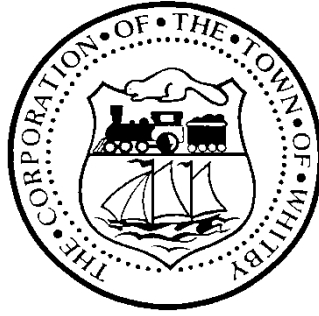




Corporation of the Town of Whitby

Restricted Area (Zoning) By-Law

1784

As Amended

Date of Consolidation: September 2025

Corporation of The Town of Whitby
By-Law #. 1784
As Amended By By-Laws

As Amended by By-Laws

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**Covering that Area Formerly Known as
The Township of Whitby**

A By-Law to Regulate the Use of Land and the Character, Location and
Use of Buildings and Structures in the Town of Whitby

The Council and The Corporation of the Town of Whitby enacts as follows:

Section 1 Title

This By-law may be cited as the "Zoning By-Law".

Date of Consolidation: September 2025

This is a consolidation of Zoning By-law 1784, as amended, and is prepared for convenience purposes only. For accurate reference, the original by-law and individual amendments should be consulted, as there may be site specific provisions that apply to certain properties.

**TOWN OF WHITBY
RESTRICTED AREA (ZONING) BY-LAW 1784
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Section 2 Definitions

(1308-82)

In this By-law

(6312-10)

“Accessory Apartment”

(8141-24)

Repealed by By-law Amendment 8141-24

(5993-07)

“Accessory Structure” means any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such accessory structure is located but does not include a structure used for human habitation, or any occupation for gain or profit. Such accessory structure shall be separate from the main building.

(6776-13)

“Accessory Use” means a use that is normally incidental, subordinate and exclusively devoted to the principal use, building or structure situated on the same lot.

(3337-93)

“Activity Building” means an accessory building or structure in which facilities are provided for the common and exclusive use of the residents of the dwelling(s) which are located on the same lot on which the activity building is situate, where the facilities include but are not limited to those for laundry, mailboxes, meeting or recreational rooms, but shall not include facilities for commercial purposes.

(8141-24)

“Additional Dwelling Unit” means a self-contained dwelling unit either located within a permitted residential dwelling or located within an accessory structure which is secondary to the main residential building on the same lot.

(6776-13)

“Adult Entertainment Establishment” means premises used for entertainment including activities, facilities, performances, exhibitions, viewings or encounters designed to appeal to erotic or sexual appetites or inclinations of any person but shall not include a body rub establishment.

(6776-13)

“Adverse Effect” means one or more of:

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or to plant or animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for human use;
- loss of enjoyment of normal use of property; and,
- interference with the normal conduct of business.

(6925-14)

“Aisle” means an unobstructed and maintained surfaced vehicular way of access from a driveway to a parking space or loading space in a parking area.

(6191-09)

“Animal Shelter” means a lot or building or part thereof used for the care and adoption of abandoned, abused, or neglected animals including any outdoor amenity areas.

(6925-14)

“Apartment Building” means a building that contains four or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.

(6925-14)

“Apartment Building, Seniors” means an apartment building where each dwelling unit is occupied by at least one person who is 60 years of age or older.

(6374-10)

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and shall include a banquet hall or private club.

(3335-93)

“Audio/Visual Centre” means a building or part of a building with a minimum gross floor area of 450 m² (4800 ft²), wherein electronic equipment, components and parts and accessories are displayed and kept for sale or rent and may include the servicing of the same.

