



# Town of Whitby

## By-law # 8062-24

### Zoning By-law Amendment

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law for 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 I and D(R) to R2-8 and R4C-6 for the lands shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.
- 1.2. Subsection 9(3) Residential Type 2 Zone (R2) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following exception:

**Exception 8 (R2-8)**  
**Plan of Subdivision (SW-2023-02)**  
**780 Garden Street**

#### 1. Defined Area

The lands located north of Manning Road and west of Garden Street and zoned R2-8 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 #2585.

#### 2. Uses Permitted

No person shall within and R2-8 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- apartment dwelling unit
- office
- single-detached dwelling

### 3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2-8 Zone, the following provisions shall apply:

(a) Apartment Dwelling Unit Location

Any apartment dwelling unit shall only be permitted in combination with an office use and shall only be situated in the building existing at the date of the passing of this By-law amendment.

(b) Office Location

Any office use shall only be situated within the building existing at the date of the passing of this By-law amendment.

(c) Parking

Minimum for an office use

1 space/50m<sup>2</sup> of  
gross floor area

(d) Accessory Structure Location and Size

The accessory structure (private garage) existing at the date of the passing of this By-law amendment is permitted to remain situated in the front yard in its present location and at its present size.

- 1.3. Subsection 11A(3) Residential Type 4C Zone (R4C) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

**Exception 6 (R4C-6)  
Plan of Subdivision (SW-2023-02)  
780 Garden Street**

**1. Defined Area**

The lands located north of Manning Road and west of Garden Street and zoned R4C-6 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 #2585.

**2. Uses Permitted**

No person shall within any R4C-6 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- street townhouse dwelling

### **3. Zone Provisions**

No person shall within any R4C-6 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Lot and Building Requirements by Building Type
  - (i) The following Table and Additional Provisions establish the zone standards that apply to the R4C-6 Zone.

## R4C-6 Zone Standards

Building Type	Min. Lot Area (m <sup>2</sup> )	Min. Lot Frontage	Min. Front Yard	Min. Exterior Side Yard	Min. Interior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Max. Building Height
Street townhouse dwelling unit w/front access garage	135m <sup>2</sup>	5.0m <sup>(1)</sup>	3.0m <sup>(2)(3)</sup>	3.0m <sup>(7)</sup>	1.2m <sup>(6)</sup>	6.5m <sup>(5)</sup>	N/R	12.0m but no greater than 3 storeys
Street townhouse dwelling unit w/integral rear garage	115 m <sup>2</sup>	5.0m <sup>(1)</sup>	3.0m <sup>(2)(4)</sup>	3.0m <sup>(7)</sup>	1.2m <sup>(6)</sup>	3.0m <sup>(2)</sup>	10m <sup>2</sup> /unit	12.0m but no greater than 3 storeys

**Notes: NR = No Requirement**

- (1) Except that for a corner lot, the minimum lot frontage shall be 7 metres.
- (2) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (3) Except that decks, porches and balconies may project from a main wall of a dwelling unit provided they are set back a minimum of 1.25 metres from a private street and any related stairs are set back a minimum of 0.6m from a private street.
- (4) Except that decks and porches may project from the main wall of a dwelling unit provided they are set back a minimum of 1.5 metre from a public street and any related stairs are set back a minimum of 0.6 metres from a public street.
- (5) Except that decks and balconies may project from the first storey of a rear main wall of a dwelling unit a maximum distance of 3.5 metres.
- (6) Where no common wall exists.
- (7) Except that the minimum setback from an end wall to a private street shall be 1.5 metres.

#### 4. Zoning Provisions that Do Not Apply

The following provisions shall not apply to the lands zoned R4C\*-6 by this By-law amendment:

- 6(2)(h) Satellite Dishes
- 6(7) Frontage on Public Street
- 6(18) Sight Triangles
- 7(11) Street Townhouse Dwelling

#### 5. Definitions

For the purposes 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 # 2585, the following definitions shall apply:

**“Balcony”** means an attached covered or uncovered platform projecting from the face of an exterior wall, including above a porch, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and does not have direct exterior access to grade.

**“Driveway”** means an unobstructed and maintained surfaced vehicular way of access from a street, lane or internal roadway to facilities such as a parking area, parking space, aisle, loading space, private garage, carport, parking structure, building or structure.

**“Dwelling, Street Townhouse”** means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is on a separate freehold lot with frontage on a street, and each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside, a driveway from a street or lane, and a private garage, carport, or parking space.

**“Dwelling Unit, Street Townhouse”** means a dwelling unit in a street townhouse dwelling.

**“Internal Roadway”** means a right of way or roadway that provides vehicular access to the parking areas and parking spaces on a residential property intended for multi-unit residential development and is not a lane or private street.

**“Lane”** means a right of way or roadway owned and maintained by The Town that provides vehicular access to the rear of a lot where the lot also fronts or flanks onto a street, or where a lot fronts onto public or private open space.

**“Lot”** means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the

Planning Act or is described in accordance with a registered Plan of Condominium, and includes a Parcel of Tied Land but excludes a zero decimal three metre reserve.

**“Lot, Corner”** means a lot situated at the intersection of and abutting upon two or more streets or two portions of the same street, provided that the angle of intersection of such streets, or the bend in such street, is not more than 135 degrees.

**“Lot Line, Front”** means the line that divides the lot from the street, provided that in the case of a corner lot, the shorter lot line that so abuts the street is deemed to be the front lot line of the lot, and the longer line that so abuts the street is termed an exterior side lot line of the lot. Where a lot is a through lot, the lot line abutting the wider street right of way shall be deemed the front lot line.

**“Private Street”** means a right-of-way or roadway that provides vehicular access to individual freehold lots or Parcels of Tied Land and is maintained by a condominium corporation and is not a lane.

**“Site Triangle”** means a triangular area of land on a corner lot that is determined by measuring from the point of intersection of streets lines the distance required along each such street line and joining such points with a straight line. The triangular shaped area of land between the intersecting lines and the straight line joining the points the required distance along the street lines is the sight triangle.

**“Street”** means the right of way of a public highway or a private street.

- 1.4. Section 25 Exceptions to By-law #2585, as amended, is hereby further amended by deleting Exception 171(b).

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

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

# Schedule A-1

To By-law # 8062-24

This is Schedule A-1 to By-law # 8062-24 passed by the

Council of the Town of Whitby this 18<sup>th</sup> day of March, 2024.

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Clerk

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Mayor

