



# Town of Whitby

## By-law # 8133-24

### 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 R4C to R4C-7 for the Subject Land shown on Schedule "A-1" attached and forming part of this By-law amendment.
- 1.2. Subjection 11A (3) Residential Type 4C Zone – Exceptions to By-law # 2585 as amended, is hereby further amended by adding thereto the following Exception:

#### **Exception 7 (R4C-7)** **1615 Brock Street South**

##### 1. Defined Area

The land located east of Brock Street South and north of Watson Street and zoned R4C-7 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 # 2585.

##### 2. Uses Permitted

No person shall within any R4C-7 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

###### (a) Residential Uses

- dwelling, back-to-back stacked townhouse
- mixed use building

###### (b) Non-Residential Uses

- art gallery
- clinic
- eating establishment
- eating establishment – take-out
- financial Institution

- office
- personal service establishment
- retail store
- service shop
- studio

### 3. Zone Provisions

No person shall within any R4C-7 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 # 2585 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 the registration at any time of any Condominium Declaration, and Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R4C-7 by this By-law amendment shall be considered to be one lot.

#### (b) SETBACKS

Minimum

(i)	Front Yard (residential)	2.4 m
(ii)	Front Yard (non-residential)	0.9 m
(iii)	Interior Side Yard (north)	1.0 m
(iv)	Interior Side Yard (south)	6.0 m
(v)	Rear Yard	6.0 m

#### (c) HEIGHT OF BUILDING

(i)	Minimum	3.0 storeys
(ii)	Maximum	6.0 storeys

#### (d) DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

The minimum distance between walls other than the end walls of a building shall be 14.5 m

#### (e) 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 architectural features shall not exceed 3.0 metres.

- (f) **LANDSCAPED OPEN SPACE**  
Minimum 20%
- (g) **DRIVEWAY AND/OR AISLE WIDTH**
- (i) The minimum width of a driveway and/or aisle serving a loading area shall be 6.0 metres.
  - (ii) The minimum setback distance from the nearest portion of the end wall of a building to a driveway and/or aisle shall be 0.0 metres.
- (h) **DECKS, PORCHES, STEPS, PATIOS, AND BALCONIES**
- (i) Decks, porches, patios and balconies related to a residential use are permitted to project from the exterior wall of a building provided they are setback a minimum distance of 0.9 metres from the Brock Street South street line.
  - (ii) Steps are permitted to project provided they are setback a minimum distance of 0.3 metres from the Brock Street South street line.
- (i) **PARKING AND LOADING REQUIREMENTS**
- (i) There are no minimum parking space requirements for both residential and non-residential uses.  
Where parking spaces are provided, all relevant parking provisions continue to apply.
  - (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 a perpendicular parking space shall be as per the Table below.

<b>Type of Space</b>	<b>Minimum Length</b>	<b>Minimum Width</b>	<b>Minimum Height</b>
Perpendicular Parking Space	5.6 m	2.75 m	2.1 m

- (iv) The parking space dimensions for an accessible parking space shall be as per the Table below.

Type of Space	Minimum Length	Minimum Width	Minimum Height
Perpendicular Parking Space	5.6 m	3.4 m	2.4 m

- (v) The minimum setback distance of an open and uncovered loading space from the south interior side lot line or the rear lot line shall be 3.0 metres.

(j) **NON-RESIDENTIAL PROVISIONS**

- (i) The minimum gross leasable area dedicated to non-residential uses shall be 250m<sup>2</sup> excluding patios related to non-residential uses.
- (ii) The minimum floor to ceiling height of the first storey used for all non-residential uses shall be 3.1 metres.
- (iii) Any ornamental or architectural structures such as a canopy or a colonnade and any outdoor deck or patio related to a non-residential use may project to within 0.0 metres of the Brock Street South street line.

**4. Definitions**

- (a) Section 2 Definitions to By-law No. 2585, as amended, is hereby further amended by adding the following definitions in alphabetical order:

**Dwelling, Back to Back Stacked Townhouse** means a building containing more than six dwelling units, each dwelling unit being separated from the other vertically, including a common rear wall, and horizontally and whereby each dwelling unit has an independent entrance either directly from the outside or through a common vestibule.

**Mixed Use Building** means a building containing residential uses and at least one other non-residential use.

- (b) Section 2 Definitions to By-law No. 2585, as amended, is hereby further amended by deleting the definition of Landscaped Open Space and replacing it with the following definition:

**Landscaped Open Space** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space areas or other common outdoor recreational activity areas or similar landscaped space situated above grade such as on a podium or roof of a building, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area or, private balcony or private terrace.

**5. Zone Provisions That Do Not Apply**

The following provisions shall not apply to the lands zoned R4C-7 by this By-law Amendment:

6 (2) (h) Accessory Uses – Satellite Dish

By-law read and passed this 16th day of December, 2024.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

**Schedule A-1**  
**To By-law # 8133-24**

This is Schedule A-1 to By-law # 8133-24 passed by the  
Council of the Town of Whitby this 16th day of December, 2024.