- (5936-07) **“Automobile Dealership Complex”** shall be composed of a minimum of two (2) building sites on a lot for the development and use of new automobile sales dealerships. Each dealership shall have a minimum lot area of 0.8 hectares and/or two (2) contiguous lots served by a common internal roadway and where each lot has a minimum lot area of 0.8 hectares.
- (3335-93) **“Automobile Parts Store”** means a building or part of a building wherein motor vehicle parts and accessories and related service equipment are kept for sale at retail and/or wholesale.
- (6776-13) **“Automobile Sales Establishment”** means a lot, a building or part of a building where new and/or used motor vehicles are kept for display and sale and may include as an accessory use the repair and service of motor vehicles and/or the sale of vehicle parts.
- (4469-99) **“Balcony”** means an unenclosed platform, either covered or uncovered, attached to a structure or building, cantilevered or supported by columns or brackets, that is load bearing and used for pedestrian passage, seating or recreation.
- (4539-00) **“Bakeshop”** means a building, or structure, or portion thereof wherein baked goods are manufactured and sold on a retail basis to the general public for consumption off the premises.
- (4002-97) **“Bakeshop or Confectionary Shop”** means a building or part of a building where baking goods or confectionary products are prepared and sold on the premises, but which does not include a manufacturing plant.
- (6374-10) **“Banquet Hall”** means a building or part of a building used for the purpose of catering to banquets, receptions, weddings or similar functions for which food and beverages are prepared and served.
- (6925-14) **“Basement”** means any storey below the first storey.
- (6776-13) **“Bed and Breakfast Establishment”** means a dwelling unit occupied as the principal residence of a person or persons in which a maximum of three guest rooms are available for temporary accommodation for the travelling public, and in which meals may be served to those persons, but shall not include a boarding or lodging house or a home based business.
- (3335-93) **“Boat & Recreational Vehicle Sales Establishment”** means a building or part of a building wherein boats, motors and recreational vehicles are displayed and kept for sale at retail or wholesale and may include the sales of marine and trailer parts and accessories and may include the servicing of boats, motors, recreational vehicles and accessory parts. The outside storage of boats and recreational vehicles shall be permitted in the rear yard only, being to the rear of the main building.
- (6776-13) **“Body Rub Establishment”** means any premises where the kneading, manipulating, rubbing, massaging, touching, or stimulation, by any means, of a person’s body or part thereof is performed, offered or solicited but shall not include:
- medical or therapeutic treatment given by a person duly qualified, licensed or registered to do so under the laws of the Province of Ontario; and,
 - alternative health care services, such as shiatsu and reflexology, given by a person duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.
- (6776-13) **“Building”** means a structure occupying an area greater than 10 m² consisting of any combination of walls, roof and floor or a structural system serving the function thereof, including all associated works, fixtures and service systems used for shelter, accommodation, or enclosure of persons, animals, goods or equipment.
- (6925-14) **“Building, Main”** means the building or buildings located on a lot in which is conducted the principal use of the lot.
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- (690-79)
(6925-14) **"Canopy"** means an unenclosed structure designed and located in a manner so as to provide shelter and protection over a pump island or group of pump islands.
- "Carport"** means a roofed building or structure attached to a main building used for the parking of one or more private vehicles of the occupants of the building and which has one or more walls common with the main building and which has at least one open wall.
- (3335-93) **"Catalogue Store"** means a building or part of a building with a minimum gross floor area of 450 m², where orders are accepted for the purchase of goods and wares listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale.
- (6776-13) **"Catering Service Establishment"** means a building or part of a building where food and beverages are prepared for consumption off the premises and are not served to customers on the premises or for immediate take-out consumption, but shall not include an eating establishment.
- (6925-14) **"Cellar"** means a basement as defined herein.
- (5141-02) **"Cemetery"** means land set apart or used for the interment of the dead or in which human bodies have been buried, including a prayer garden;
- (5141-02) **"Cemetery Maintenance Building"** means a building or part of a building used for the shelter, storage, care, repair or equipping of vehicles, machinery and equipment used in the operation of a cemetery;
- (5141-02)
(6776-13) **"Cemetery Office"** means a building or part of a building in which one or more persons are employed in the administrative direction or management of a cemetery and related uses;
- (5141-02) **"Chapel"** means a building or part of a building used for services, introspection, reflection or worship;
- (4539-00)
(6776-13) **Repealed and Replaced by By-law 6776-13**
- "Clinic"** means a building or part of a building in which two or more medical practitioners, dentists or drugless practitioners provide consultation, diagnosis, and/or treatment of patients, and includes joint usage of facilities such as accessory offices, waiting rooms, treatment rooms, laboratories, pharmacies or other similar functions, but shall not include accommodation for in-patient care or facilities for surgical procedures which require hospitalization according to criteria approved by the College of Physicians and Surgeons.
- (5141-02) **"Columbarium"** means a structure designed for the purpose of storing the ashes of human remains that have been cremated, in sealed compartments;
- (6925-14) **"Common Wall"** means a wall above the finished grade level of which 50% or more of its length or height is constructed for the purposes of separating two or more dwelling units within a building including a vertical extension thereof.
- (1296-81)
(4539-00)
(6925-14) **"Community Centre"** means a building or part of a building generally operated by or on behalf of a public authority in which facilities are provided for community activities including but not limited to arts, crafts, charitable, educational, recreational and social activities.
- (6203-09) **"Conservation Area"** means land owned, operated and/or managed by the local Conservation Authority for the purposes of promoting conservation, restoration, development and management of natural resources, recreation and education.
- (4029-97) **"Contracting Equipment"** means machinery used for building and development.
- (6776-13) **"Contractor's Yard"** means any portion of a lot used for the storing of equipment and materials used in the construction and/or restoration industries and may include a premises where a contractor performs shop or assembly work.
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- (1821-85)
(1833-85) **"Convenience Retail Store"** means a building or part of a building wherein food, drugs, periodicals, magazines and similar items, including household items, required for day to day use by the residents of or persons employed in the immediate neighbourhood which are kept for sale at retail.
- "Coverage, Lot"** means that percentage of the lot area covered by the area of all buildings including accessory buildings.
- (5141-02) **"Crematorium"** means a building used for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.
- (4539-00) **"Day Nursery"** means a "day nursery" as defined by the Day Nurseries Act as amended or replaced.
- (4469-99) **"Deck"** means an uncovered and unenclosed platform, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.
- 4539-00 **"Department Store"** means a retail establishment containing a minimum gross floor area of 5000 m² organized into a number of individual departments and primarily engaged in the sale to the public of a wide variety of commodities, including clothing, hardware, home furnishings and household appliances.
- (6925-14) **"Driveway"** means an unobstructed and maintained surfaced vehicular way of access from a public street to facilities such as a parking area, parking space, aisle, loading area, private garage, carport, parking structure, building or structure.
- (1741-84) **"Dry Cleaner's Distribution Station"** means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.
- (1741-84) **"Dry Cleaning Establishment"** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and (1) in which only non-inflammable solvents are or can be used which emit no odours or fumes and (2) in which no noise or vibration causes a nuisance or inconvenience within or without the premises.
- (6925-14) **"Dry Cleaning Establishment"** means a building or part of a building, where dry cleaning, dyeing, cleaning, or pressing of articles of clothing and fabrics is carried on.
- (6776-13) **"Dwelling"** means a building, occupied or capable of being occupied a home, residence, or sleeping place by one or more persons, containing one or more dwelling units.
- (7930-22) **"Dwelling, Back to Back Townhouse"** means a building containing a minimum of 6 and a maximum of 16 dwelling units that are divided vertically by common walls, including a common rear wall, and each dwelling unit has an independent entrance from the outside.
- (3337-93)
(6925-14) **"Dwelling, Block Townhouse"** means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside and a private garage, carport, or parking space and sharing common vehicular access to a public street by a driveway, but shall not include a street townhouse dwelling.
- (4208-98) **"Dwelling, Common Wall Semi-Detached"** means a building on a lot or lots, divided by a common wall to contain two dwelling units, each unit having its own entrance from the outside.
- (1889)
(6925-14) **"Dwelling, Converted"** means a building located on a lot which was originally designed to provide one or more dwelling units, which is converted within the outside walls of the original building so as to provide therein additional dwelling units.
- (6925-14) **"Dwelling, Fourplex"** means a building, other than a converted dwelling or an apartment building containing four dwelling units where each unit has two vertical common walls and a private entrance from the outside.
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- (3407-93) **"Dwelling Link"** means one of a group of not more than seven and not less than three dwelling units, each dwelling having a frontage on a street, and each dwelling attached to the adjacent dwelling by a common or connecting wall and with each dwelling unit having its own entrance from the outside, driveway from the street, and a private garage, carport, or parking area.
- (4622-00) **"Dwelling, Low Density Cluster"** means a building or group of buildings on a lot, each group containing a minimum of one and a maximum of four attached dwelling units, and with each dwelling unit having its own entrance from the outside and a driveway, private garage, carport, or parking area and sharing common vehicular access to a public street by an internal roadway.
- (3337-93) **"Dwelling, Semi-Detached"** means a building on a lot or lots, divided by a common wall or a connecting wall to contain two dwelling units, each unit having its own entrance from the outside.
- (4151-98) **"Dwelling, Semi-Detached Duplex"** means one of a pair of two attached duplex dwelling houses with a common party wall dividing the pair of duplex dwelling houses vertically.
- (3337-93)
(6776-13) **"Dwelling, Single Detached"** means a separate building containing only one dwelling unit.
- "Dwelling, Split Level"** means a dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-law a split level dwelling shall be considered as a one storey dwelling.
- (5026-02) **"Dwelling, Stacked"** means a building other than a converted dwelling, located on a lot or lots containing more than four dwelling units, each of which has a vertical and a horizontal common wall and a private entrance from outside.
- (3337-93)
(6925-14) **"Dwelling, Street Townhouse"** means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit shall be on a separate freehold lot with frontage on a public street, and each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside, a driveway from the street, and a private garage, carport, or parking space.
- (5634-05) **"Dwelling, Street Townhouse Bungalow"** means a building that is limited to a maximum building height of one (1) storey or one and one half (1 ½) storeys, located on a lot or lots containing a minimum of three and a maximum of eight dwelling units, each dwelling unit having a frontage on a street, and each dwelling separated from the adjacent dwelling unit by a common wall, and with each dwelling unit having its own entrance from the outside, driveway from the street, and a private garage, carport, or parking area.
- (4539-00)
(1053-80) **"Dwelling Unit"** means a room or a suite of two or more rooms, designed or intended for use by a person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment.
- (7930-22) **Dwelling Unit, Back to Back Townhouse** means a dwelling unit in a back to back townhouse dwelling.
- (1296-81)
(6776-13) **"Eating Establishment"** means a building or part of a building where food and refreshments are prepared and offered for sale to the public primarily for immediate consumption at tables on the premises and which may include, as an incidental activity, a take out service where food is prepared for consumption off the premises.
- (6776-13) **"Eating Establishment, Take Out"** means a building or part of a building where food and refreshments are prepared and offered for sale to the public in a ready to consume state in disposable containers primarily for consumption off the premises.
- (1053-80)
(1079-80) **"Equipment Sales and Rental – Light"** means a building or part of a building in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and other similar tools and appurtenances; are offered or kept for sale, rent, lease or hire but shall not include the sale or rental of heavy machinery and/or equipment.
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- (6776-13) **"Escort Service"** means a business which provides the services of individuals who will accompany another individual to an event, function or social activity whether or not such event, function or social activity is private or designed for public attendance.
- (3335-93) **"Farm Implement Dealer"** means a building or part of a building wherein the repair or sale of agricultural implements and ancillary farming products is conducted.
- (1053-80) **"Farm Produce Outlet"**
Repealed by By-law Amendment 1077-80
- (4539-00) **"Financial Institution"** means a building or part of a building, which is used for financial transactions including the borrowing, depositing, and exchanging of currency or credit, and may include for example a bank, trust company, credit union, and similar establishments.
- (6925-14) **"Finished Grade Level"** means the mean elevation of the finished surface of the ground abutting the external wall of the main building or structure nearest to the public street, but shall not include any embankment in lieu of steps.
- (4469-99) **"First Storey"** means the storey with its floor closest to grade and having its ceiling more than 1.8 m. above grade.
- "Flood Plain"** means the horizontal area bordering a river, stream or water course, which is subject to flooding and the limits of such flood plain.
- (3337-93) **"Floor Space Index"** means the ratio of the gross floor area of the building located above grade (excluding parking facilities) to the total lot area.
- (4539-00) **"Food Store"** means a retail store devoted to the sale of fresh, frozen, prepared or pre-packaged food or food stuffs.
- (4008-97) **"Fraternal Organization"** means a building or structure, or portion thereof, used as a place of assembly for an organization which shall include a police club, a lodge, a service club or a labour union.
- "Frontage, Lot"** means a horizontal distance between the side lot lines. Where such lot lines are not parallel the lot frontage shall be the distance between the side lot lines measured on a line parallel to the front lot line and 7.5 m. distant there from.
- (6925-14) **"Funeral Establishment"** means a building or part of a building used for the preparation of dead human remains for burial or cremation and may include for example related facilities such as a chapel, crematorium, meeting rooms, offices, viewing rooms and an area where funeral services and supplies are offered for sale.
- (6561-11) **"Garden Suite"** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.
- (2951-91) **"Gas Bar"** means a building or structure or a group of buildings or structures designed and located in a manner so as to facilitate the dispensing of motor vehicle fuel and other related products within a kiosk, including confectionary items, sundry foods, prepared packaged foods, soft drinks, and a single banking machine or automated teller provided the sale of these items is accessory to the operation of the gas bar. A gas bar shall not include facilities for the preparation of food, service bays or other facilities for the repairing of automobiles or the changing of oil or the greasing of motor vehicles.
- (7745-21) **"Golf Course"** means an area of land operated for the purpose of playing golf and may include outdoor recreational uses such as a golf driving range, clubhouse with uses such as assembly hall, banquet hall, eating establishment, fitness centre, premises for the sale of golf equipment and other buildings and structures devoted to the maintenance and operation of the golf course.
- (7745-21) **"Golf Driving Range"** means an open air facility where the sport of golf is practiced from individual tees and which may include accessory structures and facilities such as a kiosk for golf ball and golf club rentals, a putting green, a chipping practice area and a one storey structure from which the golfers tee off.
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- (1296-81)
(6776-13) **"Gross Floor Area" (G.F.A.)** means the total area of all floors in a building, measured from the outside faces of the exterior walls, but exclusive of any part of the building which is used for the following:
- storage or parking of motor vehicles;
 - storage lockers provided for a dwelling unit;
 - mechanical or electrical equipment rooms providing service to the entire building;
 - common areas, such as public washrooms, stairways and corridors, which serve two or more uses;
 - a basement or cellar within a single-detached, semi-detached, link, block townhouse or street townhouse dwelling;
 - any portion of a basement or cellar used for laundry facilities, children's play area or other accessory uses but not including living quarters for a caretaker, watchman or supervisor of the building or structure.
- (3628-95)
(6925-14) **"Gross Leasable Area" (G.L.A.)** means the total area of all floors in a building or part of a building designed for tenant occupancy and the tenant's exclusive use including basement, cellars, mezzanines, and integral storage areas, measured from the centre line of joint partitions and from the outside faces of the exterior walls, but exclusive of any part of the building used for public or common areas such as the following:
- Corridors, hallways, lobbies.
 - Elevators, stairways.
 - Machine or equipment rooms.
 - Public washrooms.
 - Storage or parking of motor vehicles.
- "Ground Floor Area"** means the maximum area measured to the outside walls, excluding, in the case of a dwelling, any private garage, porch, verandah or sun room unless such sun room is habitable at all seasons.
- (3344-93) **"Group Home"** means a dwelling unit operated as a single housekeeping unit accommodating or having the facilities to accommodate up to ten persons (exclusive of staff) who live under responsible supervision consistent with the requirements of its residents, and the group home is either licensed and/or approved under Provincial or Federal Statute. Any counselling or support services provided in the group home shall be limited to those required by the residents. A group home shall not include a crisis residence, a boarding or lodging house, a long term care facility, or a retirement home.
- (4539-00) **"Guest Suite"** means a room or a suite of two or more rooms, designed or intended for use by a person or persons, in which sanitary conveniences are provided but does not include facilities for cooking or the installation of cooking equipment.
- (6925-14) **"Habitable Room"** means a room designed for living, sleeping, eating or food preparation including rooms such as a living room, family room, recreation room, bedroom, dining room, kitchen, and enclosed sunroom.
- (4539-00)
(6925-14) **"Height, Apartment Building, Long Term Care Facility or Retirement Home"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building and, in the case of a flat roof, the highest point of the roof structure or the parapet, whichever is the greater, in the case of a mansard roof, the deck roof line, and, in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge, exclusive of any accessory roof construction such as chimney, tower, steeple, or television antenna. Notwithstanding the above, a parapet, elevator penthouse or other mechanical equipment shall not be included in the calculation of height.
- "Height, Building"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building and, in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater, in the case of a mansard roof, the deck roof line, and in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge exclusive of any accessory roof construction such as a chimney, tower, steeple, or television antenna.
- (6776-13) **"Home Based Business"** means an activity conducted as a business from within a dwelling unit which is secondary to the use of the dwelling unit as the principal residence of the business operator.
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- (1053-80)
(1079-80) **"Home Improvement Centre"** means a building or part of a building wherein building materials, hardware or accessories including lumber are displayed or offered for sale or rent.
- (1053-80)
(1079-80) **"Home Supply Centre"** means a building or part of a building wherein furniture and appliances and/or carpets and drapes and/or wall coverings and paints are displayed and kept for retail sale and may include the wholesale, rental and servicing of such goods.
- "Hospital, Private"** means a private hospital as defined by "The Private Hospitals Act, R.S.O. 1950, Chap. 289".
- "Hospital, Public"** means an institution as defined by "The Public Hospitals Act, R.S.O. 1950, Chap. 307".
- (3335-93) **"Hotel"** means a building or structure or portion thereof or two or more connected or detached buildings, in which rooms are provided for rent as places of abode on a temporary or transient basis, and may contain a restaurant, convention centre, meeting rooms, or public halls, and may include, as an accessory use retail facilities provided for the convenience of hotel patrons, but shall not include an apartment dwelling, bed and breakfast establishment, boarding or lodging house, retirement home, or crisis residence.
- (3337-93) **"Internal Roadway"** means a private thoroughfare over private property which provides vehicular and pedestrian access from the street to the parking areas and spaces within the residential property on which it is located.
- (6776-13) **"Kennel"** means a commercial establishment for the non-medical care and grooming, keeping, breeding or raising of animals kept as pets, and may include the operation of a pet daycare if operated from the same premises as the kennel, but shall not include a veterinary clinic.
- (690-78)
(2951-91) **"Kiosk"** means a building or structure having a gross floor area not exceeding 75 m² and used for the housing of recording and supervisory equipment related to the operation of a gas bar, for the storing of products kept for sale related to a gas bar and for providing washroom facilities to be used in conjunction with a gas bar. A maximum of 18.5 m² of the gross floor area m² of the kiosk may be devoted to the sale of convenience items.
- (1079-80) **"Landscaped Open Space"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk or patio, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
- (6925-14) **"Laundromat"** means a building or part of a building where machines and facilities for wet laundering and drying are available to the public at a charge for the purpose of laundry cleaning.
- (1296-81) **"Laundry"** means a building or part of a building where clothing is washed, cleaned or pressed on a commercial basis, and shall include a dry cleaning plant or depot, but excluding a launderette, coin-operated laundry or Laundromat where facilities are provided for the cleaning of clothing on a self-service basis.
- (1741-84) **"Laundry Shop"** means a building in which the business of a laundry is conducted on the ground floor by means of one or more washers, having a capacity not exceeding 30 kilograms each, and drying, ironing, finishing and incidental equipment (1) in which only water and detergents are or can be used, (2) which emit no odour or fumes, noise or vibration causing nuisance or inconvenience within or without the premises; and which includes a business where only washing or ironing is done, a self-service laundry and a laundry receiving depot.
- (6925-14) **"Loading Space"** means an unobstructed and maintained surface area, exclusive of aisles or driveways, used for the loading or unloading of goods or commodities from a vehicle.
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- (6925-14) **"Long Term Care Home"** means a building or part of a building licensed pursuant to Provincial Legislation containing residential accommodation where a broad range of 24-hour personal care, support and health services are provided for persons requiring these services in a supervised setting and may include for example common facilities such as dining, kitchen, lounge, and recreational facilities and may also include accessory uses such as a medical office, personal service establishment and retail store, for the residents.
- (6776-13) **"Lot"** means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium.
- "Lot Area"** means the horizontal area within the boundary lines of a lot.
- "Lot, Corner"** means a lot situated at the intersection of and abutting upon two or more streets, provided that the angle of intersection of such streets is not more than 135 degrees.
- "Lot Depth"** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and rear lot lines.
- "Lot, Interior"** means a lot other than a corner lot.
- "Lot Line, Front"** means the line that divides the lot from the street, provided that in the case of a corner lot, the shorter lot line that so abuts the street is deemed to be the front line of the lot, and the longer line that so abuts the street is termed a side line of the lot.
- "Lot Line, Rear"** means the lot line opposite the front lot line.
- "Lot Line, Side"** means any lot lines other than the front lot line and the rear lot line.
- (6925-14) **"Lot, Through"** means a lot other than a corner lot having a lot line on two streets or a lot line on two portions of same street.
- (1079-80) **"Major Electrical Supply Centre"** means a building or part of a building wherein major appliances, electrical supplies and/or fixtures are kept for sale, including wholesale and servicing.
- (2998-91) **"Manufacturing Floor Area"** means that portion of the gross floor area of an establishment which is used for manufacturing purposes and office purposes but does not include areas used for storage.
- (5141-02) **"Mausoleum"** means a building or part of a building used as a place for the interment of human remains in sealed crypts or compartments.
- (1833-85) **"Merchandise Distribution Centre"** means a building or part of a building wherein various types of merchandise are displayed and kept for sale at retail or wholesale.
- (6925-14) **"Mobile Home"** means a vehicle other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 2.6 m in width and 11 m in length.
- (3530-94) **"Model Home"** means a new uninhabited dwelling unit constructed to the requirements and the provisions of the zone category in which the lot upon which the model home is situated or as specified by by-law and are used only for the purposes of displaying the architectural design, materials and interior design or decorating of homes, the layout and features of a draft approved or registered plan of subdivision or condominium, and for the purpose of selling homes to the general public. The items displayed and homes offered for sale shall be restricted to those in the draft approved or registered plan of subdivision or condominium in which the model home is located.
- (3335-93) **"Motel"** means a hotel as defined herein.
- (1053-80)
(1079-80) **"Motor Vehicle Paint and Body Shop"** means a building or part of a building where motor vehicles are customized, painted and/or repaired.
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- (1053-80)
(1079-80)
(6776-13) **"Motor Vehicle Rental"** means a building or part of a building wherein motor vehicles are kept for rent or hire but does not include a taxi establishment or the sale of motor vehicles.
- (6374-10) **"Museum"** means a building or part of a building and land associated therewith used for the storing, preservation and exhibition of works of art, thematic items, antiques and objects of history and science, together with any libraries, reading rooms, laboratories or other offices and premises used in connection therewith.
- (4002-97) **"Music or Dance Studio"** means a building or part of a building used for the instruction of music or dancing which may include as an accessory use the retail sale of related goods and wares.
- (5936-07) **"New Automobile Sales Dealership"** means premises used by a business establishment for the sale or lease of new vehicles displayed or stored on site, or any combination of these.
- (6925-14) **"Non-Complying"** means a building, structure or lot that does not comply with the regulations [zone provisions] of this By-law.
- (6925-14) **"Non-Conforming"** means a use that is not a permitted use in the Zone in which the said use is situated.
- (6776-13) **"Obnoxious"** means when used to describe a use, any use which is offensive and becomes a nuisance by reason of the emission of odour, smoke, dust, noise, fumes, vibration, glare or refuse matter.
- (4539-00)
(6776-13) **"Office"** means a building or part of a building used for the practice of a profession and/or administration of business including that of a governmental agency.
- (4981-02) **"Official Sign"** means the sign referred to and illustrated in Section 11 of the Ontario Regulation 581, R.R.O. 1990, as may be amended from time to time and any successor regulations in substitution thereof.
- (7642-20) **"Outside Storage"** means the storage or keeping of goods, inventory, materials, machinery or equipment outside of any building or structure.
- (6925-14) **"Parcel of Tied Land"** means any parcel of land legally bound and tied to a common element condominium where such Parcel of Tied Land must front on either a public street or a condominium common element roadway and shall, subject to the regulations of this by-law that relate strictly to Parcels of Tied Land, be regarded as a type of lot.
- (6925-14) **"Parking Area"** means an open area of land not located on a public street, that is used for the parking of four or more motor vehicles, but shall not include any area where motor vehicles for sale or repair are kept or stored and shall not include a driveway that provides access to a ground oriented residential dwelling unit.
- (6925-14) **"Parking Lot"** means a parking area or parking structure where motor vehicles are parked on a temporary basis where a fee may or may not be paid.
- (1296-81)
(6925-14) **"Parking Space"** means an unobstructed and maintained surfaced area, exclusive of aisles or driveways used for the parking or storing of one motor vehicle and includes an area within a private garage or carport but does not include an area used for the display or offering for sale of vehicles.
- (6925-14) **"Parking Space, Accessible"** means a parking space marked by a sign and pavement markings indicating that such space is to be for the sole use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act.
- (6925-14) **"Parking Space, Tandem"** means two parking spaces one behind the other which are accessed by the same driveway or aisle.
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- (6925-14) **"Parking Structure"** means a building or part of a building whether above or below grade which is used for parking or storing of motor vehicles but shall not include a private garage.
- (4469-99) **"Patio"** means an uncovered and unenclosed platform, with a floor not more than 0.6 m. above the finished grade, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.
- (4981-02) **"Permit"** means a Disabled Person Parking Permit issued under Section 26 of the Highway Traffic Act or a valid permit, number plate or other marker or devise, bearing the international symbol of access for the disabled, issued by another jurisdiction and recognized under the Highway Traffic Act.
- "Person"** means any individual, association, firm, partnership or incorporated company.
- (6776-13) **"Personal Service Establishment"** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and their personal needs and may include for example the establishment of a barber, dressmaker, esthetician, hair stylist, registered massage therapist and tailor but shall not include a body rub establishment.
- (6776-13) **"Pet Daycare"** means a building or part of a building which offers care for pets as a component of and operated from the same premises as a kennel, but excludes overnight boarding.
- (4002-97) **"Pet Grooming"** means a building or part of a building where domestic animals are groomed and may include accessory retail of grooming products, but shall not include the breeding of animals, a kennel or the boarding of animals, or a veterinary clinic.
- (3335-93)
(3525-94) **"Place of Entertainment"** means a building or part of a building for one or more of the following uses, namely a motion picture or other theatre, arena auditorium, public hall, bingo hall, billiard or pool room, bowling club, wherein all such uses are contained within a fully enclosed structure; but does not include any place of entertainment or amusement otherwise defined or classified herein.
- (6925-14) **"Place of Worship"** means a building or part of a building use by any religious organization for religious worship services, or rites and may include for example facilities such as administrative offices, a rectory or manse, public hall or auditorium, rooms for meetings or classes for religious instruction but shall not include a day nursery or private school.
- (1741-84) **"Places of Entertainment and Assembly"** means one or more of the following uses, namely, a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.
- (1077-80)
(2371-88) **"Plumbing Supply Centre"** means a building or part of a building wherein a plumbing supplies including water treatment equipment, plumbing fixtures and accessories are kept and offered for sale including wholesale and servicing.
- (2985-91) **"Pool Supply Centre"** means a building or part of a building wherein pools, pool supplies and fixtures including lawn furniture are displayed and kept for sale.
- (4469-99) **"Porch"** means a covered and unenclosed platform, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.
- (6776-13) **"Premises"** means the area of a building and/or lot occupied or used by a business, enterprise or persons and in a multiple tenancy building occupied by more than one business, enterprise or persons, each business or enterprise shall be considered a separate premise.
- (6925-14) **"Principal Use"** means the primary purpose for which a lot, building or structure is used or is designed to be used.
- (3337-93) **"Private Amenity Space"** means a space within a building or outside of a building which provides an active and/or passive recreation area for the exclusive use of the occupant of the dwelling unit for which it is intended to apply.
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- (6700-13) **"Private Garage"** means a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and which is fully enclosed and not open but excludes a carport or other open shelter.
- (6925-14) **"Public Agency"** means the Government of Canada, the Government of Ontario, the Corporation of the Regional Municipality of Durham or a local board thereof, The Corporation of the Town of Whitby or a local board thereof, any public or separate School Board recognized under the Education Act, as amended or replaced, any company providing a public utility or any railway company authorized by the Railway Act.
- (690-78)
(1053-80)
(1077-80)
(1079-80) **"Public Garage"** means a building or part of a building in which motor vehicles are repaired, maintained, serviced, or equipped and where motor vehicle grease and other related products, except motor vehicle fuel, are sold or kept for sale but does not include a car wash, an automobile sales establishment or a motor vehicle paint and body shop.
- (1642-84) **"Recreational Club Or Facility"** means a building or part of a building wherein recreational facilities are provided and shall include a private club.
- (2256-87) **"Recreational Vehicle Sales And Service Establishment"** means a building or part of a building wherein recreational vehicles, including hard and soft wall trailers and recreational motor vehicles, are displayed and kept for sale at retail or wholesale and may include the sale of recreational vehicle parts and accessories and the servicing of the same. The outside storage of recreational vehicles shall be permitted subject to the zone provisions contained herein.
- (98-74) **"Redevelopment"** means the removal of buildings or structures on land and the construction or erection of other buildings or structures thereon.
- (6925-14) **"Religious Organization"** means a corporation or an association of persons that is charitable according to the laws of Ontario organized for the advancement of religion through the conduct of religious worship, services, ceremonies or rites, including its charitable purposes.
- (3528-94) **"Residential Sales Office"** means a fully enclosed, permanently affixed or portable building or structure, used only for the purposes of displaying the architectural design, materials and interior design or decorating of homes, the layout and features of a draft approved or registered plan of subdivision or condominium including zoning information, and for the purpose of selling new homes to the general public. The items displayed and homes offered for sale shall be restricted to those in the draft approved or registered plan of subdivision or condominium in which the sales office is located.
- (1053-80)
(1077-80)
(1079-80) **"Retail Nursery"** means a building or part of a building in which nursery plants and shrubs, fertilizer and other gardening accessory supplies are kept and offered for retail sale, and shall also include a structure in the nature of an enclosed area for the display of nursery plants and shrubs but shall not include anything in the nature of a greenhouse or a garden for the purpose of growing any such plants and shrubs.
- (1642-84) **"Retail Sporting Goods Centre"** means a building or part of a building wherein sporting goods, equipment and accessories for all types of sports are kept for sale at retail/wholesale and may include the repair of such items.
- (6776-13) **"Retail Store"** means premises where goods or commodities are stored, offered or kept for sale at retail or on a rental basis to the public and includes storage on or about the premises of limited quantities of goods or commodities sufficient only to service the store.
- (3628-95) **"Retail Warehouse Facility"** means a building or part of a building occupied by a single user that is of substantial size that would not generally locate in a traditional commercial area. The principle use of the retail facility is for the sale of products not including food products, that are displayed and stored in one and the same area that is visible to the public. Minimum single user unit sizes are established in the provisions of the By-law.
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- (3628-95) **"Retail Warehouse Facility with Food Sales"** means a building or part of a building occupied by a single user that is of substantial size that would not generally locate in a traditional commercial area. The principle use of the retail facility with food sales is for the sale of products that are displayed and stored in one and the same area that is visible to the public. Minimum single user unit size and maximum floor space devoted to the sale of food products are established in the zoning by-law.
- (2454-88) **"Retail Warehouse Outlet"** means a building or part of a building that is used for the storage of new goods, wares or other merchandise, exclusive of groceries, packaged food stuffs or food products that are stored for the purpose of retail sale within the premises, and where the area that is accessible to the general public in combination with the retail sales and the display area does not exceed 50 percent of the total floor area of the premise. For the purpose of this definition a beer or liquor store and a catalogue sales outlet shall be considered as permitted uses.
- (1642-84) **"Retail/Wholesale Automobile Parts Store"** means a building or part of a building wherein motor vehicle parts and accessories and related service equipment are kept for sale at retail and/or wholesale.
- (4539-00)
(4932-01)
(6776-13)
(6925-14) **"Retirement Home"** means a building or part of a building, containing dwelling units where common facilities are provided for the preparation and consumption of food and where housekeeping services and on-site medical services are provided as required and may also contain for example common facilities such as recreation rooms and lounges and accessory uses such as a personal service establishment and retail store for the residents.
- (61-74) **"Riding Stables"** means lands or buildings used for the purpose of keeping, training and exercising of saddle horses including the use of such establishment as a commercial or private club for the riding of saddle horses, but shall not include anything in the nature of a commercial racetrack, nor the keeping, exercising or training of race horses.
- (6776-13) **"Salvage Yard"** means premises used as a junk yard, scrap metal yard or a vehicle wrecking yard, and which may include storing, dismantling, crushing or demolishing of vehicles or equipment or parts thereof and/or their resale.
- "Sanitary Sewers"** means a system of underground conduits which carries sewage to a place of treatment which meets with the approval of the Ontario Water Resources Commission.
- (3072-91) **"Satellite Dish"** means a device used for or intended to be used for reception of communication signals from a satellite, however, shall not include communication devices regulated by the Canadian Radio and Television Commission or devices that are less than 1.0 m in diameter.
- (6925-14) **"School"** means an institution for education or instruction, which may also be used or permitted to be used for community oriented functions such as live theatre, concerts, gymnastics and similar audience related activities, normally under the jurisdiction of a School Board created by the Province of Ontario.
- (6925-14) **"School, Commercial"** means a building or part of a building where specialized instruction is provided for profit or gain and may include for example a business school, trade school, driving school, drama school, music school, martial arts school or tutoring school.
- (6925-14) **"School, Private"** means a school, other than an elementary, secondary or commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a religious organization or a charitable organization, used primarily for the instruction of students receiving education and the term private school shall include a Montessori school.
- (5026-02) **"Semi-Detached Duplex"** means a building other than a converted dwelling, located on a lot or lots, containing 2 duplex dwellings, divided vertically by a party or common wall.
- (6776-13) **"Service Shop"** means a building or part of a building and whether conducted in conjunction with a retail store or not, for the refurbishing, repairing or servicing of goods, other than vehicles as opposed to the manufacturing of the same.
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- (690-78) **"Service Station, Automobile"** means a building or place where motor vehicle fuel, oil, grease and other related products are sold on a retail basis, where minor repairs are made or performed and where motor vehicles may be greased and oiled.
- (6925-14) **"Shopping Centre"** means a group of one or more buildings containing four or more non-residential commercial premises developed and managed as a unit by a single owner or a group of owners or tenants with a common on site traffic circulation system, common parking spaces and common driveway access to abutting public streets.
- (1794)
(6925-14) **"Sight Triangle"** means a triangle that is formed by the intersection of the boundaries of two streets and a straight line joining two points one in each of the said boundaries and distance 9m from the intersection.
- (3335-93) **"Sporting Goods Store"** means a building or part of a building with a minimum gross floor area of 450 m² wherein sporting goods, equipment, and accessories for all types of sports are kept for sale and which may include the repair of such items.
- "Storey"** means the portion of the building other than the cellar which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling or roof next above it.
- "Storey, One Half"** means the portion of a building situated wholly or in part within the roof and in which there is insufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m over a floor area equal to at least 50% of the area of the floor next below.
- (6925-14) **"Street"** means the right of way of a public highway.
- "Street Line"** means the limit of the road or street allowance and is the dividing line between a lot and a street.
- (6776-13) **"Structure"** means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil, a building or another structure.
- (7409-18) **"Studio"** means a building or part of a building used for the instruction of music, dance, yoga, photography, art or similar activity, and which may include ancillary retail sales.
- (6776-13) **"Taxi Establishment"** means a building or part of a building, used for the dispatching of taxis and may include temporary parking of taxis when not in service.
- (6374-10) **"Tourist Establishment"** means a commercial establishment that operates throughout all or part of the year and that may have accommodation and facilities for serving meals and furnishing equipment or supplies or services to persons in connection with recreational purposes.
- (6925-14) **"Trailer"** means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of persons or goods, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.
- (4539-00) **"Underground Parking Area"** means a building or structure located within the ground and where the top of the roof deck is not above the finished grade.
- (6925-14) **"Use"** means the purpose for which any portion of a lot, building or structure is designed, arranged, intended, occupied, operated or maintained.
- (7745-21) **"Vegetation Protection Zone"** means a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature within which only those land uses permitted within the feature itself are permitted.
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- (7642-20)
(6925-14) **“Vehicle”** means a motor vehicle, trailer, recreational vehicle, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power for moving person or goods.
- (6925-14) **“Vehicle, Commercial”** means a motor vehicle having permanently attached thereto a truck or delivery body which is designed for the transport of persons or goods, and which is used for business, employment or commercial purposes.
- (6925-14) **“Vehicle, Motor”** means an automobile, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar, or other motor vehicles running only upon rails, or a motorized snow vehicle, farm tractor, self-propelled implement of husbandry or road building machine.
- (6925-14) **“Vehicle, Recreational”** means any vehicle or recreational equipment that provides for short term occupancy and is used for recreation, travel or vacationing which is designed to be towed or propelled by a motor vehicle or self-propelled and includes such vehicles as an all-terrain vehicle, boat, motor home, pop-up camper, snowmobile, tent trailer, travel trailer, truck camper and water craft but does not include a mobile home.
- (2124-86)
(6776-13) **“Veterinary Clinic”** means premises for the examination, assessment and treatment of animals, birds and reptiles and may include medical and surgical treatment but shall not include a kennel.
- (4002-97) **“Video or Computer Rental Establishment”** means a building or part of a building devoted to a retail rental store used for the rental of video tapes, computer games and related equipment, which may include as an accessory use the sale of video or computer games, equipment and pre-packaged convenience foods, but shall not include a restaurant or a place of amusement.
- (7382-18) **“Visibility Triangle”** means a triangular area of land situated at the intersection of street lines abutting a corner lot that has been or will be conveyed to a public authority and incorporated into the right of way of a public street and is not a sight triangle.
- (690-78) **“Waiting Space”** means an area of not less than 15 m², exclusive of any aisles or ingress or egress lanes, having a minimum perpendicular width of 2.5 m. and a minimum perpendicular length of 6.0 m, to be used by motor vehicles awaiting access to a car wash.
- (3337-93) **“Wall, Common”** means a vertical wall separating two dwelling units where such wall extends above and below the ground and is mutually common to both dwelling units.
- (3337-93) **“Wall, Connecting”** means a wall below the ground that connects two dwelling units horizontally or vertically.
- (3337-93)
(6925-14) **“Wall, Exterior”** means a main and supporting exterior wall of a building running from the foundation footings to the roof of the building but does not include unenclosed porches, decks, balconies, steps and patios.
- (7528-19) **Warehouse Distribution Facility** means a specialized warehouse type building or part of a building dedicated to logistical operations which may have refrigeration and air conditioned areas where the primary function of the facility is to receive from product suppliers large quantities of goods and such goods are stored until needed then the goods are handled, assembled, packaged or processed into customized orders for reshipping to retailers, wholesalers or directly to customers on a demand driven basis and includes any associated office component.
- (7642-20) **“Warehouse Facility”** means a building or part of a building where the principle activity is the indoor storage and freight distribution of goods, wares, merchandise, substances, articles or products.
- (6374-10) **“Wellness Centre”** means an establishment devoted to the actively sought goal of good health and includes the teaching and practice, in both individual and group sessions, of a range of holistic, alternative and integrative natural health practices and may include facilities and programs for meditation, acupuncture, shiatsu, massage therapy, yoga, and healthy eating.
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- (6925-14) **“Yard”** means an open uncovered and unoccupied space on a lot appurtenant to a building except as specifically permitted in this By-law.
- (6925-14) **“Yard Depth or Setback”** means the least horizontal dimension between the applicable lot line and the nearest part of any main building on the lot.
- (6925-14) **“Yard, Exterior Side”** means the yard of a corner lot that extends from the front yard to the rear yard between the exterior side lot line and the nearest part of any main building on the lot.
- (6925-14) **“Yard, Front”** means a yard extending across the full width of the lot between the front lot line and the nearest part of any main building on the lot.
- (6925-14) **“Yard, Interior Side”** means a yard, other than an exterior side yard, that extends from the front yard to the rear yard between the interior side lot line and the nearest part of any main building on the lot.
- (6925-14) **“Yard, Rear”** means a yard extending across the full width of the lot between the rear lot line and the nearest part of any main building on the lot.
- (3337-93) **“Zero Decimal Three Metre Reserve”** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby, the Ministry of Transportation or the Regional Municipality of Durham.
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Section 3 Zones

