



Town of Whitby

By-law # 8061-24

Zoning By-law Amendment

Being a By-law to amend By-law #1784, 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 #1784.

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

1. General

- 1.1. Schedule 'B' to By-law #1784 is hereby amended by changing the zoning from I to R2A*, R2E*-2, R3C*-2, R3C*-3 and OS of the lands marked R2A*, R2E*-2, R3C*-2, R3C*-3 and OS shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.
- 1.2. Subsection 5G(iii) – Residential (R2E*) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

(2) R2E*-2 – Exception 2
Plan of Subdivision SW-2023-01
Block 189, 40M1715

1. Defined Area

The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R2E*-2 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

2. Zone Provisions

No person shall within any R2E*-2 Zone use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:

- | | | |
|-----|--------------------|--------|
| (a) | Lot Frontage | |
| | Minimum – interior | 8.0 m |
| | – corner | 11.2 m |

- | | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (b) | Lot Area
Minimum | 270 m ² |
| (c) | Front Yard
Minimum Depth | 3.0 m |
| | Provided however, that an attached garage shall be set back a minimum distance from the front lot line of | 5.8 m |
| (d) | Rear Yard
Minimum | 7.0 m |
| (e) | Interior Side Yard
Minimum – on one side of the dwelling unit | 0.6 m |
| | – on the other side of the dwelling unit | 1.2 m |
| (f) | Exterior Side Yard
Minimum | 3.0 m |
| | Provided however, that an attached garage shall be set back a minimum distance from the exterior side lot line of | 5.8 m |
| (g) | Landscaped Open Space
Minimum | 25% |
| | Provided however that a minimum of 20% landscaped open space shall be maintained in the front yard or exterior side yard where a driveway is located. | |
| (h) | Height of Building
Maximum | 12.0 m |
| | Provided however that no dwelling unit shall be greater than three storeys in height. | |
| (i) | Decks, Porches, Steps, Patios and Balconies | |
| | Notwithstanding any provision of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply: | |
| (i) | Decks, porches and patios are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.35 m from a street line. | |
| (ii) | Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line. | |

- (iii) Decks and porches are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second and third storeys of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.
- (v) Stairs to a deck or porch are permitted provided they are setback a minimum distance of 0.6 m from an exterior side lot line, interior side lot line or rear lot line.

(j) Setback to a Visibility Triangle	
Minimum	0.6 m

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R2E*-2 by this By-law amendment:

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

1.3. Subsection 5J(iii) – Residential (R3C*) Zone – Exceptions of By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

(2) R3C*-2 – Exception 2 Plan of Subdivision SW-2023-01 Block 189, 40M1715

1. Defined Area

The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R3C*-2 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

2. Zone Provisions

No person shall within any R3C*-2 Zone use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:

(a) Lot Frontage	
Minimum	14.0 m

- (b) Lot Area
- The minimum lot area for a common pair of semi-detached dwelling units shall be 360.0 m²
- The minimum lot area for one of a pair of semi-detached dwelling units shall be 180.0 m²
- (c) Front Yard
Minimum Depth 2.8 m
- Provided however, that an attached garage shall be set back a minimum distance from the front lot line of 5.8 m
- (d) Rear Yard
Minimum 7.0 m
- (e) Interior Side Yard (on unattached side)
Minimum 0.6 m
- (f) Landscaped Open Space
Minimum per one of a pair of semi-detached dwelling units 20%
- (g) Height of Building
Maximum 12.0 m
- Provided however, that the maximum building height for any lots that abut lots that front onto Donald Wilson Street shall be two storeys, and
- Provided further that the maximum building height for any lots that abut lots that front onto Eric Clarke Drive shall be three storeys where any third storey component must be incorporated into the roof structure.
- (h) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provision of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply:
- (i) Decks, porches and patios are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.35 m from a street line.

- (ii) Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line.
- (iii) Decks and porches are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second and third storeys of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.
- (v) Stairs to a deck or porch are permitted provided they are setback a minimum distance of 0.6 m from an exterior side lot line, interior side lot line or rear lot line.

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R3C*-2 by this By-law amendment:

- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

- 1.4. Subsection 5J(iii) – Residential (R3C*) Zone – Exceptions of By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

(3) R3C*-3 – Exception 3 Plan of Subdivision SW-2023-01 Block 189, 40M1715

1. Defined Area

The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R3C*-3 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

2. Permitted Uses

No person shall within any R3C*-3 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- back-to-back semi-detached dwelling

3. Zone Provisions

No person shall within any R3C*-3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Lot Frontage
Minimum 13.0 m
- (b) Lot Area
Minimum per individual dwelling unit 105 m²
- (c) Height
Maximum 12 m
Provided however that no dwelling unit shall be greater than three storeys in height.
- (d) Roof Top Appurtenances
The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room and any architectural or landscape features shall not exceed 3 m
- (e) Front Yard
Minimum Depth 2.8 m
Provided however, that an attached garage shall be set back a minimum distance from the front lot line of 5.8 m
- (f) Exterior Side Yard
Minimum 3.0 m
- (g) Rear Yard
Minimum 0.0 m
- (h) Interior Side Yard (on unattached side)
Minimum 0.6m
- (i) Decks, Porches, Steps, Patios and Balconies
Notwithstanding any provision of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply:
 - (i) Decks, porches and patios are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.35 m from a street line.

- (ii) Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line.

- (j) Setback to a Visibility Triangle Minimum 0.6 m

4. Zone Provisions That Do Not Apply

The following shall not apply to the lands zoned R3C*-3 by this By-law amendment:

- 4(g) Sight Triangles
- 4(m) Ten Percent of Every Lot
- 4(w) Satellite Dishes

5. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784, the following definitions shall apply:

“Back-to-Back Semi-Detached Dwelling” means a building on a lot or lots divided vertically by common walls, including a common rear wall, containing four dwelling units and each dwelling unit has an independent entrance from the outside.

1.5 Temporary Residential Sales Office

Notwithstanding any provisions of this by-law to the contrary, any land located within the R2E*-2 Zone may also be used for a temporary off-site residential sales office for a draft approved plan of subdivision for SW-2023-03 for a maximum period of three years from the date of this by-law amendment.

By-law read and passed this 18th day of March, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8061-24

This is Schedule A-1 to By-law # 8061-24 passed by the
Council of the Town of Whitby this 18th day of March, 2024.

Clerk

Mayor

