



Town of Whitby

By-law # 8071-24

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 I and OS to R3-6, OS and OS-3 of the lands marked R3-6, OS and OS-3 shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.
- 1.2. Subsection 10 (3) – Residential Type 3 Zone (R3) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following exception:

Exception 6: (R3-6)

Block F, Plan 40M-1148

Draft Plan of Subdivision SW-2023-03

1. Defined Area

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned R3-6 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 R3-6 Zone use any lot or erect, alter, or use any building or structure for any purpose except one or more of the following uses:

- single detached dwelling
- semi-detached dwelling

3. Zone Provisions

No person shall within any R3-6 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 (Table 1) establishes the zone standards that apply to the R3-6 Zone.

Table 1: R3-5 Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Minimum Exterior Side Yard	Min. Rear Yard	Minimum Front Yard Landscaped Open Space	Maximum Building Height
Single detached dwelling	330 m ²	11.0 m	3.0 m ⁽¹⁾	1.2 m & 0.6 m	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	25%	3 storeys (4) (5)
Semi-detached dwelling	170 m ²	6.0 m	3.0 m ⁽¹⁾	0.6 m ⁽²⁾	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	20%	3 storeys (4) (5)

Notes: NR = No Requirement

- (1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (2) Except that where semi-detached dwellings on abutting lots share either a common wall or a connecting wall, no interior side yard shall be required in the yard with a common wall or connecting wall.
- (3) For lots 1-14 as shown on Schedule A-1 the OS-3 Zone shall be included in the calculation of minimum rear yard depth.
- (4) Except that the maximum building height for any dwellings on lots 1-16 as shown on Schedule A-1, which abut lots that front onto Sugar Maple Crescent and White Ash Drive, shall be two storeys.
- (5) Except that for any dwellings on lots 17-35 as shown on Schedule A-1 which abut onto Palmerston Park, any third storey component of a dwelling must be incorporated into the roof structure.

(b) Additional Provisions

- (i) The following provisions apply to both a single detached dwelling and a semi-detached dwelling unit.

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

Notwithstanding any provisions of subsection 6(23)(c) 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 1.5m from a street line.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.4m from a street line.
- (iii) Decks and porches are permitted to project from the first storey of a dwelling a maximum distance of 3.5m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5m 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 0.6m from an exterior side lot line, interior side lot line or rear lot line.

- (b) Set back to a Visibility Triangle
Minimum 0.6m

- (ii) The following provisions apply to semi-detached dwelling units.

(a) Common Wall or Connecting Wall Below Finished Grade Level

The semi-detached dwelling units on lots 1 to 11 as shown on Schedule A-1 shall only be attached by either a common wall or a connecting wall below finished grade level.

(b) Common Wall Above Finished Grade Level

The semi-detached dwelling units on Lots 12 to 16 and Lots 18 to 34 as shown on Schedule A-1 shall be attached by a common wall above finished grade level.

4. Zone Provisions that Do Not Apply

(b) The following subsections of By-law #2585 shall not apply to the lands zoned R3-6 by this By-law amendment:

- 6(2)(h) Satellite Dishes
- 6(18) Sight Triangles

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 definition set forth hereunder and those set forth in Section 2 of By-law #2585, the following definitions shall apply:

“Semi-Detached Dwelling” means a dwelling unit in a building that is divided vertically into two dwelling units that share either a common wall or a connecting wall.

“Wall, Common” means a vertical wall separating two dwelling units where such wall may extend either above or below the finished grade level and is mutual to both dwelling units.

“Wall Connecting” means a wall below finished grade level that connects two dwelling units either horizontally or vertically

- 1.3 Subsection 13(3) – Open Space Zone OS – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

Exception 3 (OS-3)
Draft Plan of Subdivision SW-2023-03

1. Defined Area

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned OS-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 #2585.

2. Uses Permitted

Notwithstanding any provisions of this By-law to the contrary, in any OS-3 Zone only the following uses shall be permitted:

- Passive recreational uses and activities that preserve and sustain the natural environment including the soil, topography, and existing mature trees. No accessory building, structure, swimming pool or similar use shall be permitted.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8071-24

This is Schedule A-1 to By-law # 8071-24 passed by the
Council of the Town of Whitby this 29th day of April, 2024.