(1053-80) Repealed by By-law Amendment 1077-80
(1077-80)

(a) Classification

- (i) The provisions of this By-law shall apply to all lands within the limits of The Corporation of the Town of Whitby which lands for the purpose of this By-law have been divided into various use zones as follows:

Symbol

Zone

Residential Zones

Zone R1	First Density Residential
Zone R2	Second Density Residential
Zone R3	Third Density Residential

Commercial Zones

Zone C1	Local Commercial
Zone C2	Highway Commercial
Zone C2-S	Special Purpose Commercial
Zone C2-S-RW	Special Purpose Commercial - Retail Warehousing

Industrial Zones

Zone M1	Restricted Industrial
Zone M1A	Prestige Industrial
Zone M2	Open Storage Industrial

Greenbelt Zone

Zone G	Greenbelt

Agricultural Zones

Zone A	Agricultural
Zone A1	Agricultural Service

Automobile Service Zones

Zone AS	Automobile Service Station
Zone AS-CW	Automobile Service Station including Car Wash

Gasoline Bar Zones

Zone GB	Gasoline Bar
Zone GB-CW	Gasoline Bar including Car Wash

Car Wash Zone

Zone CW	Car Wash

(1079-80)

(3628-95)

(2235-87)

(1912)

(690-78)

- (ii) The permissible uses, the minimum size and dimensions of building lots, the minimum size of yard and the maximum percentage of building lots which may be occupied by buildings are set out herein and on Schedule "A" for the respective land use zones. Schedule "A" forms a part of this By-law and is attached hereto.
- (iii) The extent and boundaries of all the said zones are shown on Schedule "B" which Schedule forms a part of this By-law and is attached hereto.

(b) Zone Boundaries

Zone boundaries as shown on Schedule "B" have been established in several cases as property lines, Township lot lines, limits of road allowance, limits of railway right-of-ways, limits of Hydro Electric Power Commission of Ontario easements, heights-of-land and high water levels.

When the location of zone boundaries as shown on Schedule "B" are uncertain then the following provisions shall apply:

- (i) Where a zone boundary is indicated as approximately parallel to any street line or property line and the distance from the street line or property line is not indicated, such boundary shall be construed as being parallel to such street line or property line, and the distance therefrom shall be according to the scale shown on Schedule "B".
- (ii) Where a zone boundary is indicated as being the height-of-land between watersheds such boundary shall be the limit of the watershed in which the zone is located.
- (iii) Where a zone boundary for a Greenbelt Zone is shown on Schedule "B" the boundary of such zone shall be determined according to the scale shown on Schedule "B", except that in no case shall the zone boundary be located closer to the centre of the river, stream, or watercourse than 30.5 m, or be located below the high water level, whichever shall be the greater.

(7891-22)

(c) Compound Zones

- (i) Where two or more zoning symbols divided by an oblique line ("/") are shown on Schedule "B" to this By-law as applying to a lot, that lot may be used for any use permitted in any one of the zones included in the compound zone symbol or for any combination of uses permitted in any of the zones included in the compound zone symbol subject to compliance with the articles below.
 - (ii) The provisions prescribed in this By-law for the selected zone in the compound zone symbol in which the use is permitted shall be complied with in the development of the lands. When a combination of uses from two or more zones are to be developed on a lot, the zone provisions applicable to each use shall be complied with or the most restrictive provision shall apply.
 - (iii) The General Provisions and Parking and Loading Requirements of this By-law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be satisfied and/or provided.
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Section 4 General Provisions

(a) Public Uses

- (i) Nothing in this By-law shall prevent the use of any land as a public park, community park, playground, road allowance or as a site for a statue, monument, cenotaph, fountain or other memorial or ornamental structure.
- (ii) The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of the public service by The Corporation of the Township of Whitby or by any local board thereof as defined by The Department of Municipal Affairs Act, R.S.O. 1950, Chapter 96, any telephone or telegraph company, any Conservation Authority established by the Government of Ontario, any department of the Government of Ontario or of Canada, including the Hydro Electric Power Commission of Ontario provided that where such land, building or structure is located in any zone:
 - (a) no goods, material or equipment shall be stored in the open, except as permitted in such zone,
 - (b) the lot coverage and yard requirements described for such zones shall be complied with, and
 - (c) any building erected under the authority of this paragraph in any Residential (R1, R2, R3) Zone shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.

(b) Excepted Lands and Buildings

Nothing in this By-law shall apply:

- (i) To prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of passing of the By-law, so long as it continues to be used for that purpose; or
- (ii) To prevent the erection or use for a purpose prohibited by the By-law of any building or structure, the plans for which have, prior to the day of the passing of the By-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose of which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(c) Greater Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

(1308-82) (d) Lots Having Less Area and/or Depth and/or Frontage

Where a lot having a lesser lot area, and/or lot depth, and/or frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of By-law 1784 or where such smaller lot is subsequently created as a result of an expropriation or a conveyance to a public road authority for road widening, such smaller lot may be used and a building or structure may be erected, altered or used on such small lot, provided that all other requirements of this By-law are complied with.

For the purpose of this section, lots on the following registered plans shall be considered as being held under separate ownership

Campbell and Way Plan, McGee Plan, B.F. Perry Plan, Wallace Farewell, and Keller Plan, Nos. 396, 467, 477, 496, 504, 513, 534, 536, 537, 541, 545, 550, 562, 565, 572, 591, 596, 600, 605, 610, 638, 657, 691, 698, 709, 725.

(248-75) (e) Frontage on Public Street

(i) No person shall erect any building or structure in any zone unless (1) the lot upon which such building or structure is to be erected fronts upon an improved public street which has a perpendicular width of 20 m or more or (2) the lot upon which such building or structure is to be erected fronts upon an improved public street which has a perpendicular width of less than 20 m and is shown on a Plan of Subdivision registered in the Land Titles Office or in the Registry Office on or after January 1st, 1974.

(ii) The following streets are exempt from the provisions of subsection (i) namely:

Durham Street, Pearl Street, Church Street, Simcoe Street, Duke Street, Bagot Street and Way Street as shown on Campbell and Way Plan of the Village of Brooklin.

(iii) For the purpose of this subsection an

"Improved Public Street" means a street which has been constructed and is being maintained by the Corporation in such a manner so as to permit its use by normal vehicular traffic.

**(781-72)
(1308-82) (f) Reduction of Requirements
Repealed by By-law Amendment 919-73**

No person shall change the purpose for which any lot or building is used or erect any new building or addition to any existing building or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building or lot to be in contravention of this By-law, providing that nothing herein shall prevent the conveyance to a public road authority of part of any lot for the purpose of a public highway and provided further that in the event of any such conveyance, the buildings on the remaining portion of the lot may be continued to be used in the same manner and to the same extent as if such conveyance had never taken place.

(g) Sight Triangles

On a corner lot within the triangular space formed by the street lines for a distance of 12 m from their point of intersection, no hedge, shrub, tree or fence shall be planted, maintained or erected which would obstruct the vision of vehicular traffic.

(h) Building Repair

Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any such building or structure that is a non-conforming use, provided such alteration or repair does not contravene the provisions of this By-law by increasing the height, size or volume or change the use of such building or structure.

(i) Continuation of Farming Uses

Nothing herein contained shall prevent the continued use of any land, building or structure or additions to such buildings or structure for farming purposes.

(j) Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory use incidental thereto.

(1794) (k) Existing Registered Plan Nos. 582, 589, 615, 603, 628 And 643

Residential development will be permitted on lots in registered plan numbers 582, 589, 615, 603, 628 and 643, in accordance with the restrictions of the Third Density Residential (R3) Zone. Where such a lot has a lesser frontage or area than that required herein a dwelling may be erected and used on such smaller building lot provided that it conforms to all other requirements of this By-law.

(1287-81) Where any new lots are created on either Plans 582 Macedonian Village (North) or 615 by virtue of a decision of the Land Division Committee of the Region of Durham one single family detached dwelling (unrelated to farming) may be erected and used on any such new lot providing the various zone and other provisions of this By-law are complied with.

(i) Zone Provisions

(a)	Lot Frontage Minimum	24 m
(b)	Lot Area Minimum	0.202 ha
(c)	Lot Coverage Maximum for all Buildings	33% of the lot area
(d)	Front Yard Minimum Depth	9.0 m
(e)	Interior Side Yard Minimum Width	1.5 m
	Provided, however, and notwithstanding the above, where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.9 m
(f)	Exterior Side Yard Minimum Width	6.0 m
(g)	Rear Yard Minimum Depth	10 m
(h)	Parking, Accessory Building, Etc.	

In accordance with the provisions of Section 4 of By-law 1784.

(ii) Provided further that the following conditions are complied with:

(a)	The access to any such lot shall be from a street other than Coronation Road.
(b)	The dwelling constructed on any such lot is served by a well which is drilled or constructed into the deep aquifer which underlies the impervious clay.
(c)	The dwelling located on any such lot is served by a septic tank system which is constructed and approved by the Durham Health Unit.
-

(I) Roads

For the purpose of computing yard depths as required under this By-law the following road allowance widths and building line set backs shall apply:

Road	Portion	Planned Width of Road Allowance	Distance From Centre Line to Bld. Line
Highway # 2	Entire length	35 m	30.5 m
Thickson Road	Hwy. # 401 to Hwy. # 12	35 m	30.5 m
Highway # 7	West limit of Twp. to Hwy. # 12	35 m	30.5 m
Highway # 12	Rossland Rd. to Hwy. # 7	35 m	30.5 m
Highway # 7 and # 12	7th Conc., Rd. to Twps. north limit	35 m	30.5 m
Proposed Hwy.# 7 and # 12 By-pass	Entire length	35 m	30.5 m
County Road # 5	Ashburn to Twp. east limit	30 m	30.5 m
5th Conc. Rd.	Thickson Rd. to Twps. east limit	30 m	24.5 m
County Road # 22	Entire length	30 m	24.5 m
Rossland Road	Twp. east limit to D'Hillier St.	30 m	24.5 m
Suburban Road # 3	Hwy. 12 to Twp. E	30 m	24.5 m
County Road	Entire length limit	30 m	24.5 m
Thickson Road	Hwy. # 401 to Lake	30 m	24.5 m
County Road # 23	Entire length	30 m	24.5 m
7th Conc. Road	County Rd. 5a to Twp. east limit	30 m	24.5 m
County Road # 5a	Along 7th Conc. Road	30 m	24.5 m
County Road # 5	Twp. west limit to Ashburn	26 m	22.5 m
Gibb Street Extension	Thickson Rd. to City of Oshawa	26 m	22.5 m
Louisa Street Extension	Town of Whitby to City of Oshawa	26 m	22.5 m
County Road # 5a	Ashburn to 7th Conc. Road	26 m	22.5 m
County Road # 5a	7th Conc. Road to Baldwin St.	26 m	22.5 m
Anderson St.	Town of Whitby to Suburb. Rd. No. 3	26 m	22.5 m

*In the case of conflict with any other provisions of this By-law, the greater restriction applies.

(m) Ten Per Cent (10%) of Every Lot

No less than ten per cent (10%) of the area of every lot on which a building or structure is erected shall be used for no other purpose than sodding and/or planting. Such sodding and/or planting area shall be located either in the front and/or side yards.

**(6925-14) (n) Parking Area Requirements
Repealed by By-law Amendment 6925-14****(6925-14) (o) Loading Space Regulations
Repealed by By-law Amendment 6925-14****(544-71) (p) Sign Regulations
Repealed by By-law Amendment 544-71****(690-78) (q) Public Garages**

Notwithstanding the provisions of Schedule "A", the following provisions shall apply to public garages.

**(690-78) (i) Pump Location
Repealed by By-Law Amendment 690-78****(ii) Ramps**

1. The minimum width of ramp shall be 9.0 m.
2. The minimum distance between ramps shall be 4.5 m measured along the street line.
3. The minimum distance from the intersection of the street lines to any ramp shall be 4.5 m, measured along the street line.
4. The minimum angle between ramp and street line shall be 20 degrees.

(r) Lanes as Yards

Where a lot abuts a lane, one half of the width of the lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law.

(s) Greenbelt Zones

No part of a Greenbelt (G) Zone shall be used in calculating the lot frontage, lot area, coverage, or yards required by this By-law for uses in adjacent zones.

(t) Special Exemptions**(1889) (i) Registered Plan 477**

Notwithstanding the provisions of Schedule "A" of this By-law, with respect to minimum lot area and minimum lot frontage requirements, Lots 14 to 19 inclusive and Lots 27 to 32 inclusive on Registered Plan 477 may be divided into parcels not smaller than 20 m by 45.5 m, and on such smaller parcels buildings may be erected and used, provided there is compliance with all other requirements of this By-law. The provisions of this subsection shall apply only when the lands referred to herein are served by a public water supply and public sanitary sewer.

- (920-73) (ii) **Registered Plan 550**
- Notwithstanding the provisions of Schedule "A" of this By-law with respect to minimum lot frontage requirements, Lots 7 - 14 inclusive on Registered Plan 550 may be divided into two (2) smaller parcels, each having a frontage of not less than 23 m and on each such divided parcel, a building may be erected and used, provided that there is compliance with all other requirements of this By-law.
- (1889) (iii) **Lot 19, Concession 2**
- Notwithstanding the provisions of Schedule "A" of this By-law with respect to minimum lot frontage requirements, the following lands namely a parcel of land bounded on the north by the southerly limit of Lot 15, according to Registered Plan 467 on the east by Garrard Road, on the south by a line commencing at the northwest angle of Lot 14 according to Registered Plan 467, and running thence 72 degrees 17 minutes 30 seconds east, and on the west by Scott Street, may be divided into lots having each a frontage of not less than 20 m and a depth of not less than 100.5 m, and on each such divided parcel, a building may be erected and used providing there is compliance with all other requirements of this By-law. The provisions of this subsection shall apply only when the lands referred to herein are served by a public water supply and public sanitary sewers.
- (920-73) (iv) **Exterior Side Yards**
- (a) Notwithstanding the provisions of Schedule "A" of this By-law with respect to minimum exterior side yard requirements in Residential Zones, a building may be erected and used on a corner lot on certain registered plans as specified below, provided that:
1. a minimum exterior side yard of 4.5 m shall be required for a lot having a frontage of 20 m or less,
 2. a minimum exterior side yard of 6.0 m shall be required for a lot having a frontage of 23.5 m or less but more than 20 m and,
 3. there is compliance with all other requirements of this By-law.
- (1826) (b) The following are the registered plans referred to in sub-paragraph (a) above:
- 467, 477, 496, 534, 541, 591, 596, 601, 603, 615, 643, 657, Campbell and Way Plan, McGee Plan, B.F. Perry Plan, McTaggart Plan of Myrtle Station, Wallace, Farewell and Keller Plan, and Gerries Amended Plan.
- (1879) (v) **Registered Plan 537**
- Notwithstanding the provisions of Schedule "A" of this By-law with respect to minimum lot area and minimum lot frontage requirements, Lots 15 to 18 inclusive on Registered Plan 537, may be divided into two (2) smaller parcels, each having a frontage of not less than 23 m and on each such divided parcel, a building may be erected and used provided there is compliance with all other requirements of this By-law.
- (vi) **Lot 18, Concession 2**
- Notwithstanding the provisions of Schedule "A" of this By-law with respect to minimum lot area and minimum lot frontage requirements, the following lands, namely a parcel of land, part of Lot 18, Concession 2, being bounded on the north by Registered Plans 572 and 600 and a portion of Registered Plan 591, on the east by a portion of the east boundary of Lot 28 of Registered Plan 591, on the south by a portion of Registered Plan 591 and on the west by Garrard Road with the said parcel being more particularly described as follows:
-

Commencing at the southwest angle of Lot 15, of Registered Plan 572;

Thence North 71 degrees 39 minutes 30 seconds east a distance of 190.12 m to an iron bar planted in the south boundary of Lot 16, of Registered Plan 600;

Thence North 71 degrees 39 minutes east a distance of 4.88 m to the southeast angle of Lot 16 of Registered Plan 600;

Thence North 73 degrees 21 minutes 30 seconds east a distance of 3.05 m to the northeast angle of Lot 28 of Registered Plan 591;

Thence South 16 degrees 00 minutes 30 seconds east a distance of 45.72 m to a point on the east limit of Lot 28 of Registered Plan 591;

Thence South 73 degrees 21 minutes 30 seconds west a distance of 7.93 m to an iron bar planted in the north boundary of Lot 28 of Registered Plan 591;

Thence South 73 degrees 22 minutes west 198.12 m to the north west angle of Lot 33 of Registered Plan 591;

Thence North 16 degrees west 45.72 m to the Point of Commencement

may be divided into lots having each a frontage of not less than 22.86 m and a depth of not less than 60.96 m, and on each such divided parcel, a building may be erected and used providing there is compliance with all other requirements of this By-law.

(1916)

(vii) Registered Plan 467

Notwithstanding the provisions of Schedule "A" of this By-law, with respect to minimum lot area and minimum lot frontage requirements, Lots 16, 17, 19, 20, 21, 22, 23, 24, 26, and 28 on Registered Plan 467 may be divided into four smaller parcels each having a frontage of not less than 22.86 m and on each such divided parcel, a building may be erected and used provided there is compliance with all other requirements of this By-law.

(1889)
(6312-10)

(u) Rooms Below Grade
Repealed by By-law Amendment 6312-10

(1224-81)

(v) Swimming Pools

(4469-99)

- (i) Notwithstanding any other provision of this By-law to the contrary, swimming pools (either above ground or inground) may only be located and used in the interior side yard, exterior side yard or rear yard provided that such swimming pool is located no closer than 1.0 m from an interior side or rear lot line and 4.5 m from a street line.

Notwithstanding the foregoing, swimming pools (either above ground or inground) may be located no closer than 1.0 m from a streetline only where such swimming pool is located in the rear or exterior side yards.
- (ii) Notwithstanding the yard provisions of this By-law to the contrary, swimming pools (either above ground or inground) may be located in the front yard of a corner lot provided that such a swimming pool is located no closer than 4.5m to a street line.

