



Town of Whitby By-law # 8123-24

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 C2-S-BP to MX3-B-1 and LD-B-1 for the land shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Section 15.4 Residential – Brooklin Zone Regulations to By-law #1784 as amended, is hereby amended by adding a new subsection 15.4.2(c) Exceptions and adding thereto the following Exception:

15.4.2(c) Exceptions

- (1) **Exception 1: LD-B-1
1 Ferguson Avenue**

1. Defined Area

The lands located north of Winchester Road West and east of Ferguson Avenue and zoned LD-B-1 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 #1784.

2. Uses Permitted

No person shall within any LD-B-1 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- Semi-detached dwelling

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure in an LD-B-1 Zone, the following provisions shall apply to a semi-detached dwelling:

(a) Lot Area

Minimum	200m ²
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(b) Lot Frontage

Minimum	7.0 m
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(c) Exterior Side Yard

Minimum	1.5 m
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(d) Rear Yard

Minimum	5.0 m
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- 1.3. Section 15.6 Mixed Use – Brooklin Zone Regulations to By-law #1784, as amended, is hereby further amended by adding a new subsection 15.6.3 Exceptions and adding thereto the following Exception:

15.6.3 Exceptions

(1) **Exception 1: MX3-B-1
1 Ferguson Avenue**

1. **Defined Area**

The lands located north of Winchester Road West and east of Ferguson Avenue and zoned MX3-B-1 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 #1784.

2. **Uses Permitted**

No person shall within any MX3-B-1 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- All uses permitted in the MX3-B Zone in accordance with Table 15.6(1) Uses Permitted in Mixed Use – Brooklin Zones

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any MX3-B-1 Zone the following provisions shall apply to a Mixed-Use Building:

(a) Yard Setback to Winchester Road West

Minimum	3.0 m
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Maximum	6.0 m
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Notwithstanding the yard setbacks noted above, the Ministry of Transportation (MTO) required setback shall apply along any public street that is subject to MTO corridor control.

(b) Front Yard

Minimum	6.0 m
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(c) Setback to a Visibility Triangle

Minimum	6.0 m
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(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, indoor amenity space and any decorative structures or architectural features shall not exceed 6 metres.

(e) Parking Requirements

- (i) The minimum number of parking spaces for non-residential uses shall be 1 space/ 30m² of gross leasable area
- (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	5.8m	3.4m	2.1m

(f) Non-Residential Provisions

- (i) The minimum gross leasable area for all non-residential uses shall be 700m².
- (ii) The maximum gross leasable area for all non-residential uses shall be 1400m².
- (iii) Non-residential uses shall only be permitted on the first storey of a building.
- (iv) No drive through facilities are permitted.
- (v) Any outdoor patio or any ornamental or architectural structure such as a canopy or colonnade related to non-residential uses may project to within 1.0m of a streetline.

4. Zone Provisions That Do Not Apply

The following subsections of Section 15.2 General Provisions shall not apply to the lands zoned MX3-B-1 by this By-law:

15.2.27 (d)(i)

By-law read and passed this 4th day of November, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8123-24

This is Schedule A-1 to By-law # 8123-24 passed by the

Council of the Town of Whitby this 4th day of November, 2024.

