



# Town of Whitby

## By-law # 8084-24

### 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 A and D(R) to R2C\*-WS-2, R4A\*-13 and G for the land shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Subsection 5S(iii) – Residential (R2C\*-WS) Wide Shallow Zone – Exceptions of By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

**(2) R2C\*-WS-2: Exception 2**  
**Plan of Subdivision SW-2022-03**  
**4400 & 4440 Garden Street**

#### 1. Defined Area

The lands located west of Garden Street and north of Robert Attersley Drive East and zoned R2C\*-WS-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

Notwithstanding any provision of the R2C\*-WS Zone to the contrary, in any R2C\*-WS-2 Zone, the following provisions shall apply:

- |     |                             |       |
|-----|-----------------------------|-------|
| (a) | Lot Coverage<br>Maximum     | 50%   |
| (b) | Front Yard Depth<br>Minimum | 4.5 m |

Provided however that an attached garage shall be  
set back a minimum distance from the front lot line of 5.8 m

(c)	Rear Yard Depth Minimum	7.5 m
(d)	Interior Side Yard Depth Minimum	1.2 m
(e)	Exterior Side Yard Depth Minimum	3.0 m
(f)	Landscaped Open Space Minimum	25%
(g)	Height of Building Maximum	12.0 m

Provided however that no dwelling unit shall be greater than three storeys in height.

(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 2.5m from a street line.
  - (ii) Steps are permitted to project provided they are setback a minimum distance of 0.6m from a street line.
  - (iii) Decks and porches are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5m from the rear main wall of a dwelling unit.
  - (iv) Steps 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.
- |     |   |       |
|-----|---|-------|
| (i) | Setback to a Visibility Triangle<br>Minimum | 0.6 m |
| (j) | Setback to an Internal Roadway<br>Minimum   | 1.5 m |

(k) Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R2C\*-WS-2 by this By-law amendment:

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

- 1.3. Subsection 5L(iii) – Residential (R4A\*) Zone – Exceptions of By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

**(m) R4A\*-13: Exception 13**  
**Plan of Subdivision SW-2022-03**  
**4400 & 4440 Garden Street**

**1. Defined Area**

The lands located west of Garden Street and north of Roberts Attersley Drive East and zoned R4A\*-13 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. Uses Permitted**

No person shall within any R4A\*-13 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- back-to-back townhouse dwelling
- block townhouse dwelling

**3. Zone Provisions**

No person shall within any R4A\*-13 Zone use any lot or erect, alter or use any building or structure except 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 #1784 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 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 R4B\*-13 by this By-law shall be considered to be one lot

(b) Lot Line Determination

The lot line abutting Garden Street shall be deemed the front lot line and the lot line furthest from and opposite the front lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior side lot lines.

(c) Yards

- (i) The minimum distance from a street line or a 0.3 m reserve to the nearest portion of a building shall be 3.0 m

Provided however that the minimum distance from a street line or a 0.3 m reserve to the nearest portion of the end wall of a building shall be 1.5 m

- (ii) The minimum distance from a property line other than a street line or 0.3 m reserve to the nearest portion of a building shall be 6.0 m

Provided however, and notwithstanding the above the minimum distance from a property line other than a street line or 0.3 m reserve to the nearest portion of the end wall of a building shall be 1.5 m

(d) Distance Between Buildings on the Same Lot

The minimum distance between the end walls of separate block or back-to-back townhouse dwellings shall be 2.5 m

(e) 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, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are setback a minimum distance of 1.5 m from a street line or internal roadway.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line or internal roadway.

- (iii) Decks, porches and steps are permitted to project from the rear wall of a dwelling unit at or below the level of the first storey a maximum distance of 3.5 m.
- (f) Internal Roadway
  - (i) The minimum width of an internal roadway shall be 7.5 m
- (g) Setback to an Internal Roadway
  - (i) The minimum separation distance from the end wall of a building to an internal roadway shall be 1.5 m
  - (ii) The minimum distance from a wall other than an end wall to an internal roadway shall be 2.2 m
  - (iii) The minimum distance from an internal private garage to an internal roadway shall be 5.8m
- (h) Landscaped Open Space
 

Minimum	15%
---------	-----
- (i) Private Amenity Space
 

Minimum – block townhouse dwelling	20 m <sup>2</sup> per dwelling unit.
Minimum – back-to-back townhouse dwelling	7.5 m <sup>2</sup> per dwelling unit.
- (j) Height of Building
 

Maximum	12.0 m
---------	--------

Provided however that no dwelling unit shall be greater than three storeys in height
- (k) Parking
  - (i) Number of Resident Parking Spaces
 

Minimum	2 spaces per dwelling unit.
---------	-----------------------------
  - (ii) Number of Visitor Parking Spaces
 

Minimum	0.25 spaces per dwelling unit.
---------	--------------------------------
  - (iii) the minimum distance between a visitor parking space and the nearest portion of a dwelling unit shall be 1.5 m

(l) Accessory Structure

- (i) Any accessory structure used to house and store equipment and utility devices may be situated in any yard provided that such structure is located no closer than 4.0m to any public street line.
- (ii) The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 5.0 m.

(m) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A\*-13 by this By-law:

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

1.4. By-law 8084-24 shall not come into force and effect until Amendment 132 to the Town of Whitby Official Plan has received final approval.

By-law read and passed this 27th day of May, 2024.

---

Elizabeth Roy, Mayor

---

Christopher Harris, Town Clerk

# Schedule A-1

To By-law # 8084-24

This is Schedule A-1 to By-law # 8084-24 passed by the  
Council of the Town of Whitby this 27th day of May, 2024.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