(3072-91)

(w) Satellite Dishes

Notwithstanding any other provision of this By-law, a satellite dish may be located and used in any zone category in accordance with the following provisions:

- (i) Satellite dishes shall not be permitted in the front and exterior side yards.
- (ii) No more than one satellite dish shall be permitted on a lot or one per main building; except where located in a zone other than residential.

- (iii) Satellite dishes located in any zone, shall be set back from the interior side and rear lot lines, a minimum of 1.0 m, provided that a satellite dish is located no closer than 4.5 m to any street line or the established building line on the lot, whichever is greater.
Notwithstanding the above, where a satellite dish is located in the interior side yard as a side wall mount, such side wall mount shall not be adjacent to a habitable room and the setback from the interior side lot line shall be a minimum of 0.3 m.
The above noted setbacks shall be measured from the property line to the outer edge of the dish.
- (iv) Notwithstanding clause (iii) above, where a satellite dish is located on the roof of a building, the minimum set back from any exterior wall adjacent to a front and exterior side yard shall be equal to the height of the satellite dish when installed and as measured from the outer edge of the dish.
- (v) The maximum height of a satellite dish in any zone shall be in accordance with the following:
- | | |
|-------------------------------------|---|
| Ground Installation – | a maximum of 5.5 m measured from the finished grade to the highest point of the satellite dish |
| Flat Roof Installation – | a maximum of 5.0 m measured from the roof deck to the highest point of the satellite dish |
| Other Than Flat Roof Installation – | a maximum of 0.3 m above the ridge of a roof measured from the bottom of the satellite dish to the ridge of the roof. |
- (vi) The satellite dish diameter permitted in any zone shall be as follows:
- | | |
|---------|-------|
| Minimum | 1.0 m |
| Maximum | 3.7 m |
- (vii) Building permits shall be issued for a satellite dish in accordance with the requirements of the Ontario Building Code Act, R.S.O. 1980, chapter 51, as amended.
- (viii) No person shall erect a satellite dish for the purpose of displaying or using the satellite dish for an advertising device.

(1267-81)
(5993-07)

(x) Accessory Buildings
Repealed by By-Law Amendment 5993-07

(y) Accessory Uses and Yard Encroachments Permitted

(1423-82)
(5993-07)

(a) Use of Accessory Buildings
Repealed by By-Law Amendment 5993-07

(4469-99)
(5993-07)

(b) Permitted Locations and Setbacks from Lot Lines
Repealed by By-Law Amendment 5993-07

(i) Location

Except as otherwise provided herein, any accessory structure shall be erected in the rear, interior side and exterior side yard only and shall comply with the yard requirements of this By-law.

Notwithstanding any other provision of this By-law, in a Residential Zone, a detached private garage, carport, storage shed, playhouse or other such similar accessory uses, may be erected and used in the interior side, exterior side and rear yard provided that such accessory structure is located no

closer than 4.5 m to any street line and 0.6 m to any interior or rear lot line, where there are no doors or windows in the wall facing the interior or rear lot line. Notwithstanding the foregoing, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.

Notwithstanding the above, in a Residential Zone, accessory structures with a floor area of 10 m² or less and a height of 2.5 m or less may be erected in an exterior side yard, and shall be located no closer than 1.0 m from a street line or 0.3 m reserve.

- (ii) **Encroachment of Eaves and Roof Overhangs in Setback Areas**
Eaves and roof overhangs may encroach into any setback area required by Section 4(y)(b)(i) a distance of no more than 0.3 m.

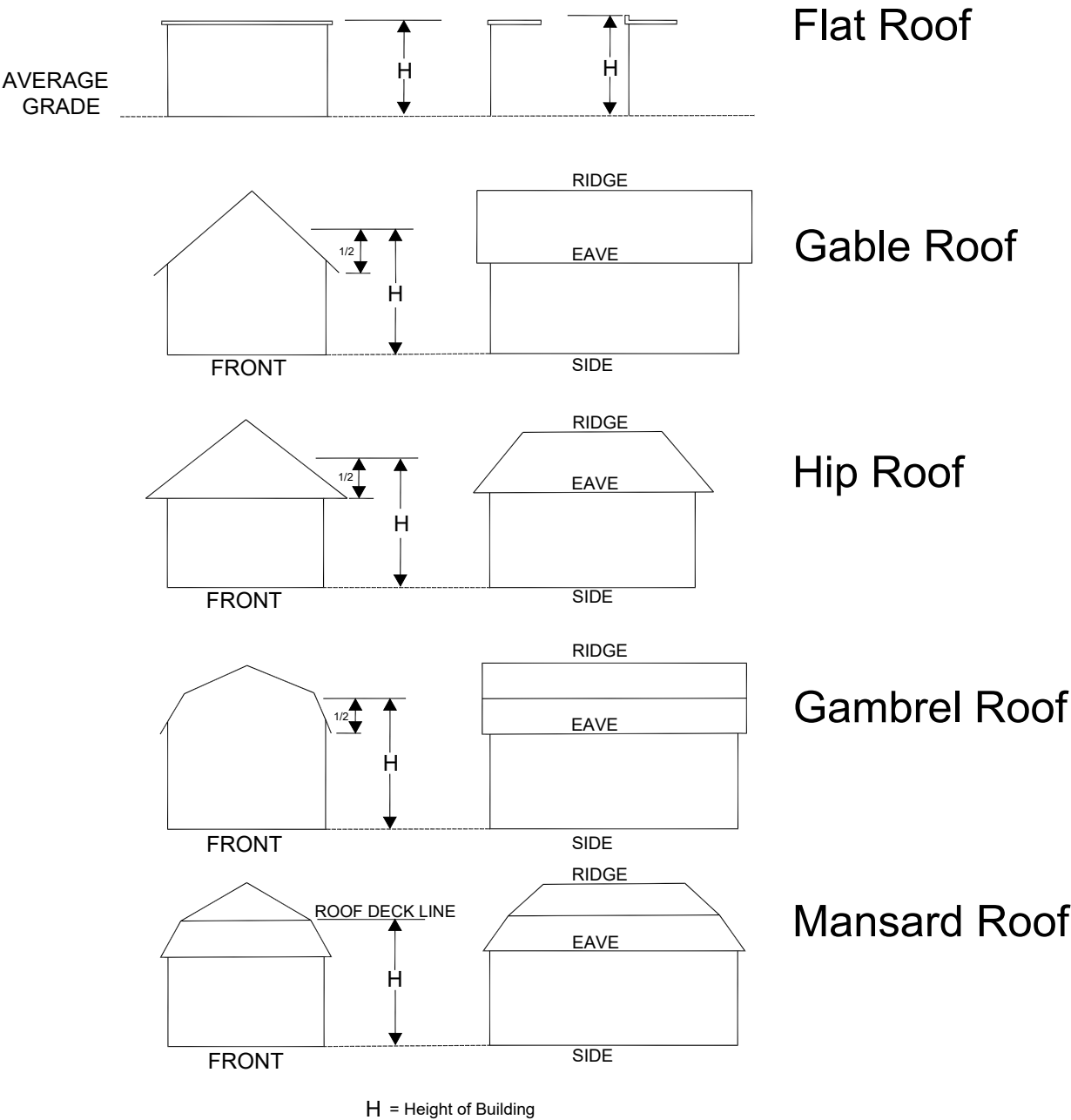
(4469-99)
(5993-07)

- (c) **Maximum Permitted Height And Roof Types**
Repealed by By-Law Amendment 5993-07

- (i) **Height**
Notwithstanding any other provision in this By-law, no accessory structure in any Residential Zone shall exceed 4.5 m in height and no accessory structure in any Agricultural Zone shall exceed 5.5 m.
- (ii) **Permitted Roof Types**
Notwithstanding any other provision in this By-law, the following are the only permitted roof types for all accessory structures in the Town: i) flat; ii) gable; iii) hip; iv) gambrel and v) mansard, as shown on the attached Schedule 'A-2' to this By-law.

SCHEDULE 'A-2'

Illustration of Permitted Roof Types And Building Height Definitions



(4469-99)
(5993-07)

Lot Coverage
Repealed by By-Law Amendment 5993-07

- (i) Residential Lots
 - (a) The maximum number of accessory structures permitted on any residential lot shall be four.
 - (b) The total combined lot coverage of all accessory structures on any residential lot shall be the lesser of:
 - (i) 8% of the lot area;
 - (ii) 50% of the lot coverage of the main building on the lot; or
 - (iii) 60 m² of ground floor area.
- (ii) Residential Uses on Agricultural Lots
 - (a) The total combined lot coverage of all accessory structures to the residential use on any agricultural lot shall be the lesser of:
 - (i) 8% of the lot area; or
 - (ii) 150 m² of ground floor area
- (iii) Farming/Non-Residential Uses on Agricultural Lots
 - (a) The maximum size of all accessory structures shall be 190 m²

(5993-07)

(d) Excluded Uses In Residential Zones

No trailer or portable buildings shall be used as an accessory structure in Residential Zones.

(4469-99)

Yard Encroachments Permitted

- (a) Ornamental Structures
Notwithstanding the yard provisions of this By-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows, bow windows, boxed windows or other ornamental structures may project into any required yard a maximum of 0.5 m.
- (b) Accessory Structures
Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
- (c) Decks, Porches, Steps, Patios and Balconies
 - (i) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed and uncovered decks, porches, steps and patios, with a height of 0.6 m above grade or less, may have a setback of 1.0 m from the interior side and rear lot lines and a setback of 3.0 m from a streetline, and in the case where unenclosed and uncovered decks, porches, steps and patios are located in a rear yard they may have a setback from a streetline of 1.0 m. Notwithstanding the foregoing, unenclosed and uncovered decks, porches, steps and patios, with a height of 0.6 m above grade or less, located in the interior side yard and adjacent to a main building wall, may have a setback of 0.25 m from the interior side lot line.

(4469-99)

- (ii) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks, porches, balconies and steps, covered or uncovered, projecting from the first storey of a dwelling unit, may encroach into any required rear yard a maximum distance of 3.2 m and into any required front or exterior side yard a maximum distance of 1.5 m, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 m to any rear lot line.
- (iii) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks, porches, balconies and steps, covered or uncovered, projecting from the first storey of a dwelling unit and having a height greater than 0.6 m but less than 1.2 m above grade, may encroach into any required interior side yard a maximum distance of 1.0 m, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 0.25 m to any interior side lot line.
- (iv) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed and uncovered decks, porches, balconies and steps projecting from the second storey of a dwelling unit, may encroach into any required rear yard or exterior side yard a maximum distance of 1.5 m, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 m to any rear lot line.
- (v) Notwithstanding any other provision for the setback of decks, porches or balconies from a lot line, where unenclosed decks, porches or balconies, either covered or uncovered, and having a height greater than 1.2 m above grade, are situated in a rear yard area and adjacent to a side or end wall of an adjacent building containing a wall with a habitable room window, the minimum separation between such wall and the deck, porch or balcony shall be 3.0 m.
- (vi) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks and steps surrounding a swimming pool, may have a width from waters edge of 1.5 m and, in the case of unenclosed decks and steps, such uses may have a maximum height of not more than 1.5 m. Unenclosed decks and steps surrounding a swimming pool with a height of 0.6 m or less may not be located any closer than 1.0 m to any rear, exterior side or interior side lot line. Unenclosed decks and steps surrounding a swimming pool with a height greater than 0.6 m but less than or equal to 1.5 m may not be located any closer than 2.0 m to any rear, exterior side or interior side lot line.

(3344-93) (z) Group Homes

- (i) A group home shall be permitted in all dwelling types within all zones where residential uses are permitted.
- (ii) A group home shall comply with the zone provisions and parking standards which apply to the type of dwelling unit within which the group home is located.

Notwithstanding the above provisions;

- (iii) A group home which provides residence to young or adult offenders or ex-offenders shall only be located within dwellings which abut arterial or collector roads as designated by the Official Plan of the Town of Whitby and such dwellings must be located within zones which permit residential uses.

- (iv) A group home of six or more residents, exclusive of staff, shall not be located within 120 m of any other group home of six or more residents or any boarding or lodging house and this distance shall be measured between the nearest property lines.
- (v) A group home with six or more residents, exclusive of staff, shall not be permitted to locate within an apartment dwelling unit.

(3538-94) (aa) Residential Sales Offices

- (a) Residential sales office shall be permitted in all Residential Zones and Agricultural Zones;
- (b) The residential sales office shall be constructed or located in accordance with the zone provisions for the lot or lots within which it is located;
- (c) Residential sales offices shall be located within a proposed lot of a draft approved or registered plan of subdivision or within a unit of a draft approved or registered condominium building;
- (d) For the purposes of establishing the location of lot lines, the residential sales office shall be built within the lots defined by the draft approved plan of subdivision within which it is located and as if these lots were defined by a registered plan of subdivision;
- (e) The maximum number of residential sales offices per plan of subdivision or condominium building shall be one (1); and,

(6925-14) (f) Repealed by By-law Amendment 6925-14

(3530-94) (bb) Model Home

- (a) A model home shall be permitted on lands that have received draft plan approval from the Council of the Region of Durham.
- (b) A model home shall be constructed or located in accordance with the zone provisions for the lot within which it is located.
- (c) Parking shall be provided for each model home in accordance with the parking requirements for the dwelling type and zone category in which the model home is located.

(6925-14) (d) Repealed by By-law Amendment 6925-14

- (e) The total number of model homes which may be permitted on lands that have received draft plan approval for residential purposes shall not exceed the lesser of ten (10) dwellings or ten percent (10%) of the total number of residential units in each individual phase of the development.
- (f) For the purposes of establishing the location of the lot lines, the model home shall be built within the lot defined by the draft approved plan of subdivision within which it is located, as if these lots were defined by a registered plan of subdivision.

(cc) Recreational Propane Sales

- (4272-98)**
- (a) Recreational propane sales shall be permitted in all AS (Automobile Service Station), AS-CW (Automobile Service Station with Car Wash), GB (Gas Bar) and GB-CW (Gas Bar with Car Wash) zones including any lands that are dispensing motor vehicle fuel subject to the following provision:

The location and safety requirements for recreational propane sales shall be in accordance with the provincial propane regulations.

(8141-24) (dd) Accessory Apartment
Repealed by By-law Amendment 8141-24

(8141-24) (dd) Additional Dwelling Units

Notwithstanding any other provision of this By-law to the contrary, a maximum of three additional dwelling units shall be permitted on a parcel of residential urban land that permits a single detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or in an accessory structure related to a single detached dwelling, semi-detached dwelling, link dwelling, or street townhouse dwelling unit subject to the following provisions:

- (a) Additional Dwelling Unit Configurations:
 - (i) A maximum of two additional dwelling units shall be permitted within a permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within an accessory structure, or,
 - (ii) A maximum of three additional dwelling units shall be permitted within a permitted principal dwelling where there is no additional dwelling unit located within an accessory structure, and,
 - (iii) No more than one additional dwelling unit shall be permitted within an accessory structure.
 - (b) Notwithstanding (a) above, an additional dwelling unit shall be permitted on a lot containing a permitted residential dwelling in any Agriculture Zone provided that the lot is serviced by municipal water and sanitary services, and is located within the Town of Whitby Official Plan Urban Area Boundary, with the exception that:
 - (i) For lands situated outside of the Town of Whitby Official Plan Urban Area Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
 - (ii) No more than one additional dwelling unit shall be permitted within an accessory structure.
 - (c) Any dwelling or lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.
 - (d) Notwithstanding anything in this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan, a maximum of one additional dwelling unit is permitted either within a legally permitted principal dwelling or within an accessory building per lot.
 - (e) Notwithstanding anything in this By-law to the contrary, for a lot located within the Protected Countryside of the Greenbelt Plan, a maximum of one additional dwelling unit shall be permitted either within a legally permitted principal dwelling or an accessory structure that existed on or where building permits were issued prior to July 1, 2017.
 - (f) New additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any land designated Environmental Protection, Natural Heritage System or Hazard Land as per the Town of Whitby Official Plan.
 - (g) Additional dwelling units are not permitted in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
-

- (h) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a public or private street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
- (i) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- (j) Where an additional dwelling unit is present within an accessory structure, the additional dwelling unit structure shall be excluded from the maximum lot coverage or floor space index requirements.
- (k) Where an additional dwelling unit is located within an accessory structure the following provisions shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres in all Residential zones, and 5.5 metres in all other zones
Maximum Gross Floor Area:	75 sq. m.

Notwithstanding any other provision of this By-law to the contrary, all other performance standards related to an accessory structure shall continue to apply.

- (l) **Parking:**
 - (i) Where an additional dwelling unit parking space is situated on a driveway, a reduced parking space width of 2.5 m and length of 5.0m shall be permitted for the additional dwelling unit.
 - (ii) A parking space that is provided and maintained for the sole use of the occupant of an additional dwelling unit or principal dwelling unit may be a tandem parking space.
 - (iii) No minimum parking space requirements are required for any additional dwelling unit situated on a lot within a Protected Major Transit Station Area as outlined/delineated within the Town of Whitby Official Plan.
- (m) **Driveway Width:**

Notwithstanding any other provision of this By-law to the contrary, a single vehicle wide driveway with direct access to a garage or carport, may be widened to a maximum width of 5.5m to accommodate additional parking spaces associated with an additional dwelling unit(s).
- (n) Notwithstanding any other provision of this By-law to the contrary, an additional dwelling unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

(6776-13) (ee) Home Based Business

- 1. A home based business shall be permitted in any zone that permits a dwelling unit subject to the following provisions:

- (a) the use is conducted entirely within a dwelling unit however limited storage is permitted in an attached garage or accessory structure provided it does not obstruct or eliminate a required parking space;
- (b) except for home daycare, no more than three persons at any one time shall be present in a single detached dwelling to receive teaching and/or instruction and no more than one person at any one time shall be present to receive teaching and/or instruction in any dwelling unit other than a single detached dwelling;
- (c) no more than two persons at any one time shall be present in a single detached dwelling to receive client based treatment or services and no more than one person at any one time shall be present to receive client based treatment or services in any dwelling unit other than a single detached dwelling;
- (d) the occupant may employ or be assisted by no more than one employee or assistant at any one time who is not an occupant but only in the following zone categories:
 - R1-VB, R2-VB, MUR-VB, C1-VB
- (e) vehicle parking for any employee or assistant who is not an occupant must be located on the lot from which the home based business is operated and may include a tandem parking space or a parking space located in driveway but only in the following zone categories:
 - R1-VB, R2-VB, MUR-VB, C1-VB
- (f) the gross floor area occupied by all home based businesses is no more than 25% of the gross floor area of the dwelling unit or 50 m² whichever is less and for this provision gross floor area shall include any floor area in a basement or cellar;
- (g) no goods or handicrafts are offered or displayed for sale other than goods or handicrafts produced on site;
- (h) retail sales conducted by telephone, internet, mail order or other similar approach is permitted provided that customers do not enter the property to inspect, purchase or take possession of any goods;
- (i) there is no outdoor storage or outdoor display of goods, handicrafts, equipment or supplies;
- (j) there is no display of a sign advertising the existence of a home based business within the dwelling unit other than a sign erected in conformity with the Permanent Sign By-law of the Town;
- (k) there is no equipment or a process or activity which creates an adverse effect or becomes obnoxious in regard to noise, odour, fumes, vibration, glare, traffic or parking nor causes electrical interference with telephone, television, radio or satellite equipment; and,
- (l) **Repealed by By-law Amendment 8141-24.**

(8141-24)

2. A home based business shall not include the following:

- adult entertainment establishment
 - automobile sales establishment
 - body rub establishment
 - clinic
 - contractor's yard
 - eating establishment
 - escort service
 - kennel
 - motor vehicle paint and body shop
 - premises used as a base of operations to assemble persons for transportation to work off-site or the pick-up of goods, materials or equipment for distribution or use off-site
 - public garage
 - retail store
 - salvage yard
 - taxi establishment
-

Section 4A (6925-14)

Parking and Loading Requirements

1.0 General Provisions

1.1 Applicability of this Section

- (a) For every parcel of land, building or structure to be used or erected, provision shall be made and maintained for parking spaces and loading spaces on the same lot in accordance with the standards of this Section.

1.2 Parking Spaces Required

(a) Number of Parking Spaces

The number of parking spaces required for permitted uses in all zones shall be in accordance with Tables 4A(1) and 4A(2), unless otherwise specified by this By-law.

(b) Rounding Provision

Where the number of parking spaces required is calculated on the basis of a rate or ratio that results in a numeric fraction, fractions of less than 0.5 shall be rounded down to the nearest whole number and fractions equal to or greater than 0.5 shall be rounded up to the next whole number.

Where the application of a rate or ratio results in a fraction of an accessible parking space being required, the minimum number of accessible parking spaces required shall be increased to the next whole number.

