



# Town of Whitby

## By-law # 8211-25

### 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 H-R6-DT to R6-DT-24 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 26.8.3 Residential Type 5 – Downtown Zone (R6-DT) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

**26.8.3.24 Exception 24 (R6-DT-24)**  
**301, 315 & 317 Colborne Street East**  
**304 & 320 Dunlop Street East**  
**205 and 207 Athol Street**

#### 1. Defined Area

The land located east of Athol Street and south of Colborne Street East and zoned R6-DT-24 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 R6-DT-24 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

- apartment building
- live work dwelling where the non-residential component within the unit is a use listed in provision (b) below
- mixed use building

(b) Non-Residential Uses

- animal care establishment
- art gallery
- bakeshop or confectionary shop
- clinic
- day care establishment
- eating establishment
- eating establishment – take out
- financial institution
- food store
- office
- personal service establishment
- retail store
- studio

Provided however that an apartment building and/or live-work dwelling shall only be permitted adjacent to Colborne Street East when developed in conjunction with a mixed-use building.

**3. Zone Provisions**

No person shall within any R6-DT-24 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, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R6-DT-24 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Athol Street shall be deemed the front lot line and the lot line furthest from and opposite to the front lot line shall be deemed the rear lot line. The lot lines abutting Colborne Street East and Dunlop Street East shall be deemed exterior side lot line. All other lot lines shall be deemed interior side lot lines.

- (c) Height of Building  
Maximum 6 storeys
- (d) Determination of First Storey  
Notwithstanding the definition of Storey and First Storey in Subsection 26.1 of By-Law #2585, any dwelling unit with two floor levels or less situated at or within 0.6 metres above finished grade level and any non-residential floor space situated at or within 0.6 metres above finished grade level shall be deemed to be only one storey of building height.
- (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, amenity space and any architectural features shall not exceed 6 metres.
- (f) Building Setbacks  
Minimum
- |       |                                      |      |
|-------|--------------------------------------|------|
| (i)   | Front Yard (Athol Street)            | 1.2m |
| (ii)  | Rear Yard                            | 2.0m |
| (iii) | Exterior Side Yard (Colborne Street) | 1.0m |
| (iv)  | Exterior Side Yard (Dunlop Street)   | 2.0m |
| (v)   | Interior Side Yard                   | 3.0m |
- (g) Projections  
Any ornamental or architectural structure such as a canopy or a colonnade and any decks, porches, steps, patios and balconies may project to within 0.3 m of a street line and property line and to within 0.0 m of a visibility triangle.
- (h) Non-Residential Provisions
- (i) Non-residential uses shall only be permitted in buildings that are adjacent to Athol Street and Colborne Street East.
  - (ii) The minimum gross floor area devoted to non-residential uses shall be 500m<sup>2</sup> excluding any outdoor deck or patio related to non-residential uses.
  - (iii) Non-residential uses shall only be permitted on the first and second storey or on a floor below the first storey of a building.

- (iv) The minimum top of floor slab to top of floor slab height of the first storey for all non-residential uses shall be 3.5m.
- (v) No drive through facilities are permitted.
- (i) Live-Work Dwelling Provisions
  - (i) Live-work dwellings shall only be permitted in buildings that are adjacent to Athol Street and Colborne Street East.
  - (ii) The minimum top of floor slab to top of floor slab height of the first storey of all live-work dwelling units shall be 3.1m.
  - (iii) The non-residential gross floor area component of a live-work dwelling unit shall not be used in determining the minimum required non-residential gross floor area required in provision 3(h)(ii) above.
- (j) Common Amenity Space Minimum 5m<sup>2</sup>/unit
- (k) Parking and Loading Requirements
  - (i) Number of Resident Parking Spaces  
Minimum 1.0 space per dwelling unit
  - (ii) Number of Visitor Parking Spaces  
Minimum 0.15 spaces per dwelling unit
  - (iii) Number of Non-Residential Parking Spaces  
Minimum 1 space per 30m<sup>2</sup> of gross floor area
  - (iv) 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.
  - (v) The parking space dimensions for a perpendicular parking space shall be as per the Table below:

Type of Space	Min Length	Min Width	Min Height
Perpendicular Parking Space	5.6m	2.6m	2.1m
Tandem	11.0m	2.6m	2.1m

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

Type of Space	Min Length	Min Width	Min Height
Perpendicular Parking Space	5.6m	3.4m	2.1m

- (vii) Where 50 or more parking spaces are provided on a lot the minimum parking space dimensions for up to 20% of any parking spaces supplied may be as per the Table below:

Type of Space	Min Length	Min Width	Min Height
Small Vehicle Parking Space	5.1m	2.4m	2.0m

- (viii) Any parking structure either below finished grade or up to a height of 1.2m above finished grade may encroach into a required yard provided the parking structure is located no closer than 0.0m to a street line or lot line. This provision shall also apply to ventilation shafts, stairways and other similar facilities associated with a parking structure

- (ix) Driveway and Aisle Widths

The minimum width of any two-way driveway or aisle shall be 6.0m.

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

- (a) **Animal Care Establishment** means a building or part of a building where pets and domestic animals are groomed and or cared for during the day and may include ancillary retail sales of grooming products, but shall not include the breeding of animals, a kennel or the boarding of animals, or a veterinary clinic.

- (b) **Day Care Establishment** means:
- (i) Premises where more than 5 children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act; or,
  - (ii) Premises in which temporary care is provided or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.
- (c) **Dwelling, Live Work** means a dwelling unit where the first storey, or part thereof, is designed, constructed and used for non-residential uses.
- (d) **Food Store** means a building or part of a building having a gross leasable area of less than 2,000 square metres wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty floor areas stores such as, but not limited in kind to health food, a vegetable market, or other specialty goods.

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

The following provisions shall not apply to the lands zoned R6-DT-24 by this By-law amendment:

- 6.2.(h) Accessory Uses – Satellite Dish
- 6.14. Planned Width of Street Allowance
- 6.18. Sight Triangles
- 6.23. Yard Encroachments Permitted
- 7.8. Apartment Dwelling House or Dwelling Unit in a portion of a Non-Residential building
- 26.2.7. Height Exceptions
- 26.2.9. Sight Triangles

By-law read and passed this 23rd day of June, 2025.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

By-law Name: Zoning By-law Amendment  
By-law # 8211-25

# Schedule A-1

To By-law # 8211-25

This is Schedule A-1 to By-law # 8211-25 passed by the  
Council of the Town of Whitby this 23<sup>rd</sup> day of June, 2025.

