of parking spaces for a stacked townhouse dwelling without an integral private garage and related driveway shall be:

- Resident 1.75 spaces/unit
- Visitor 0.25 spaces/unit

Apartment Building

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-23 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Dundas Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard
Minimum Depth 3.0 m

(d) Interior Side Yard
Minimum Width 3.0 m

(e) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access, activity room and any architectural features shall not exceed 6 metres.

(f) Accessory Structure

Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law to the contrary, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.8 m.

(g) Private Amenity Space
Minimum 5.0 m²/unit

(h) Parking Requirements

(i) Minimum Number of Parking Spaces

- Resident 1.0 space/unit
- Visitor 0.15 spaces/unit

(ii) Tandem parking spaces shall be permitted and be counted as two parking spaces only where used by an owner or tenant of one dwelling unit.

(iii) The parking space dimensions for an accessible parking space shall be:

Type of Space	Min Length	Min Width	Min Height
Accessible Parking Space	5.8 m	3.4 m	2.4 m

3. Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R6-DT-23 by this By-law amendment:

- 6 (2) (h) Satellite Dish
- 26.2.7 Height Exceptions
- 26.8.2.1.9.2 Floor Space Index
- 26.8.2.1.12 Separation Distances for Buildings on the Same Lot

1.4. Section 2 Definitions to By-law #2585, as amended, is hereby further amended by;

(a) Adding the following definitions in alphabetic order,

“Amenity Space, Common means indoor or outdoor space including a roof area that is communal and available for use by the occupants of a building on a lot for recreational or social activities.”

“Amenity Space, Private means indoor or outdoor space including a roof area that is for the exclusive use of the occupants of a dwelling unit of a building on a lot for their personal recreational and social activities.”

1.5. Subsection 26.1 Downtown Secondary Plan – Definitions, as amended, is hereby further amended by deleting the definition of Private Amenity Space.

1.6. This By-law shall not come into force and effect until Amendment #127 to the Town of Whitby Official Plan has received final approval.

By-law read and passed this 20th day of March, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 7979-23

This is Schedule A-1 to By-law # 7979-23 passed by the

Council of the Town of Whitby this 20th day of March, 2023.

Clerk

Mayor