(c) More Than One Use on a Lot

The parking requirements for more than one use on a single lot or for a building containing more than one use, shall be the sum total of the parking requirements for each of the component uses or buildings, unless otherwise specified by this By-law.

(d) Requirement Based on Capacity

Where the number of parking spaces required is calculated on the basis of the capacity of a use, such capacity shall be equal to the maximum capacity of any building or structure pertaining to such use, as determined by the Ontario Building Code, relevant fire safety regulations or, where applicable, the Liquor Licensing Board of Ontario or other public agency having jurisdiction, whichever capacity is less.

(e) Use of a Similar Nature

Where a use permitted by this By-law is not listed in Table 4A(1) and Table 4A(2), the parking requirement for that use shall be based on the requirement for a use of a similar nature.

(f) Existing Site Specific Exceptions Continue to Apply

Notwithstanding any other provisions of this By-law to the contrary, any parking and loading provisions stated in other sections of this By-law and in site specific exceptions which are less restrictive than those provisions contained in Section 4A shall continue to apply.

Table 4A(1) Residential Parking Requirements

	Use or Purpose	Minimum Number of Parking Spaces Required
(8141-24)	Additional Dwelling Unit	1 space in addition to the requirements of the principal dwelling unit.
	Apartment Building	1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
	Bed and Breakfast Establishment	2 spaces per principal dwelling unit plus 1 space per guest room with tandem parking only permitted for the principal dwelling unit.
	Block Townhouse Dwelling - With an integral garage and related driveway - Without an integral garage and related driveway	2 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking. 1.75 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
	Boarding and Lodging House	1 space per dwelling plus 0.5 spaces per lodging unit.
	- Crisis Residence - Group Home	2 spaces per dwelling unit plus 1 space per 3 residents or portion thereof.
	Dwelling units contained within a building not specifically mentioned such as a converted dwelling or a dwelling unit situated in a portion of a non-residential building	1.25 spaces per dwelling unit.
	- Fourplex Dwelling - Semi Detached Duplex Dwelling - Triplex Dwelling	1.5 spaces per dwelling unit.
	Long Term Care Home	0.33 spaces per bed.
	Retirement Home	0.40 spaces per dwelling unit plus 0.2 spaces per dwelling unit dedicated for visitors parking.
	Seniors Apartment Building	0.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
	- Single Detached Dwelling - Semi Detached Dwelling - Link Dwelling - Duplex Dwelling - Street Townhouse Dwelling	2 spaces per dwelling unit.

Table 4A(2) Non-Residential Parking Requirements

Use or Purpose	Minimum Number of Parking Spaces Required
• Art Gallery • Library • Museum	1 space per 28 m ² of gross floor area.
• Assembly Hall • Bingo Hall • Cinema • Community Centre • Place of Worship • Private Club • Theatre	1 space per 4 persons of permitted capacity.
Automobile Sales Establishment	3 spaces per service bay, plus 1 space per 30 m ² of gross floor area devoted to sales and display floor space.
• Automobile Service Station • Lubritorium • Motor Vehicle Paint and Body Shop • Public Garage	3 spaces per service bay, plus 1 space per 30 m ² of gross floor area devoted to other areas of activity such as office, retail sales, or a waiting area.
• Bowling Alley • Curling Rink, Basket Ball or Tennis Court • Golf Course • Similar Recreation Facility	4 spaces per lane, sheet, hole, court, or similar recreation facility plus the parking requirements for any additional or accessory uses in accordance with those uses.
Car Wash	3 spaces per building devoted to car wash facilities.
Clinic	1 space per 17 m ² of gross floor area.
Day Nursery	1 space per 28 m ² of gross floor area devoted to playroom space.
Dry Cleaning Establishment	1 space per 100 m ² of gross floor area excluding any floor area devoted to other areas of activity such as customer deposit and pick-up, retail sales or a waiting area for which 1 additional parking space per 9 m ² shall be required.
• Eating Establishment	1 space per 19 m ² of gross floor area.
• Eating Establishment, Take-out	1 space per 11 m ² of gross floor area.
Financial Institution	1 space per 23 m ² of gross floor area and 1 space per 30 m ² of gross floor area for a financial institution with a drive through ATM including stacking lane of at least 3 vehicles in length.
Funeral Establishment	1 space per 18.5 m ² of gross floor area or 10 spaces whichever is greater.
Gas Bar	3 spaces per station plus 1 space per 30 m ² of gross floor area devoted to other areas of activity such as office, retail sales or washroom facilities.
Home Based Business	No minimum requirement. Refer to Section 4(ee)(e) for parking requirements related to any employee or assistant who is not a resident.
Hospital	Parking spaces required for any hospital expansion or a new hospital shall be based on a parking study detailing the basis for the parking requirements to the satisfaction of Council

Use or Purpose	Minimum Number of Parking Spaces Required
- Hotel - Motel	1 space per guest room or suite plus 1 space per 10 m ² of gross floor area devoted to other accessory uses such as a restaurant, lounge, meeting room or banquet hall.
- Industrial or manufacturing establishment. - Industrial or manufacturing establishment containing two or more units and having a gross floor area of 2,800 m² or less. - Industrial or manufacturing establishment containing two or more units and having a gross floor area in excess 2,800 m².	1 space per 100 m² of gross floor area. 1 parking space per 50 m² of gross floor area. 1 parking space per 50 m² of gross floor area up to 2,800 m², plus 1 additional space per 100 m² of gross floor area of the building in excess of 2,800 m².
Laundromat	1 space per 2 washing machines.
Office	1 space per 30 m ² of gross floor area on or below the first storey and 1 space per 50 m ² for any gross floor area situated above the first storey provided however that any gross floor area devoted to uses such as a cafeteria or training room for employees of uses within the building that do not have any external signage shall be excluded.
Residential Sales Office	1 space per 6.5 m ² of sales display area or 10 spaces whichever is greater.
- Retail Furniture Outlet - Warehouse Sales Outlet	1 space per 100 m ² of gross floor area.
Retail Store	1 space per 23 m ² of gross floor area and 1 space per 50 m ² for any gross floor area situated above the first storey.
School - Elementary - Private - Secondary	Number of Parking Spaces Required 2.5 spaces per classroom plus 1 lay-by space per 3 classrooms with a minimum dimension of 30 m for drop-off and/or pick-up activity. 0.22 spaces per student, based on the planned maximum student enrolment plus 1 lay-by lane with a minimum dimension of 30 m for drop-off and/or pick-up activity. 2.5 spaces per classroom plus 1 lay-by space per 5 classrooms with a minimum dimension of 30 m for drop-off and/or pick-up activity.
Shopping Centre - Where the gross leasable area is less than 3,000 m² - Where the gross leasable area is 3,000 m² up to 37,160 m² - Where the gross leasable area is more than 37,160 m² up to 55,740 m². - Where the gross leasable area is more than 55,740 m²	Number of Parking Spaces Required 1 space per 23 m² of gross leasable area provided that where eating establishment uses occupy 20% or more of the gross leasable area, the specific parking requirement for eating establishment uses shall apply. 1 space per 23 m² of gross leasable area. 1 space per 22 m² of gross leasable area. 1 space per 21 m² of gross leasable area.
Uses permitted in this By-law other than those listed in this table	1 space per 23 m ² of gross floor area on or below the first storey and 1 space per 50 m ² for any gross floor area situated above the first storey.

1.3 Parking Space Dimensions

- (a) The minimum dimensions of all required off-street parking spaces provided in a parking area or on a driveway except those in a private garage, shall be provided in accordance with Table 4A(3) below.

Table 4A (3) Parking Space Dimensions

Type of Parking Space:	Minimum Length	Minimum Width	Minimum Height
Angled	5.8 m	2.75 m	2.1 m
Parallel	6.7 m	2.75 m	2.1 m
Perpendicular	5.8 m	2.75 m	2.1 m
Tandem	11.0 m	2.75 m	2.1 m

- (b) Where required off street parking spaces are provided in a parking structure, whether above or below grade, the minimum parking space dimensions shall be 5.8 m in length, 2.75 m in width and 2.1 m in unobstructed height.
- (c) Where the side of a required parking space is obstructed by any part of a fixed object such as a wall, column, bollard or fence, the minimum width of the required parking space shall be increased by 0.2 m for each side of the parking space that is obstructed. For the purposes of this provision the side of a parking space is obstructed when a fixed object is situated:
- (i) within 0.3 m of the side of the parking space, measured at right angles, and
 - (ii) more than 1.0 metre from the front or rear of the parking space.
- (d) Where 50 or more parking spaces are required on a lot, the minimum parking space dimensions for up to 20% of any parking spaces supplied beyond the minimum number of parking spaces required may be 5.8 m in length and 2.4 m in width, provided that such parking spaces are clearly signed as being reserved for the parking of small vehicles only.

1.4 Additions to Buildings and/or Change of Use

- (a) The parking and loading space requirements of this Section of the By-law shall not apply to any use in existence at the date of passing of this section of the By-law so long as the gross floor area, as it existed at such date, is not increased nor the building is used for a purpose that requires more parking spaces and/or loading spaces.
- (b) Where a use is changed within an existing building, and where the new use requires more parking and/or loading spaces than the former use, the number of additional parking spaces and/or loading spaces required shall be the difference between the parking spaces and loading spaces required by the new use and the parking spaces and loading spaces required by the former use.
- (c) Where a use is changed which requires less than the number of parking spaces and loading spaces which existed at the date of passing of this Section of the By-law, the number of parking spaces and loading spaces required shall be in accordance with the number of parking spaces and loading spaces required by this Section of the By-law.

- (d) Where an addition to an existing building is constructed that increases the gross floor area, parking and loading spaces shall be provided for the new construction in accordance with the standards of this Section, in addition to the existing number of parking and loading spaces already provided and required to be maintained for the existing building.

1.5 Multiple Zones

Where a property is covered by more than one zone category, required parking and loading facilities shall be provided within that area of the property zoned for the permitted use provided that a driveway giving access from a street to service a property zoned for a permitted use may be located on land zoned for a different permitted use.

1.6 Surface Treatment

All parking areas which includes driveways, aisles, parking spaces and loading areas shall be established and maintained with a stable surface treated so as to provide a durable and dustless surface such as asphalt, concrete, paving stones or similar hardscaped surface that is capable of permitting access under all climatic conditions. The use of other materials sufficient to provide stability, prevent erosion and which provide for the infiltration of water into the ground is also permitted.

Where 4 or more parking spaces are required on a lot, all parking spaces shall be clearly marked to identify the size and location of the parking spaces.

1.7 Driveway Setback to an Intersection

The minimum distance between an intersection of street lines and the nearest driveway shall be 9.0 m except in Residential Zones, in which case the minimum distance between an intersection of street lines and the nearest driveway shall be 6.0 m.

1.8 Parking and Storage of Display Vehicles

Where a permitted use involves the outdoor storage and/or display of operational motor vehicles, such as an automobile sales establishment, such outdoor storage and / or display area shall not be considered when calculating the required parking.

1.9 Cash-In-Lieu of Parking in the VB Zone

Where requested by the owner, the Town may in any VB Zone, enter into an agreement exempting an owner or occupant from the requirement of providing or maintaining some or all of the required minimum number of parking spaces and such an agreement shall provide for the making of one or more payments to the Town in lieu of the provision of parking.

1.10 Parking Structures

Parking structures are permitted in accordance with the following provisions:

- (a) Parking Structures 1.2 m or Less in Height above Finished Grade

Any parking structure either below finished grade or up to a height of 1.2 m above finished grade may encroach into a required yard provided that the parking structure is located no closer than 1.0 m to a street line or lot line, and provided further that such structure shall not be located within a planned width of road allowance. This provision shall also apply to ventilation shafts, stairways and other similar facilities associated with a parking structure.

- (b) Parking Structures Greater Than 1.2 m in Height above Finished Grade

Any parking structure that projects more than 1.2 m above finished grade shall be subject to all the zone provisions for the main building on the lot.

- (c) Entrance and Exit Ramps

No part of any wall or structure enclosing an entrance or exit ramp above or below finished grade shall be located any closer than 2.75 m from a street line.

Any mechanism such as a gate or lifting arm device that controls access into a parking structure shall be located no closer than 6.0m from a street line.

2.0 Accessible Parking Requirements

2.1 Ratios for Minimum Number of Spaces

- (a) Accessible parking spaces shall be required for all Non-Residential uses and all Residential uses that require visitor parking spaces.
- (b) The minimum number of accessible parking spaces required shall be calculated in accordance with the ratios in Table 4A(4) below.

Table 4A(4) Minimum Number of Accessible Parking Spaces

Total Number of Parking Spaces Provided in all Parking Areas on the Lot	Minimum Number of Accessible Parking Spaces Required
12 or less	1
13 to 100	4% of the total number of parking spaces in the parking area
101 to 200	1, plus 3% of the total number of parking spaces in the parking area
201 to 1000	2, plus 2% of the total number of parking spaces in the parking area
1,001 or greater	11, plus 1% of the total number of parking spaces in the parking area

- (c) Notwithstanding provision (b) above, the total number of accessible parking spaces required for all Residential Uses that require visitor parking spaces shall be based on the total number of visitor parking spaces provided. The minimum number of accessible parking spaces required shall not be assigned for non-visitor use.

2.2 Dimensions and Shared Access

- (a) The minimum dimensions for an accessible parking space shall be in accordance with the dimensions in Table 4A(5) below.

Table 4A(5) Accessible Parking Space Dimensions

Type	Minimum Length	Minimum Width	Minimum Vertical Clearance
Accessible Parking Space	5.8 m	3.4 m	3.0 m

- (b) An accessible path of travel with a minimum width of 1.5 m and a minimum length of 5.8 m must be provided adjacent to and run the length of an accessible parking space. An accessible path of travel can be shared by two accessible parking spaces.
- (c) Where only 1 parking space is required for a Non-Residential use, that parking space shall be designed to meet the minimum accessible parking space dimensions, but shall not be signed as such.

3.0 General Residential Parking Provisions

3.1 Location of Parking

- (a) Parking associated with a Residential use is only permitted in a parking area, parking structure, parking space, private garage, carport or on a driveway accessing a private garage, parking space or a carport related to an individual dwelling unit.
- (b) A surface parking area associated with a Residential use containing less than 3 dwelling units shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 m to a street line.
- (c) A surface parking area associated with a Residential use containing 3 dwelling units or more shall not be permitted within a front yard or exterior side yard and shall be set back a minimum distance of 2.5 m from a street line.

3.2 Number of Private Driveway Entrances

Lots within any Residential Zone shall be limited to the following number of private driveways entrances:

- (a) less than 25 m of lot frontage – 1 driveway.
- (b) 25 m or more of lot frontage – 1 driveway plus 1 additional driveway for each additional 25m or portion thereof of lot frontage.

Where a lot is a corner lot or a through lot, the length of an exterior lot line or the street lines of a through lot may be included as lot frontage for the purpose of determining the number of entrances permitted.

3.3 Provisions for Circular Driveways

Notwithstanding other provisions of this By-law to the contrary, for lots within any Residential Zone that have 25 m or more of lot frontage, a circular driveway is permitted, provided:

- (a) The main building is setback a minimum of 10.5 m from the street line.
 - (b) Each driveway measured along the street line is no more than 4.0 m in width.
 - (c) The driveways are a minimum of 9.0 m apart, measured along the street line.
 - (d) The second driveway connects the public street to the other driveway that provides direct access from the public street to a private garage, carport or parking space in the interior side yard or rear yard.
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3.4 Parking Provisions for Ground Oriented Dwelling Units

The following parking provisions apply to ground oriented dwelling units which for the purpose of this By-law are a single detached dwelling, semi-detached dwelling, link dwelling, duplex dwelling, and a townhouse dwelling with direct motor vehicle access from a public street.

- (a) One of the two required parking spaces shall be located in either the side yard, rear yard or in a private garage or carport.
- (b) A driveway shall provide direct access to a required parking space in either a side yard, rear yard or in a private garage or carport.
- (c) Within a front yard or exterior side yard, vehicle parking is only permitted on a driveway.
- (d) No more than one required parking space shall be located on a driveway in a front yard or exterior side yard.
- (e) Where a garage door opening used for motor vehicle access faces an interior side lot line there shall be no parking between the outside wall of a garage and a front lot line or an exterior side lot line.
- (f) Tandem parking spaces are permitted.

3.5 Private Driveway Widths for Ground Oriented Dwelling Units

The following provisions apply to private driveways with direct motor vehicle access from a public street serving a single detached dwelling, semi-detached dwelling, link dwelling, duplex dwelling and townhouse dwelling which have a private garage or carport:

- (a) The minimum width of a private driveway on a lot shall be 3.0m, provided that the minimum width of a private driveway in an interior side yard leading to a private garage, carport or parking space in the rear yard shall be 2.75m.
 - (b) The maximum width of a private driveway in the rear yard leading to a private garage or carport situated in the rear yard shall be 3.0 m or the width of the garage door whichever is the greater.
 - (c) The maximum width of a private driveway on a lot shall be the width of the garage door, including any intervening columns or wall sections which may separate two or more garage door openings, plus 2.0 m to a maximum width of 7.5 m provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located.
 - (d) The maximum width of a private driveway on a lot serving a three car garage or greater shall be the width of the garage door, including any intervening columns or wall sections which may separate two or more garage door openings, plus 2.0 m to a maximum width of 9.0 m provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located.
 - (e) Notwithstanding provision (d) above, where a garage door opening used for motor vehicle access faces an interior side lot line, the maximum width of a private driveway in the front yard measured along the street line shall be 6.0m.
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- (f) Any hard surface area abutting a driveway used or capable of being used for parking a motor vehicle shall be included in the driveway width calculation excluding any parking pad or hammerhead used for the purpose of manoeuvring a vehicle such that the vehicle can exit the property in a forward motion.
- (g) Notwithstanding provision (f) above, one walkway access may be connected to one side of the driveway provided the maximum width of the walkway shall be 1.5 m.

3.6 Private Garage Dimensions to Accommodate an Unobstructed Parking Space

Notwithstanding any other provisions of this By-law to the contrary, the following provisions apply to any private garage and required parking space therein serving a single detached dwelling, semi-detached dwelling, link dwelling, duplex dwelling and townhouse dwelling.

- (a) The minimum internal dimension for a private garage that serves a single vehicle shall be 6.2 m in length and 3.0 m in width measured from foundation wall to foundation wall.
- (b) The minimum internal dimension for a private garage that serves two or more vehicles shall be 6.2 m in length and 5.5 m in width measured from foundation wall to foundation wall.
- (c) All required parking spaces within a private garage shall be a minimum of 5.4 m in length, 2.6 m in width and 2.1 m in height free of all obstructions.
- (d) Notwithstanding that a required parking space within a private garage must be unobstructed, a maximum 0.24 m horizontal or vertical encroachment shall be permitted within the unobstructed parking space to accommodate access stairs within a private garage provided that the stairs project only from the end wall of the garage or from the side wall but at a distance no greater than 1.2 m from the end wall of the garage.

3.7 Driveway Setback to a Side Lot Line

The minimum setback from a driveway to a side lot line in a front yard leading to a private garage or carport in a single detached dwelling having a minimum lot frontage of 12m shall be the minimum distance requirement for the main building from the side lot line or 0.6 m whichever is the lesser.

3.8 Private Garage Setback to a Street line

The minimum setback from a street line to the door of a private garage or to a carport accessed by a private driveway from a public street shall be 5.8m.

3.9 Private Garage Setback to an Aisle

The minimum setback from a private internal aisle or driveway system serving a multiple unit residential dwelling to a private garage, carport or unenclosed parking space shall be 2.75m.

3.10 Driveway and/or Aisle Width Serving a Multiple Unit Residential Dwelling

Driveways and/or aisles on a lot serving multiple unit residential dwellings such as a triplex dwelling, fourplex dwelling, townhouse dwelling, apartment building and retirement home shall be provided in accordance with Table 4A(6) below.

Table 4A(6) Driveway and Aisle Dimensions – Multiple Unit Residential Use

Driveway and/or Aisle Type	Minimum Width	Maximum Width
One-Way	3.5 m	6.0 m
Two-Way	6.0 m	9.0 m
Serving a Loading Area – One-Way	3.5m	7.0 m
Serving a Loading Area – Two-Way	7.0m	8.5 m

4.0 General Non-Residential Parking Provisions

4.1 Location of Parking

- (a) All required parking spaces and surface parking areas for a Non-Residential use shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 2.5 m to any street line.
- (b) Notwithstanding provision (a) above, a surface parking area associated with a use in an Industrial Zone, shall not be permitted in a front yard or exterior side yard provided however that parking spaces delineated for visitors parking may be located in a front yard or exterior side yard provided that no part of any parking area, other than a driveway, is located closer than 2.5 m to any street line.

