



Town of Whitby

By-law # 8213-25

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 H-C2-S and R2A* to CMU*-18 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 5P(iv) – Commercial Mixed Use (CMU*) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

(17) CMU*-18: Exception 18
935 & 945 Taunton Road East, 3557 Garrard Road

1. Defined Area

The lands located at the southwest corner of Taunton Road East and Sebastian Street and zoned CMU*-18 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 CMU*-18 Zone use any lot or erect alter or use any building or structure except for one or more of the following uses:

(a) Non-Residential Uses

- All non-residential uses permitted in the CMU* Zone
- one residential sales office

(b) Residential Uses

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

Provided however that residential uses shall only be permitted when developed with one or more non-residential buildings on the site except a residential sales office.

3. Zone Provisions

No person shall within any CMU*-18 Zone use any lot or erect, alter or use any building or structure for any purpose 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 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 CMU*-18 by this By-law amendment shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Taunton Road East 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 line abutting Garrard Road and the lot line abutting Sebastian Street shall be deemed the exterior side lot lines and all other lot lines shall be deemed interior side lot lines.

(c) Height of Building

Minimum	2 storeys
Maximum	
– block townhouse dwelling	3 storeys
– back-to-back stacked townhouse dwelling	4 storeys
– mixed use building	4 storeys

(d) Location of Back-to-Back Stacked Townhouse Dwellings or Mixed-Use Building

No back-to-back stacked townhouse dwelling or mixed-use building shall be situated any further than 80 m from the Taunton Road East street line.

- (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 activity space and any architectural features shall not exceed 3.5 metres.
- (f) Front Yard
Minimum 0.0 m
- (g) Rear Yard
Minimum 7.5 m
- (h) Interior Side Yard
Minimum 2.0 m
- (i) Exterior Side Yard
Minimum
- block townhouse dwelling 3.0 m
 - back to back stacked townhouse dwelling 2.2 m
 - mixed use building 2.2 m
- (j) Setback to a Visibility Triangle
Minimum 0.0 m
- (k) Landscaped Open Space
Minimum 25% of the lot area
- (l) Decks, Porches, Steps, Patios and Balconies
- (i) Decks, porches, steps, patios and balconies are permitted to project from the front exterior wall of a dwelling unit at the first storey into the minimum required exterior side yard a maximum distance of 2.2 m.
 - (ii) Decks, porches, patios and balconies are permitted to project from the front exterior wall of a dwelling unit at the first storey provided they are setback a minimum distance of 1.5 m to an internal roadway.
 - (iii) Steps are permitted to project, provided they are setback a minimum distance of 0.6 m from an internal roadway.
 - (iv) Decks and balconies are permitted to project from the rear exterior wall of a dwelling unit at or below the level of the first storey a maximum distance of 3.5 m.

- (v) Decks and balconies are permitted to project from the second storey or third storey of a dwelling unit a maximum distance of 1.5 m from the front or rear exterior wall of a dwelling unit.
- (m) Accessory Structures
 - (i) Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law to the contrary, an accessory structure may be attached to a main building and may be used for such activities as the storage of equipment and utility devices related to the principal uses on the lot.
 - (ii) The maximum height of an accessory structure measured from grade level to the mid-point of any roof structure shall be 4.5 m.
 - (iii) 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 1.4 m to any street line.
- (n) Special Provisions – Block Townhouse Dwelling
 - (i) The minimum width of each dwelling unit shall be 5.5 m.
 - (ii) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 m for an end wall to end wall condition, 15 m for a rear wall to rear wall condition, and 15 m for a front wall to front wall condition.
 - (iii) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (iv) The minimum distance from a wall other than an end wall to an internal roadway shall be 4.5 m.
 - (v) The minimum distance from an integral private garage to an internal roadway shall be 5.8 m.
- (o) Special Provisions – Back-to-Back Stacked Townhouse Dwelling
 - (i) The minimum separation distance between back-to-back stacked townhouse dwellings shall be 12 m for a front wall to front wall condition, and 7 m for an end wall to any other building wall.

- (ii) The minimum distance from a wall to an internal roadway shall be 1.8 m.
- (p) Special Provisions – Mixed Use Building
 - (i) The minimum separation distance between mixed use buildings shall be 12 m for a front wall to front wall condition, and 7 m for an end wall or rear wall to any other building wall.
 - (ii) Non-residential uses shall be permitted only in a mixed use building.
 - (iii) The minimum distance from a wall to an internal roadway shall be 1.8 m.
 - (iv) The minimum gross floor area devoted to non-residential uses shall be 480 m² excluding outdoor patios related to non-residential uses.
 - (v) Non-residential uses shall only be permitted on the first storey.
 - (vi) The minimum floor to ceiling height of a non-residential use shall be 3.5 m.
 - (vii) The maximum elevation of the ground floor of the first storey above finished grade level at the entrance door to the non-residential use shall be 0.3 m.
 - (viii) No drive through facilities are permitted.
- (q) Parking and Loading Provisions
 - (i) The minimum number of parking spaces required shall be:

(a) Block Townhouse Dwelling	2 spaces/unit
(b) Back-to-Back Stacked Townhouse Dwelling	1 space/unit
(c) Visitor and non-residential parking	0.25 spaces/unit
 - (ii) No parking spaces shall be permitted in the Front Yard or the Exterior Side Yard.
 - (iii) Subsection 3.9 of Section 4A of By-law 1784 shall not apply.

4. Definitions

For the purposes 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 No. 1784, the following definitions shall apply:

- (a) **Back-to-Back Stacked Townhouse Dwelling** means a building containing more than six dwelling units, each dwelling unit being separated from the other vertically which may include 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.
- (b) **Back-to-Back Stacked Townhouse Dwelling Unit** means a dwelling unit in a back-to-back stacked townhouse dwelling.
- (c) **Mixed Use Building** means a building containing residential uses and at least one other non-residential use.

5. Zoning Provisions That Do Not Apply

The following subsections of Section 4 — General Provisions shall not apply to the lands zoned CMU*-18 by this By-law amendment:

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

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

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8213-25

This is Schedule A-1 to By-law # 8213-25 passed by the
Council of the Town of Whitby this 23rd day of June, 2025.

Clerk

Mayor