4.2 Location of Parking in the VB Zone

All required parking spaces and surface parking areas for a Non Residential use in any VB Zone shall be permitted in all yards subject to the following provisions:

- (a) Required parking spaces shall be located on the same lot as the use, building or structure for which the parking spaces are required.
- (b) Required parking spaces and surface parking areas shall not be permitted in a front yard or exterior side yard for any lot abutting Baldwin Street, Cassels Road or Winchester Road and shall be setback a minimum distance of 2.5 m from any street line.

4.3 Off-Site Parking in the VB Zone

Notwithstanding any provisions of this By-law to the contrary, required parking spaces for any Non-Residential use in any VB Zone may be located on another lot within 150 m of the lot on which parking would be required for a use, provided that:

- (a) An agreement with the Town is registered against title of both such registered lots binding and requiring the owner(s) thereof to maintain such parking spaces for the duration of the building, structure or use for which they are required.

4.4 Driveway Width Serving Parking Area of a Non-Residential Use

- (a) Driveways serving a parking area or loading area of a Non-Residential use shall be provided in accordance with Table 4A(7) below.

Table 4A(7) Driveway Dimensions – Non-Residential Use

Driveway Type	Minimum Driveway Width	Maximum Driveway Width
One-Way Driveway	3.5 m	7.0 m
Two-Way Driveway	7.0 m	10 m

4.5 Aisle Width Serving a Parking Area of a Non Residential Use

- (a) Aisles serving a parking space or loading area shall be provided in accordance with Table 4A(8) below.

Table 4A(8) Aisle Dimensions – Non-Residential Use

Type	Minimum Width	Maximum Width
One-Way Aisle	3.5 m	6.0 m
Two-Way Aisle	6.0 m	8.5 m
Aisle Serving Loading Area – One Way	3.5 m	7.0 m
Aisle Serving Loading Area – Two Way	7.0 m	8.5 m

5.0 Loading Space Regulations

The owner or occupant of every building used for a purpose that requires the loading or unloading of goods or materials, shall provide and maintain loading spaces in accordance with the following provisions:

5.1 Number of Loading Spaces Required

The minimum number of loading spaces required on a lot shall be based on the number of dwelling units or the gross floor area of all of the buildings on the lot in accordance with Table 4A(9) below.

Table 4A(9) Loading Spaces for Specific Uses

Use	Minimum Number of Loading Spaces Required
Apartment building or mixed use building containing 25 or more dwelling units	1

Loading Spaces for All Other Uses

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 500 m ²	0
501 to 2,000 m ²	1
2,001 to 5,000 m ²	2
5,001 to 10,000 m ²	3
Over 10,000 m ²	3 plus 1 additional for every additional 10,000 m ² or portion thereof

5.2 Dimension of Loading Space

The minimum dimension of a loading space shall be in accordance with Table 4A(10) below.

Table 4A(10) Loading Space Dimensions

Type	Minimum Length	Minimum Width	Minimum Height
Loading Space	10.0 m	3.5 m	4.5 m

5.3 More Than One Use on a Lot

The loading space requirements for more than one use on a single lot or for a building containing more than one use, shall be the sum total of the loading space requirements for each of the uses, unless otherwise specified by this By-law.

5.4 Location of Loading Spaces

Where a loading space is required the following provisions shall apply:

- (a) All required loading spaces shall be located on the same lot as the use, building or structure for which the loading spaces are required.
- (b) All required loading spaces shall be adjoined to or situated within 15m of the use, building or structure for which the loading spaces are required.
- (c) A loading space shall not be permitted in a front yard or exterior side yard between the nearest part of any wall of the main building and the front lot line or the exterior side lot line.
- (d) A loading space shall not be located within 7.5m of any street line or Residential Zone boundary but may be permitted within this area if the loading space is located entirely within a building or structure.

5.5 Additions to Buildings and/or Change of Use

As per the provisions of subsection 4A 1.4

6.0 Parking Provisions for Other Vehicles in Residential Zones

6.1. Parking of Commercial Vehicles in Residential Zones

The parking or storing of a commercial vehicle on a lot in a Residential Zone related to a ground oriented dwelling unit is only permitted in accordance with the following provisions:

- (a) A commercial vehicle parked on a lot must be used for the resident's transportation to and from a place of employment or to earn a living.
- (b) The number of commercial vehicles parked in the open shall be a maximum of one.
- (c) The number of commercial vehicles parked within a private garage or wholly enclosed building associated with a dwelling unit shall be unrestricted.
- (d) Parking of a commercial vehicle on a lot shall not be permitted unless a main building exists on such lot.
- (e) A commercial vehicle parked in the open in the front yard or exterior side yard shall only be parked on a driveway.
- (f) A commercial vehicle may be parked on a stable surface in the open in any yard provided it shall be setback a minimum of 1.0 m from any side lot line or rear lot line.
- (g) A commercial vehicle parked in the open shall be located entirely within the legal boundaries of the lot.
- (h) A commercial vehicle shall not exceed a maximum length of 7.0 m exclusive of any trailer hitch or exceed a maximum height of 2.6 m measured from the ground to the highest point of the driver cab or the delivery body.
- (i) A rack or apparatus on the top of a commercial vehicle shall not be included in the calculation of maximum height provided the height of the rack or apparatus does not exceed 0.4 m in height.
- (j) Parking and storage of the following vehicles shall be prohibited on all lots in a Residential Zone unless otherwise specified by this By-law:
 - buses
 - heavy construction vehicles
 - farm tractors
 - tracked vehicles, except for snowmobiles
 - vehicles designed to run only on rails
 - vehicles equipped with more than 3 axles, excluding space wheels designed to support the vehicle when parked or stored

6.2. Parking of Recreational Vehicles and Trailers in Residential Zones

The parking or storing of a recreational vehicle or trailer on a lot in a Residential Zone related to a ground oriented dwelling unit is only permitted in accordance with the following provisions:

- (a) A recreational vehicle or trailer parked or stored on a lot shall be owned by the occupant of such lot.
-

- (b) Recreational vehicle or trailer parking or storage shall only be permitted provided that such parking or storage does not occupy a required parking space related to the principal use on the lot.
 - (c) Where a recreational vehicle such as a boat, all terrain vehicle, or snowmobile is kept on a trailer, the recreational vehicle and trailer together shall be counted as one recreational vehicle or trailer.
 - (d) The number of recreational vehicles or trailers parked or stored in the open shall be a maximum of one.
 - (e) The number of recreational vehicles or trailers parked or stored within a private garage or wholly enclosed building associated with a dwelling unit shall be unrestricted.
 - (f) Parking of a recreational vehicle or trailer on a lot shall not be permitted unless a main building exists on such lot.
 - (g) A recreational vehicle or trailer parked or stored in the open in the front yard or exterior side yard shall only be parked on a driveway.
 - (h) A recreational vehicle or trailer may be parked on a stable surface in the open in any yard provided it shall be setback a minimum of 1.0 m from any side lot line or rear lot line.
 - (i) A recreational vehicle or trailer parked or stored in the open shall be entirely within the legal boundaries of the lot.
 - (j) A recreational vehicle or trailer parked or stored in the front yard or exterior side yard shall not exceed a maximum length of 7.0 m exclusive of any trailer hitch or tongue or exceed a maximum height of 2.0 m measured from the ground to the highest point of the recreational vehicle or trailer.
 - (k) A rack or apparatus on the top of a recreational vehicle or trailer shall not be included in the calculation of maximum height provided the rack or apparatus does not exceed 0.4 m in height.
 - (l) A recreational vehicle or trailer that exceeds a maximum length of 7.0 m exclusive of any trailer hitch or tongue or exceeds a maximum height of 2.0 m shall only be parked or stored in the interior side yard or rear yard and shall be setback a minimum of 1.0 m from any interior side yard or rear yard.
 - (m) A recreational vehicle or trailer parked or stored on a lot shall not exceed a maximum length of 11 m or a maximum height of 4.0m.
 - (n) A recreational vehicle or trailer that exceeds a maximum length of 7.0 m exclusive of any trailer hitch or tongue or a maximum height of 2.0 m may be temporarily parked or stored on a driveway in the front yard or exterior side yard for a total period not exceeding 72 hours in any one calendar month between May 1st and October 31st.
 - (o) A trailer owned by the occupant of a dwelling on a lot where such trailer is used by the occupant on a daily basis for employment and to earn a living may be parked in the front yard or exterior side yard provided such trailer does not exceed a maximum length of 4.0 m exclusive of any trailer hitch or tongue and a maximum height of 2.6 m.
-

7.0 Parking Provisions for Other Vehicles in the Agricultural (A) Zone

7.1. Parking of Commercial Vehicles in the Agricultural (A) Zone

The parking or storing of a commercial vehicle on a residential lot unrelated to farming in the Agricultural (A) Zone is only permitted in accordance with the following provisions:

- (a) Commercial vehicles may be parked on a residential lot unrelated to farming that has a residential dwelling situated thereon.
- (b) Commercial vehicles parked on a lot shall be owned by the occupant of such lot.
- (c) The number of commercial vehicles parked in the open shall be a maximum of two.
- (d) The number of commercial vehicles parked within a private garage or wholly enclosed building associated with a dwelling unit shall be unrestricted.
- (e) Parking of a commercial vehicle on a lot shall not be permitted unless a main building exists on such lot.
- (f) Only one commercial vehicle may be parked in the open in the front yard or exterior side yard and shall only be parked on a driveway.
- (g) A commercial vehicle may be parked on a stable surface in the open in any exterior side yard, interior side yard or rear yard provided it shall be setback a minimum distance of 3.0 m from any exterior side lot line, interior side lot line or rear lot line.
- (h) A commercial vehicle parked in the open shall be located entirely within the legal boundaries of the lot.

7.2. Parking of Recreational Vehicles and Trailers in the Agricultural (A) Zone

The parking or storing of a recreational vehicle or trailer on a residential lot unrelated to farming in the Agricultural (A) Zone is only permitted in accordance with the following provisions:

- (a) A recreational vehicle or trailer parked or stored on a lot shall be owned by the occupant of such lot.
 - (b) Recreational vehicle or trailer parking or storage shall only be permitted provided that such parking or storage does not occupy a required parking space related to the principal use on the lot.
 - (c) Where a recreational vehicle such as a boat, all terrain vehicle, or snowmobile is kept on a trailer, the recreational vehicle and trailer together shall be counted as one recreational vehicle or trailer.
 - (d) The number of recreational vehicles or trailers parked or stored in the open shall be a maximum of two.
 - (e) The number of recreational vehicles or trailers parked or stored within a private garage or wholly enclosed building associated with a dwelling unit shall be unrestricted.
-

- (f) Parking of a recreational vehicle or trailer on a lot shall not be permitted unless a main building exists on such lot.
 - (g) Only one recreational vehicle or trailer may be parked or stored in the open in the front yard or exterior side yard and shall only be parked on a driveway.
 - (h) A recreational vehicle or trailer may be parked on a stable surface in the open in any exterior side yard, interior side yard or rear yard provided it shall be setback a minimum of 3.0 m from any exterior side lot line, interior side lot line or rear lot line.
 - (i) A recreational vehicle or trailer parked or stored in the open shall be entirely within the legal boundaries of the lot.
-

Section 5 First, Second and Third Density Residential (R1, R2, R3) Zone

No person shall hereafter use any land or erect or use a building or structure in a Residential (R1, R2, or R3) Zone except in accordance with the following provisions:

(a) Uses Permitted

- (i) Residential
 - single detached dwelling in all Residential (R1, R2 and R3) Zones
 - converted dwelling in Residential (R2 and R3) Zones only.
- (ii) Institutional
Repealed by By-Law Amendment 5038-02
- (iii) Recreational
 - golf course
 - private athletic club
- (iv) Home Occupation
Repealed by By-law Amendment 6776-13.

(b) Area Requirements

No person shall within any First, Second or Third Density Residential (R1, R2 or R3) Zone erect or use any building or structure except in accordance with the provisions set out in Schedule "A".

(c) Side Yards

Notwithstanding Schedule "A", where a dwelling is erected in a Residential (R1, R2, R3) Zone without a garage or carport, the side yard requirements of an interior lot shall be 5.0 m on one side and 1.5 m on the other side.

(d) Use Of Residential Lots

No person shall erect more than one single family detached dwelling on any lot.

(e) External Design Of Buildings

No person shall erect on lots in a block within a housing project, dwellings of which more than 20% are similar in external design, with respect to the following: size and locations of openings, doors, windows and colour and type of surface materials. Buildings similar in external design shall not be built upon adjoining lots.

(736-72)
(920-73)

(f) Exceptions **Repealed by By-law Amendment 780-72**

The provisions of Schedule "A" to By-law Number 1784 respecting Minimum Lot Area with Public Water Supply or Public Sanitary Sewers and Minimum Lot Frontage, with Public Water Supply or Public Sanitary Sewers for First, Second and Third Density Residential Zones (R1, R2 and R3), within the area defined by Schedule "A" annexed hereto shall not apply and the following shall apply:

- (a) Minimum Lot Area
With Public Water Supply and Public Sanitary Sewer.

Residential Zone R1	Interior Lot	1,020 m ²
	Corner Lot	1,150 m ²

Residential Zone R2	Interior Lot	925 m ²
	Corner Lot	1125 m ²

Residential Zone R3	Interior Lot	835 m ²
	Corner Lot	1,045 m ²

- (b) Minimum Lot Frontage
With Public Water Supply and Public Sanitary Sewer.

Residential Zone R1	Interior Lot	24.5 m
	Corner Lot	27.5 m

Residential Zone R2	Interior Lot	21.5 m
	Corner Lot	26 m

Residential Zone R3	Interior Lot	18.5 m
	Corner Lot	23 m

(4888-01)
(5956-07)

R3-1: Exception 1
Part Lot 22, Concession 2
3820 Anderson Street

- (a) Notwithstanding the permitted uses found in Section 5(a)(Uses Permitted) of By-law # 1784, as amended, the following uses shall only be permitted on the lands so marked "R3-1" and identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 4888-01:

(6776-13)

- (i) single detached dwelling
- (ii) home based business

- (b) Notwithstanding the Schedule "A" Zone Requirements Table of By-law # 1784, as amended, for Lot Area, Lot Coverage, Front Yard and Rear Yard setbacks, the following zone provisions shall apply to the land so marked "R3-1" and identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 4888-01.

(i)	LOT AREA WITH FULL MUNICIPAL SERVICES Minimum	575 m ²
(ii)	LOT COVERAGE Maximum	55%
(iii)	FRONT YARD Minimum	3.0 m
(iv)	REAR YARD Minimum	2.0 m

(4119-93)
(6600-12)

R3-1: Exception 1
Parts 2,3,4,5 and 6, Plan 40R-17989
Southeast Corner of Coronation Road and Stevens Road

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R3-1" Zone identified as the "Subject Property" on Schedule "A-1" to by-law # 4119-98 except in accordance with the following uses and zone provisions:

R3-1 Third Residential

(i) Uses Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage Minimum	19 m
(b)	Lot Area Minimum	0.19 ha
(c)	Lot Coverage Maximum for all buildings	33% of the lot area
(d)	Front Yard Minimum Depth	9.0 m
(e)	Interior Side Yard Minimum Width	1.5 m
	Provided, however, and notwithstanding the above, where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.9 m
(f)	Exterior Side Yard Minimum Width	6.0 m
(g)	Rear Yard Minimum Depth	10.0 m
(h)	Parking, Accessory Buildings, Etc.	

In accordance with the provisions of Section 4 of By-law # 1784

(iii) Provided further that the following conditions are complied with:

(a)	The access to any such lot shall be from Stevens Road.
(b)	The dwelling constructed on any such lot is served by a well which is drilled or constructed into the deep aquifer which underlies the impervious clay.
(c)	The dwelling located on any such lot is served by a septic tank system which is to be approved by the Durham Health Unit.

(6611-12)
(7396-18)

R2-1: Exception 1
3145 Garden street

- (1) Notwithstanding the uses permitted in subsection 5(a), the temporary use of the former single detached dwelling for a hair salon as a personal service establishment shall be granted on the lands municipally known as 3145 Garden Street.
- (2) The temporary use of a hair salon as a personal service establishment shall cease to be in effect as of May 7, 2021.

(6243-09)
(6776-13)

R2-2: Exception 2
97 Thickson Road South

1. Notwithstanding subsection 5(a)(iv) Home Occupation, in any R2-2 Zone the following additional use shall be permitted as a home based business:
 - esthetician
2. The following provisions shall apply to any home based business use in an R2-2 Zone:
 - (a) The home based business use shall only be carried out by the residents of the principal dwelling unit.
 - (b) The dwelling unit in which the home based business is located shall be the principal residence, as defined by the Income Tax Act, of the occupant of said dwelling unit.
 - (c) The home based business shall not occupy more than 46.5 m² of gross floor area of the dwelling unit.

(6713-13)

R2-3: Exception 3
309 Powell Road

(1) Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2-3 Zone, the following provisions shall apply:

(a)	LOT COVERAGE Maximum	35%

Section 5A
(2633-89)

Brooklin Secondary Plan Residential (R1-BP, R2-BP, R3-BP) Zones

- (a) Those portions of the Zones Designated "R1, R2, R3", "C1" and "A" on Schedule "B" to By-law 1784 as are specified on Schedule "A-1" annexed to By-law # 2633-89 are hereby changed to Residential Zone "R1-BP, R2-BP" and "R3-BP" respectively as shown on Schedule "A-1" annexed to By-law # 2633-89.
- (b) No person shall use any land or erect or use a building or structure in any Zone designated "R1-BP, R2-BP" and "R3-BP" unless such land is serviced by municipal water and sanitary sewer facilities operated by the Regional Municipality of Durham and such building or other structure is connected thereto.
- (c) Notwithstanding the provisions of subsection (b) of this Section 5A, the following shall be permitted in any zone designation "R-BP" as aforesaid:
 - (i) The erection and use of a single family dwelling on any parcel of land which contained no habitable structure and was held under separate and distinct ownership from abutting properties as of the 1st day of January, 1989, as shown by the records of the applicable land registry office, provided that such erection and use are carried out in accordance with all other provisions of this By-law 1784.
 - (ii) The continuation, alteration or reconstruction of any single family dwelling that was in existence as of the 1st day of January, 1989, provided that such alteration or reconstruction is carried out in accordance with all other provisions of this By-law 1784; and,
 - (iii) The erection and use of any accessory building or structure provided that such building or structure is accessory to a residential use permitted hereunder.
- (d) Notwithstanding the provisions of subsection (b) of this Section 5A, the provisions of By-law 1784, as amended by the By-laws specified hereunder shall continue to apply to the lands designated in such By-laws, namely, By-laws 1406-82 and 1634-84.
- (e) The respective Zone Provisions and other requirements of By-law 1784 apply to any development or use of the lands designated in accordance with subsections (a) and (b) hereof and, without limiting the generality of the foregoing, the "R1, R2" and "R3" Zone Provisions apply to the areas designated as aforesaid as "R1-BP, R2-BP" and "R3-BP", respectively.

(2633-89)

(f) Exceptions

Notwithstanding the provisions of Section I, 5A(e) of By-law # 2633-89 and Schedule "A" to By-law 1784, the following provisions for side yard width shall apply:

- (i) Interior Side Yard Width
Minimum 1.2 m
- (ii) Exterior Side Yard Width
Minimum 4.5 m

(2633-89)

Notwithstanding Section 5 of By-law 1784 and Section I of By-law # 2633-89, the following shall be permitted as an exception to the "R2-BP" Residential Zone on the property as is specified on Schedule "A-11" annexed to By-law # 2633-89:

(1) Uses Permitted

- (a) Non-Residential Uses
 - veterinary hospital and clinic

(b) Prohibition

For the purposes of this By-law, veterinary hospital and clinic shall not include the boarding of any animals outside a fully enclosed building, a pet food store outlet or a clipping and grooming salon.

(2) Zone Provisions

- (a) In accordance with the zone provisions of the “R2” Zone – Residential Use of Schedule “A” to By-law 1784 shall apply except for minimum side yard which will be 5.5 m and minimum rear yard which will be 12 m.
- (b) Parking and loading requirements shall be provided in accordance with Sections 4 (n) and (o) of By-law 1784.

(6073-08)

(1) **R2-BP-1: Exception 1
176 Way Street**

- (a) Notwithstanding the provisions of Subsection 4(y)(b) i), in any R2-BP-1 Zone the minimum rear yard setback to the greenhouse existing at the date of passing of this By-law shall be 1.0 m.

(6492-11)

(4) **R3-BP-1: Exception 1
2 Duke Street**(1) **Uses Permitted**

No person shall with any R3-BP-1 Zone, use any lot or erect, alter or use any building or structures except in accordance with one or more of the following uses:

- all uses permitted in the R3-BP Zone
- day nursery on the ground floor in the building existing at the date of the passing of this By-law

(2) **Zone Provisions**

Notwithstanding any provisions of this By-law to the contrary, in any R3-BP-1 Zone, the following provisions shall apply to any day nursery use listed in subsection (1) above:

(a) Floor Area Restriction

The ground floor area devoted to a day nursery shall be restricted to a maximum of 50 m² of the ground floor

(b) Driveway Width
Minimum

6.0 m

Section 5B Residential (R1A*) Zone

(3337-93)

No person shall use any lot, or erect or alter or use any building or structure in any 'R1A*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage Minimum	– interior	18 m
		– corner	21.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area Minimum		540 m ²
(d)	Lot Coverage	Maximum for one storey dwelling units	40%
		Maximum for a dwelling unit greater than one storey	33%
(e)	Front Yard Minimum Depth		4.5 m
		Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	Rear Yard	Minimum depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m
		Minimum depth to any portion of a dwelling unit having a height greater than one storey	10.0 m
		Except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be	15 m
(g)	Interior Side Yard Minimum Width		1.0 m
		Provided however, and notwithstanding the above,	
		(i) the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
		(ii) the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.5 m
		(iii) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(h)	Exterior Side Yard Minimum Width	4.5 m
	Provided however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Landscaped Open Space Minimum	40% of the lot area
(j)	Height of Buildings Maximum	8.5 m

(iii) Exceptions

(6542-11)

**(1) R1A*-1: Exception 1
Block 69 Plan 40M-2241, Camber Court**

- (a) Notwithstanding any provisions of this By-law to the contrary, in any R1A*-1 Zone, the following provisions shall apply:

(i)	Lot Frontage Minimum	9m

(6207-09)

**(2) R1A*-2: Exception 2
Part of Lot 20, Concession 4
Plan of Subdivision SW-2007-01**

- (1) Notwithstanding the Height of Buildings provision being Subsection 5B(ii)(j) to By-law # 1784, in any R1A*-2 Zone, the maximum height of buildings shall be 9.5.

(7786-21)

**(3) R1A*-3: Exception 3
Hanover Court**

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R1A*-3 Zone, the following provisions shall apply:

(a)	Lot Coverage Maximum	45%
(b)	Rear Yard Minimum Depth	7.5m
(c)	Interior Side Yard Minimum Width	1.2m
	Provided further that the minimum setback to the Canadian Pacific Railway property line shall be	25m

Section 5C Residential (R2A*) Zone

(3338-93)
(3506-94)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2A*' Zone except in accordance with the following uses and zone provisions:

(i) **Use Permitted**

- single detached dwelling

(ii) **Zone Provisions**

(a)	Lot Frontage Minimum	– interior	15 m
		– corner	18.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area Minimum		465 m
(d)	Lot Coverage	Maximum for one storey dwelling unit	40%
		Maximum for dwelling unit greater than one storey	33%

Notwithstanding the lot coverage provisions the following may be permitted

- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of an corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or the exterior side yard area of the lot.
- (e) Front Yard
Minimum Depth 4.5 m

Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 5.5 m
- (f) Rear Yard

Minimum to any portion of a dwelling unit having a maximum height of one storey 7.5 m

Minimum to any portion of a dwelling unit having a height greater than one storey 10.0 m

	Except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more, or where a rear yard directly abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	Interior Side Yard Minimum Width	1.0 m
	Provided however, and notwithstanding the above,	
	(1) the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
	(2) the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.5 m
(3552-95)	(3) Repealed by By-law Amendment 3552-95	
	(4) provided however and notwithstanding the above, where a detached garage is provided in the rear yard or an attached garage located to the rear of the main dwelling unit is provided and no attached garage or carport is provided to the side or front of the main dwelling unit the minimum width of the interior side yard shall be as follows:	
	on the interior side containing the driveway to the detached garage or an attached garage located to the rear of the main dwelling unit	3.1 m
	on the other side	1.2 m
(h)	Exterior Side Yard Minimum Width	4.5 m
	provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(i)	Landscaped Open Space Minimum	40% of the lot area
(j)	Height of Building Maximum	8.5 m
(iii)	Exceptions:	
(4417-99)	(a) R2A*-1: Exception 1	
	(i) Notwithstanding any provisions of this By-law to the contrary, the minimum lot depth shall be	24 m
	(ii) Notwithstanding any provisions of this By-law to the contrary, the minimum rear yard setback shall be	7.0 m
(5956-07)	(b) R2A*-2: Exception 2	
	Notwithstanding the provisions of Section 5C(ii) of By-law # 1784 to the contrary, the lands zoned "R2A*-2", as identified on Schedule "A-1" to By-law # 4622-00 shall have the following exception:	

- (i) All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.

(5439-04)
(6600-12)

(c) R2A*-4: Exception 4

Notwithstanding the provisions of Section 5 C (ii) (f) of By-law # 1784 to the contrary, the lands zoned 'R2A*-4' as identified on Schedule A-1 attached to and forming part of By-law # 5439-04, shall have the following exception:

- (i) all permanent buildings or structures, including in-ground swimming pools, detached garages and sheds shall be setback from the pipeline right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10 m from said right-of-way.

(5439-04)
(6600-12)

(d) R2A*-5: Exception 5

Notwithstanding the provisions of Section 5 C (ii) (g) of By-law # 1784 to the contrary, the lands zoned 'R2A*-5' as identified on Schedule A-1 attached to and forming part of By-law # 5439-04 shall have the following exception:

- (i) all permanent buildings or structures, including in-ground swimming pools, detached garages and sheds shall be setback from the pipeline right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 4.5 m from said right-of-way.

(5587-05)

(e) R2A*-6: Exception 6

- (a) Notwithstanding the zone provisions of Section 5C (ii) of By-law # 1784, the following zone provisions shall apply on the land identified R2A*-6 and identified as Parcel 3 on Schedule A-1" attached to and forming part of By-law # 5587-05:

- (i) Lot Frontage Minimum 16 m
- (ii) Exterior Side Yard Minimum Width 5.0 m
- (iii) Height of Building Minimum 2 storeys

- (b) Notwithstanding the zone provisions of Section 5C (ii) of By-law # 1784, the following zone provisions shall apply on the land identified R2A*-6 and identified as Parcel 4 on Schedule A-1" attached to and forming part of By-law # 5587-05:

- (i) Front Yard
 - Minimum Depth 0.0 m
 - Maximum Depth to the exterior wall of a habitable space 9.0 m
- (ii) Garage Location
 - Where a detached or attached garage is provided, it shall be located in the rear yard only.

(6131-08)

**(f) R2A*-8: Exception 8
19 Sandford Crescent**

- (i) Notwithstanding the uses permitted in the R2A* Zone, in any R2A*-8 Zone the following additional use shall be permitted:

- one accessory one bedroom dwelling unit

- (ii) Notwithstanding the parking area requirements of Section 4(n)(i)(a) to By-law # 1784, in any R2A*-8 Zone a minimum of two parking spaces shall be provided for the main dwelling unit, and a minimum of one additional parking space shall be provided for the additional accessory dwelling unit.

(6207-09)

(g) R2A*-9: Exception 9
Part of Lot 20, Concession 4
Plan of Subdivision SW-2007-01
Thickson Road

- (1) Notwithstanding the Height of Buildings provision being Subsection 5C(ii)(j) to By-law # 1784, in any R2A*-9 Zone the maximum height of buildings shall be 9.5 m.

(6684-12)

(h) R2A*-10: Exception 10
Part of Lot 27, Concession 3
Plan of Subdivision SW-2007-02 and S-206-90

(1) Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2A*-10 Zone, the following provisions shall apply:

- (a) Lot Frontage
- | | | |
|---------|------------|------|
| Minimum | – Interior | 15 m |
| | – corner | 18 m |
- Notwithstanding provision (a) above, the minimum lot frontage for the lots shown cross hatched on Schedule A-1, shall be 8.0 m
- (b) Lot Coverage
- | | |
|---------|-----|
| Maximum | 45% |
|---------|-----|
- Notwithstanding provision (b) above, the following may be permitted:
- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20m² provided it is located in the front yard and / or exterior side yard area of the lot.
- (c) Rear Yard
- | | |
|---------------|------|
| Minimum Depth | 7.5m |
|---------------|------|
- Notwithstanding provision (c) above, the minimum rear yard depth for the portions of lots shown with double-diagonal lines on Schedule A-1 shall be 7.0m
- Notwithstanding provision (c) above, the minimum set back for the portions of lots shown with double-diagonal lines on Schedule A-1 for any accessory building, structure or swimming pool or similar use shall be 1.0 m
- (d) Interior Side Yard
- | | |
|---------------|------|
| Minimum Width | 1.0m |
|---------------|------|
- Notwithstanding provision (d) above:

		(i)	the exterior wall of that portion of a dwelling unit having a height greater than one storey shall be set back a minimum distance from the interior side lot line of	1.75m
			Provided further and notwithstanding provision (d) above, for any dwelling unit that existed at the date of the passing of this By-law for the lots shown cross hatched on Schedule A-1:	
		(ii)	the minimum interior side yard width for a one storey dwelling shall be	1.0m
		(iii)	the minimum interior side yard width to the exterior wall of that portion of a dwelling unit having a height greater than one storey shall be	1.5m
		(e)	Height Maximum	9.5m
			Notwithstanding provision (e) above, in the case of a gable, hip, gambrel or other sloped roof, the maximum height for the lots shown with a dot pattern on Schedule A-1 shall be calculated as the vertical distance between the average elevation of the finished surface of the ground at the sides of the building to the mean height between the eaves and the highest ridge line of the roof, exclusive of any accessory roof construction such as a chimney, tower, steeple or antenna and such maximum height shall be	10.5m
(6683-12)	(i)	R2A*-11: Exception 11 68 Way Street		
		(1)	Zone Provisions	
			Notwithstanding any provisions of this By-law to the contrary, in any R2A*-11 Zone, the following provisions shall apply:	
		(a)	Lot Frontage Minimum	4.5 m
(6796-13)	(j)	R2A*-12: Exception 12 Part Lot 18, Concession 3 Plan of Subdivision SW-2013-01		
		(1)	Zone Provisions	
			Notwithstanding any provisions of this By-law to the contrary, in any R2A*-12 Zone the following provisions shall apply:	
		(a)	Lot Coverage	
			Maximum for one storey dwelling unit	40%
			Maximum for dwelling unit greater than one storey	33%
			Notwithstanding provision (a) above, a porch shall be permitted subject to the following:	
		(i)	in the case of an interior lot:	

- (a) the maximum height is one storey with no habitable space above it
- (b) the maximum floor area is 16m²
- (c) the porch is located in the front yard

(7208-16)

(k) R2A*-13: Exception 13
Part of Lot 18, Concession 1
229 Kendalwood

- (1) Zone Provisions
 Notwithstanding any provisions of this By-law to the contrary, in any R2A*-13 Zone, the following provisions shall apply:
- (a) Lot Frontage

Minimum	– Interior	19.5m
	– Corner	21.0m
 - (b) Front Yard

Minimum Depth	8.0m

(8101-24)

(l) R2A*-14: Exception 14
55 Garrard Road and Block 33 on Plan 40M-1315

1. Defined Area

- (a) The lands located south of Burnage Lane and east of Garrard Road, municipally known as 55 Garrard Road and Block 33 on Plan 40M-1315 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. Zone Provisions

- (a) Notwithstanding any provisions of this By-law to the contrary, in any R2A*-14 Zone the following provisions shall apply:
- (b) Lot Coverage

Maximum	40%
- (c) Front Yard

Minimum Depth	4.5 m
Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	
	5.8 m
- (d) Rear Yard

Minimum Depth	7.5 m
- (e) Interior Side Yard

Minimum Width	1.5 m
- (f) Exterior Side Yard

Minimum Width	4.5 m
Provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	
	5.8 m

- (g) Height of Building
Maximum 10.5 m
Provided that any third storey component of a dwelling unit shall be incorporated into the roof structure.

3. Zone Provisions That Do Not Apply

- (a) The following provisions shall not apply to the lands zoned R2A*-14 by this By-law amendment:
 - 4(g) Sight Triangles
 - 4(m) Ten Per Cent (10%) of Every Lot
 - 4(w) Satellite Dishes

Section 5D Residential (R2B*) Zone (3337-93)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2B*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
	Minimum	– interior – corner	12 m 15.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area Minimum		360 m ²
(d)	Lot Coverage		
	Maximum for one storey dwelling units		45%
	Maximum for a dwelling unit greater than one storey		40%
(e)	Front Yard Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of		5.5 m
(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey		10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be		15 m
(g)	Interior Side Yard Minimum Width		1.0 m
	(i)	Provided however, and notwithstanding the above, the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
	(ii)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m

	(h)	Exterior Side Yard Minimum Width	4.5 m
		Provided however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be setback from the exterior side lot line a minimum distance of	5.5 m
	(i)	Landscaped Open Space Minimum	40%
	(j)	Height of Building Maximum	8.5 m
(4017-97)	(iii)	Exceptions	
	(a)	R2B* Residential - Exception 1	
	(i)	Any use, building or structure within a "R2B*-1" Zone shall be established in accordance with the following provisions:	
	(a)	The zone provisions in an "R2B*" Zone shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4017-97, save and except for lot frontage, which shall be a minimum of 9.0 m.	
(4417-99)	(b)	R2B*-2: Exception 2	
	(i)	Notwithstanding any provisions of this By-law to the contrary, the minimum lot depth shall be	24 m
	(ii)	Notwithstanding any provisions of this By-law to the contrary, the minimum rear yard setback shall be	7.0 m
(5956-07)	(d)	R2B*-4: Exception 4	
		Notwithstanding the provisions of Section 5D(ii) of By-law # 1784 to the contrary, the lands zoned "R2B*-4", as identified on Schedule "A-1" to By-law # 4622-00 shall have the following exception:	
	(i)	All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.	
(4985-02) (6600-12)	(d)	R2B*-4: Exception 4	
	(i)	Notwithstanding the lot frontage provisions of Section 5D (ii)(a), and rear yard setback provisions of Section 5D (ii)(f), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on those lands identified as 'R2B*-4' on Schedule "A-1" annexed to By-law # 4984-02:	
	(ii)	Lot Frontage minimum – Corner	13.5 m
	(iii)	Rear Yard minimum depth to any portion of a dwelling unit having a height greater than 1 storey	8.0 m

- (5598-05) (e) **R2B*-5: Exception 5**
- (i) Notwithstanding the lot depth provisions of Section 5D (ii) (b) of By-law # 1784, as amended, the following shall apply to those lands zoned R2B*-5'
- (a) Lot Depth Minimum 29 m
- (ii) Notwithstanding the definition of front lot line in Section 2 of By-law # 1784, as amended, the following shall apply to the property identified with cross hatching on Schedule "A-1" annexed to by-law # 5598-05:
- (b) The longer lot line that abuts the municipal street shall be defined as the front lot line.
- (6074-08) (e) **R2B*-5: Exception 5**
Part of Lot 26, Concession 4, East of Baldwin Street South
Plan of Subdivision SW-2005-06 and SW-2012-01
- (i) Notwithstanding the zone provisions of Subsection 5D(ii), in any R2B*-5 Zone the following zone provisions shall apply:
- (a) Interior Side Yard
- Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:
- on one side of the dwelling unit 0.6 m
 - on the other side of the dwelling unit 1.2 m
- provided however, that the minimum distance between dwelling units shall be 1.2 m
- (b) Rear Yard
- The minimum depth to any portion of a dwelling unit having a height greater than one storey shall be 8.5 m
- (6278-09) (ii) Holding Provisions
- (a) No person shall use any lot or erect or alter or use any building or structure in any H-R2B*-5 as shown on Schedule "A-1" to this By-law, except in accordance with the following uses:
- bush or berry crop
 - field crop
- (b) A by-law shall not be enacted to remove the 'H' symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the poultry farm adjacent to the plan of subdivision has ceased operation and been removed or the operation or operational techniques within the farm change sufficiently to mitigate the effects of noise and odour to an acceptable level to permit residential development.

- (6073-08) (f) **R2B*-6: Exception 6
Montgomery Avenue**
- (i) Notwithstanding the zone provisions of Subsection 5D(ii), in any R2B*-6 Zone the following zone provisions shall apply:
- (a) Height of Building
Maximum 7.5 m
- Provided further that any building shall be restricted to one storey.
- (6073-08) (g) **R2B*-7: Exception 7
Montgomery Avenue**
- (i) Notwithstanding the zone provisions of Subsection 5D(ii), in any R2B*-7 Zone the following zone provisions shall apply:
- (a) Lot Depth
Minimum 29 m
- (b) Height of Building
Maximum 7.5 m
- Provided further that any building shall be restricted to one storey.
- (6181-09) (h) **R2B*-8: Exception 8
53 Ian Fleming Crescent**
- (i) Notwithstanding the uses permitted in the R2B* Zone, in any R2B*-8 Zone the following additional use shall be permitted.
- one accessory dwelling unit.
- (ii) Section 4(u) Rooms Below Grade, shall not apply to the Subject Land.
- (iii) Notwithstanding the parking area requirements of Subsection 4(n)(i)(a) to By-law # 1784, in any R2B*-8 Zone a minimum of two parking spaces shall be provided for the main dwelling unit, and a minimum of one additional parking space shall be provided for the accessory dwelling unit.
- (6207-09) (i) **R2B*-9: Exception 9
Part of Lot 2-, Concession 4
Plan of Subdivision SW-2007-01**
- (1) Notwithstanding the Height of Buildings provision being Subsection 5D(ii)(j) to By-law # 1784, in any R2B*-9 Zone the maximum height of buildings shall be 9.5m.
- (6206-09) (j) **R2B*-10: Exception 10
Part of Lot 31 And 32, Concession 3
Plan of Subdivision SW-2004-04
Plan of Subdivision SW-2003-02
Plan of Subdivision 18T-94013**
- (1) Notwithstanding the uses permitted and zone provisions of Section 5D to By-law # 1784, in any R2B*-10 Zone, a detached garage shall be permitted subject to the following:
- (a) the maximum floor area of the detached garage is 38 m²

- (b) the detached garage is situated in the rear yard
- (c) access to a public street from the detached garage situated in the rear yard is by a driveway having a minimum width of 2.75 m
- (d) there is no garage or carport attached or integral to the dwelling unit
- (e) the minimum width of the interior side yard of the dwelling unit is as follows:
 - (i) on the side with the driveway 3.1 m
 - (ii) on the side without the driveway 0.6 m

Provided further, that where the exterior wall of the dwelling unit is at the minimum interior side yard width of 0.6 m, then a minimum setback of 1.6 m is required from the dwelling unit on the abutting lot.

- (2) Notwithstanding the uses permitted and zone provisions of Section 5D to By-law # 1784, in any R2B*-10 Zone a porch shall be permitted subject to the following:
 - (a) in the case of an interior lot:
 - (i) the maximum height is one storey with no habitable space above it
 - (ii) the maximum floor area is 12 m²
 - (iii) the porch is located in the front yard
 - (b) in the case of a corner lot:
 - (i) the maximum height is one storey with no habitable space above it
 - (ii) the maximum floor area is 20 m²
 - (iii) the porch is located in the front yard or exterior side yard

(6892-14)

(k) R2B*-11: Exception 11
Part of Lots 4 and 5, Registered Plan #166
Plan of Subdivision SW-2012-04

1. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, in any R2B*-11 Zone, the following provisions shall apply:

- (a) Lot Coverage

Maximum for one storey dwelling units	45%
Maximum for a dwelling unit greater than one storey	40%

Notwithstanding provision (a) above, the following may be permitted:

- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m² provided it is located in the front yard and/or exterior side yard area of the lot

(b)	Rear Yard	
	Minimum depth to any portion of a dwelling unit having a height greater than one storey	8.5 m
(c)	Interior Side Yard	
	Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:	
	- on one side of the dwelling unit	1.2 m
	- on the other side of the dwelling unit	0.6 m
	provided however, that the minimum distance between dwelling units shall be	1.2 m
(d)	Height of Building Maximum	9.0 m

(6952-15)

(I) **R2B*-12: Exception 12**
Part of Lot 20, Concession 4
Plan of Subdivision SW-2013-08

(1) **Zone Provisions**

Notwithstanding any zone provisions of this By-law to the contrary, in any R2B*-12 Zone, the following provisions shall apply:

(a)	Lot Frontage	
	Minimum	
	– interior	12 m
	– corner	15 m
(b)	Lot Coverage	
	1.1 Maximum for one storey dwelling unit	45%
	1.2 Maximum for dwelling unit greater than one storey	40%
	1.3 Notwithstanding provision (b) above, the following may be permitted:	
	(i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m ² provided it is located in the front yard and/or exterior side yard area of the lot	
(c)	Front Yard Minimum Depth	4.5 m
	Notwithstanding provision (c) above, a garage shall be setback from the front lot line a minimum distance of	
		5.8 m

(d)	Rear Yard	
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey shall be	7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey	8.5 m
(e)	Exterior Side Yard Minimum Width	4.5 m
	Notwithstanding provision (e) above, a garage shall be setback from the exterior side lot line a minimum distance of	5.8 m
(f)	Height of Main Building Maximum	9.5 m

(7143-16)

(m) **R2B*-13: Exception 13**
Part of Lot 22, Concession 3
Plan of Subdivision 18T-88028

1. Defined Area

The lands located north of Dryden Boulevard and east of Anderson Street and zoned R2B*-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. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, in any R2B*-13 Zone, the following provisions shall apply:

(a)	Lot Coverage Maximum	45 %
	Notwithstanding provision (a) above, the following may be permitted:	
(i)	a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m ² provided it is located in the front yard and/or exterior side yard area of the lot	
(b)	Front Yard Minimum Depth	4.5 m
	Notwithstanding provision (b) above, a garage shall be setback from the front lot line a minimum distance of	5.8 m
(c)	Rear Yard Minimum Depth	7.5 m

(d) Interior Side Yard

Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:

- on one side of the dwelling unit 1.2 m
- on the other side of the dwelling unit 0.6 m

provided however, that the minimum distance between dwelling units shall be 1.2 m

(e) Exterior Side Yard
Minimum Width 4.5 m

Notwithstanding provision (e) above, a garage shall be setback from the exterior side lot line a minimum distance of 5.8 m

(f) Height of Main Building
Maximum 9.5 m

(7315-17)

(m) **R2B*-14: Exception 14**
Part of Lot 26, Concession 4
Plan of Subdivision SW-2017-02**1. Defined Area**

The lands located east of Baldwin Street South and north of Claridge Crescent and zoned R2B*-14 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 zone provisions of this By-law to the contrary, in any R2B*-14 Zone, the following provisions shall apply:

(a) LOT COVERAGE

Maximum for one storey dwelling unit 45%

Maximum for dwelling unit greater than one storey 40%

Notwithstanding provision (a) above, the following may be permitted:

- (i) In the case of an interior lot, a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 12 m² provided it is located in the front yard area of the lot; and,
- (ii) In the case of a corner lot, a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m² provided it is located in the front and/or exterior side yard area of the lot

(7628-20)

(o) **R2B*-15: Exception 15**
Plan of Subdivision SW-2016-04
Aster Crescent

1. Defined Area

The lands located on Aster Crescent and zoned R2B*-15 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

2. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, any single detached dwelling situated within an R2B*-15 Zone shall be established in accordance with the following provisions:

(a)	Lot Frontage Minimum	11 m
(b)	Lot Depth Minimum	25 m
(c)	Lot Coverage Maximum	45%

Notwithstanding provision (c) above, the following may be permitted:

(i)	a single storey covered and enclosed porch or verandah having no habitable space above it to a maximum floor area of 20m ² provided it is located in the front yard area of the lot.	
(d)	Rear Yard Minimum	7.5 m
(e)	Interior Side Yard Minimum	1.0 m
(f)	Landscaped Open Space Minimum	30% of the lot area
	Provided further and notwithstanding any provisions of Section 4 General Provisions and Section 4A Parking and Loading Requirements regarding minimum landscaped open space in the front yard or exterior side yard to the contrary, a minimum of 25% of the front yard or exterior side yard area in which a driveway is located must be maintained as landscaped open space.	
(g)	Height of Building Maximum	9.5 m

3. Zone Provisions That Do Not Apply

The following provisions of By-law #1784 shall not apply to the lands zoned R2B*-15

- 4(m) Ten Percent (10%) of Every Lot
- 4(w) Satellite Dishes
-

Section 5E Residential (R2C*) Zone

(3337-93)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2C*' zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
		Minimum	– interior 10.5 m – corner 14 m
(b)	Lot Depth		
	Minimum		30 m
(c)	Lot Area		
	Minimum		315 m ²
(d)	Lot Coverage		
	Maximum for one storey dwelling units		45%
	Maximum for a dwelling unit greater than one storey		40%
(e)	Front Yard		
	Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of		5.5 m
(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey		10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be		15 m
(g)	Interior Side Yard		
	Minimum Width		1.0 m
	Provided however, and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least		1.2 m
(h)	Exterior Side Yard		
	Minimum Width		4.5 m
	Provided however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of		5.5 m

	(i)	Landscaped Open Space Minimum	40%
	(j)	Height of Building Maximum	8.5 m
(5474-04)	(iii)	Exceptions	
	(i)	R2C*-1: Exception 1	
(5582-05)	(a)	Notwithstanding any provision of this By-law to the contrary, the minimum lot depth shall be 26.9 m	
	(b)	Notwithstanding any provision of this By-law to the contrary, the maximum lot coverage for a one (1) or two (2) storey dwelling, including covered and unenclosed porches, shall be	45%
	(c)	Notwithstanding any provision of this By-law to the contrary, the minimum interior side yard shall be	
		Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:	
		– on one side of the dwelling unit	0.6 m
		– on the other side of the dwelling unit	1.2 m
		Provided however, that the minimum distance between dwelling units shall be	1.2 m
	(d)	Rear Yard	
		Minimum depth to any portion of a dwelling unit having a maximum height of one storey or two storeys	7.5 m
		Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(5582-05)	(ii)	R2C*-2: Exception 2	
	(a)	Notwithstanding any provision of this By-law to the contrary, the maximum lot coverage for a one or two storey dwelling, including covered and unenclosed porches, shall be	45%
	(b)	Notwithstanding any provision of this By-law to the contrary, the minimum interior side yard shall be:	
		Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:	
		– on one side of the dwelling unit	0.6 m
		– on the other side of the dwelling unit	1.2 m
		Provided however, that the minimum distance between dwelling units shall be	1.2 m

	(c)	Rear Yard	
		Minimum depth to any portion of a dwelling unit having a maximum height of one storey or two storeys	7.5 m
		Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(6010-07)	(iii)	R2C*-3: Exception 3	
		Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as 'R2C*-3' on Schedule A-1, attached to and forming part of By-law # 6010-07.	
	(a)	All residential dwellings, save and except for detached garages, storage sheds, playhouses, swimming pools, and other similar necessary uses, shall be setback from the Canadian Pacific Railway right-of-way a maximum of 30 m.	
	(b)	All other provisions of By-law # 1784, as amended shall apply.	
(6074-08)	(iv)	R2C*-4: Exception 4 Part of Lot 26, Concession 4, East of Baldwin Street South Plan of Subdivision SW-2004-06	
	(a)	Notwithstanding the zone provisions of Subsection 5E(ii), in any R2C*-4 Zone the following zone provisions shall apply:	
	(i)	Interior Side Yard	
		Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:	
		– on one side of the dwelling unit	0.6 m
		– on the other side of the dwelling unit	1.2 m
		provided however, that the minimum distance between dwelling units shall be	1.2 m
	(ii)	Rear Yard	
		The minimum depth to any portion of a dwelling unit having a height greater than one storey shall be	8.5 m
(6206-09)	(v)	R2C*-5: Exception 5 Part of Lot 31 And 32, Concession 3 Plan of Subdivision SW-2004-04 Plan of Subdivision SW-2003-02 Plan of Subdivision 18T-94013	
	(1)	Notwithstanding the uses permitted and zone provisions of Section 5E to By-law # 1784, in any R2C*-5 Zone a detached garage shall be permitted subject to the following:	
	(a)	the maximum floor area of the detached garage is 38 m ²	
	(b)	the detached garage is situated in the rear yard	

- (c) access to a public street from the detached garage situated in the rear yard is by a driveway having a minimum width of 2.75 m
- (d) there is no garage or carport attached or integral to the dwelling unit
- (e) the minimum width of the interior side yard of the dwelling unit is as follows
 - (i) on the side with the driveway 3.1 m
 - (ii) on the side without the driveway 0.6 m

Provided further, that where the exterior wall of the dwelling unit is at the minimum interior side yard width of 0.6 m, then a minimum setback of 1.6 m is required from the dwelling unit on the abutting lot.

- (2) Notwithstanding the uses permitted and zone provisions of Section 5E to By-law # 1784, in any R2C*-5 a porch shall be permitted subject to the following:
 - (a) In the case of an interior lot:
 - (i) the maximum height is one storey with no habitable space above it
 - (ii) the maximum floor area is 12 m²
 - (iii) the porch is located in the front yard
 - (b) In the case of a corner lot:
 - (i) the maximum height is one storey with no habitable space above it
 - (ii) the maximum floor area is 20 m²
 - (iii) the porch is located in the front yard or exterior side yard.

(vi) R2C*-6: Exception 6
Part Lot 18, Concession 3
Plan of Subdivision SW-2013-01

(1) Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2C*-6 Zone the following provisions shall apply:

- (a) Lot Coverage

Maximum for one storey dwelling unit	45%
Maximum for dwelling unit greater than one storey	40%

Notwithstanding provision (a) above, a porch shall be permitted subject to the following:

- (i) in the case of an interior lot:
 - (a) the maximum height is one storey with no habitable space above it
 - (b) the maximum floor area is 12m²
 - (c) the porch is located in the front yard

(ii) in the case of a corner lot:

- (a) the maximum height is one storey with no habitable space above it
- (b) the maximum floor area is 18m²
- (c) the porch is located in the front yard and/or exterior side yard

(7315-17)

(vii) **R2C*-7: Exception 7**
Part of Lot 26, Concession 4 Plan of Subdivision SW-2017-02

1. Defined Area

The lands located east of Baldwin Street South and north of Claridge Crescent and zoned R2C*-7 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 zone provisions of this By-law to the contrary, in any R2C*-7 Zone, the following provisions shall apply:

(a) **LOT COVERAGE**

Maximum for one storey dwelling unit 45% Maximum for dwelling unit greater than one storey 40% Notwithstanding provision (a) above, the following may be permitted:

- (i) In the case of an interior lot, a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 10 m² provided it is located in the front yard area of the lot; and,
- (ii) In the case of a corner lot, a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 17.5 m² provided it is located in the front and/or exterior side yard area of the lot

(7314-17)

(viii) **R2C*-8: Exception 8**
Part of Lot 26, Concession 3

1. Defined Area

The lands located east of Old Colony Drive and zoned R2C*-8 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 zone provisions of this By-law to the contrary, in any R2C*-8 Zone, the following provisions shall apply:

- (a) **Lot Frontage**
Minimum 10.4m

(7344-17)

(ix)

R2C*-9: Exception 9**Part of Lot 21, Concession 3 Plan of Subdivision SW-2016-02****1. Defined Area**

The lands located west of Thicksen Road North and north of Rossland Road East and zoned R2C*-9 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

No person shall within any R2C*-9 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Frontage		
	Minimum	– interior lot	10.5 m
		– corner lot	14 m

Notwithstanding provision (a) above and notwithstanding the definitions for corner lot and through lot, the lot shown with double-diagonal lines on Schedule A-1(a) to By-law #7344-17 shall be deemed to be a corner lot and the minimum lot frontage for said corner lot shall be

12 m

(b)	Lot Depth		
	Minimum		28 m

(c)	Lot Area		
	Minimum		315 m ²

(d)	Lot Coverage		
	Maximum		52%

Provided further and in addition to provision (d) above:

- (i) a single storey covered and unenclosed porch or verandah having no habitable floor area above situated only in the front yard and/or exterior side yard area of a lot may be permitted to a maximum floor area of 20 m²

(e)	Front Yard		
	Minimum Depth		4.5 m

(f)	Rear Yard		
	Minimum Depth		7.5 m

(g)	Interior Side Yard		

Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:

–	on one side of the dwelling unit	1.2 m
–	on the other side of the dwelling unit	0.6 m

provided however, that the minimum distance between dwelling units shall be

1.2 m

- (h) Exterior Side Yard
Minimum Width 3 m
- (i) Landscaped Open Space
Minimum 30% of the lot area
- Provided further and notwithstanding any provisions of Section 4 General Provisions and Section 4A Parking and Loading Requirements regarding minimum landscaped open space in the front yard or exterior side yard to the contrary, a minimum of 20% of the front yard or exterior side yard area in which a driveway is located must be maintained as landscaped open space.
- (j) Height of Main Building
Maximum 11 m
- Notwithstanding provision (j) above, the maximum main building height for the lots shown cross hatched on Schedules A-1(a) and A-1(b) to By-law 7344-17 shall be 9.5 m
- (k) Sight Triangle and Visibility Triangle
- (i) A sight triangle shall be required only where a visibility triangle abutting a corner lot has not been incorporated into the right of way of a public street.
- (ii) Notwithstanding any other provision of this By-law to the contrary, in a sight triangle no building, structure, fence, wall, driveway, hedge, tree, shrub or other vegetative planting or landscaping feature shall be erected, maintained or permitted that has a height of greater than 0.9 metres above finished grade level.
- (iii) Where a corner lot abuts a visibility triangle the setback provisions and minimum front yard landscaped open space provisions shall be measured and/or calculated as if the visibility triangle had not been conveyed, provided all buildings are set back a minimum of 0.6 metres from the visibility triangle with the exception that window sills, belt courses, steps, cornices, eaves, and eave troughs may project to within 0.3 metres of the lot line of the lot that forms one of the sides of the visibility triangle.
- (l) Yard Encroachment Permitted
- Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any R2C*-9 Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.
- (m) 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 #1784 the following definitions shall apply:

“Visibility Triangle” means a triangular area of land situated at the intersection of street lines abutting a corner lot that has been or will be conveyed to a public authority and incorporated into the right of way of a public street and is not a sight triangle.

(n) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R2C*-9 by this By-law;

4(g) Sight Triangles

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

Section 5F Residential (R2D*) Zone

(3987-97)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2D*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
	Lot Depth Minimum	– interior	9.5 m
		– corner	13 m

(b)	Lot Depth Minimum		30 m

(c)	Lot Area Minimum		285 m ²

(d)	Lot Coverage		
	Maximum for one storey dwelling units		45%
	Maximum for a dwelling unit greater than one storey		40%

Notwithstanding the above lot coverage provisions the following shall be permitted:

A single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(a) In the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 9.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;

(b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 15.75 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(e)	Front Yard Minimum Depth		4.5 m

Provided however, and notwithstanding the above, a garage shall be set back a minimum distance from the front lot line of 5.5 m

(f)	Rear Yard	
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	Interior Side Yard	
	Where a detached single car garage is provided in the rear yard, the minimum width of the interior side yard shall be as follows:	
	– on the interior side yard containing the driveway to the detached garage	3.1 m
	– on the other side	0.6 m
	Provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.	
(h)	Exterior Side Yard Minimum Width	4.5 m
	Provided however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Landscaped Open Space Minimum	40%
(j)	Height of Building Maximum	8.5 m

(iii) Exceptions

(4790-01)

(a) R2D*-1: Exception 1

(i)	Notwithstanding any provision of this By-law to the contrary the following additional provisions shall apply to the lands zoned 'R2D*-1' as identified on Schedule "A-1" annexed to By-law # 4790-01:	
(a)	Front Yard	
	Where a garage is provided integral to the main dwelling unit, the garage shall be setback a minimum distance from the front lot line of	5.5 m

(b) Interior Side Yard

Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:

– on one side of the dwelling unit	1.2 m
– on the other side of the dwelling unit	1.0 m

(c) Garage Projection

Where a garage is provided integral to the main dwelling unit, the maximum projection of the garage from the front wall of the main dwelling unit shall be	1.5 m

Section 5G Residential (R2E*) Zone

(5474-04)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2E*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- single detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
	Minimum	– interior – corner	8.0 m 11.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area		
	Minimum	– interior – corner	240 m ² 345 m ²

(5582-05)

(d)	Lot Coverage		
	Maximum for one or two storey dwelling units, including covered and unenclosed porches		45%
(e)	Front Yard Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, an attached garage shall be set back a minimum distance from the front lot line of		5.5 m

(5582-05)

(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one or two storeys		7.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be		15 m
(g)	Interior Side Yard		
	Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:		
	– on one side of the dwelling unit		0.6 m
	– on the other side of the dwelling unit		1.2 m
	Provided however, that the minimum distance between dwelling units shall be		1.2 m

(h)	Exterior Side Yard Minimum Width	4.5 m
	Provided however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Landscaped Open Space Minimum	40%
(j)	Height of Building Maximum	8.5 m

(iii) Exceptions

R2E*-1: Exception 1
Part Lot 18, Concession 3
Plan of Subdivision SW-2013-01

(1) Zone Provisions

Notwithstanding any of provisions this By-law to the contrary, in any R2E*-1 Zone the following provisions shall apply:

(a)	Lot Coverage Maximum	45%

Notwithstanding provision (a) above, a porch shall be permitted subject to the following:

(i)	in the case of an interior lot:
	(a) the maximum height is one storey with no habitable space above it
	(b) the maximum floor area is 9m ²
	(c) the porch is located in the front yard
(ii)	in the case of a corner lot:
	(a) the maximum height is one storey with no habitable space above it
	(b) the maximum floor area is 16m ²
	(c) the porch is located in the front yard and/or exterior side yard

(8061-24)

R2E*-2 – Exception 2
Plan of Subdivision SW-2023-01
Block 189, 40M1715

1. Defined Area

The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R2E*-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

No person shall within any R2E*-2 Zone use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:

(a)	Lot Frontage Minimum	– interior – corner	8.0 m 11.2 m
(b)	Lot Area Minimum		270 m ²
(c)	Front Yard Minimum Depth		3.0 m
	Provided however, that an attached garage shall be set back a minimum distance from the front lot line of		5.8 m
(d)	Rear Yard Minimum		7.0 m
(e)	Interior Side Yard Minimum	– on one side of the dwelling unit – on the other side of the dwelling unit	0.6 m 1.2 m
(f)	Exterior Side Yard Minimum		3.0 m
	Provided however, that an attached garage shall be set back a minimum distance from the exterior side lot line of		5.8 m
(g)	Landscaped Open Space Minimum		25%
	Provided however that a minimum of 20% landscaped open space shall be maintained in the front yard or exterior side yard where a driveway is located.		
(h)	Height of Building Maximum		12.0 m
	Provided however that no dwelling unit shall be greater than three storeys in height.		
(i)	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 1.35 m from a street line.		
(ii)	Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line.		
(iii)	Decks and porches are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.		
(iv)	Balconies are permitted to project from the second and third storeys of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.		
(v)	Stairs to a deck or porch are permitted provided they are setback a minimum distance of 0.6 m from an exterior side lot line, interior side lot line or rear lot line.		

(j)	Setback to a Visibility Triangle Minimum	0.6 m

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R2E*-2 by this By-law amendment:

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

Section 5H Residential (R3A*) Zone

(3407-93)

(5474-04)

No persons shall use any lot, or erect or alter or use any building or structure in any `R3A** Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- link dwelling

(i) Zone Provisions

(a)	Lot Frontage Minimum	– interior	9.0 m
		– corner	12.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area Minimum		270 m ²
(d)	Lot Coverage		
	Maximum for one (1) or two (2) storey dwelling units, included covered and unenclosed porches		45%
(e)	Front Yard Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of		5.5 m
(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one (1) storey or two (2) storeys		7.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be		15 m
(g)	Interior Side Yard		0 m
	Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:		
	– on one side of the dwelling unit		0.6 m
	– on the other side of the dwelling unit		1.2 m
	Provided however, that the minimum distance between dwelling units shall be		1.2 m

(h)	Exterior Side Yard Minimum Width	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Height of Buildings Maximum	8.5 m
(j)	Landscaped Open Space Minimum	40%

Section 5I Residential (R3B*) Zone

(3337-93)

(5474-04)

No person shall use any lot or erect or alter to use any building or structure in any 'R3B*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- semi-detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
	Minimum	– interior	18 m
		– corner	21.5 m
	Provided however, and notwithstanding the above provisions, the minimum frontage for an interior lot for one of a pair of semi-detached units shall be		7.5 m
	and the minimum frontage for the corner lot of a pair of semi-detached units shall be		12.5 m
(b)	Lot Depth		
	Minimum		30 m
(c)	Lot Area		
	The minimum lot area for a common pair of semi-detached units shall be		540 m ²
	The minimum lot area for one of a pair of semi-detached units shall		225 m ²
(d)	Lot Coverage		
	Maximum for one storey dwelling units		45%
	Maximum for two and three storey dwelling units		40%
(e)	Front Yard		
	Maximum Depth		8.5 m
	Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of		5.5 m
(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey		10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be		15 m

- (g) Interior Side Yard
- In the case of a semi-detached dwelling with a common wall dividing the units, the minimum interior sideyard setback distance shall be
- | | | |
|-------|---|-------|
| (i) | exterior wall of first storey | 1.0 m |
| (ii) | exterior wall of second storey | 1.2 m |
| (iii) | exterior wall of third storey | 1.5 m |
| (iv) | where no attached garage or carport facilities are provided | 3.0 m |
- In the case of a semi detached dwelling with a connecting wall between the units, the minimum interior sideyard setback distance shall be
- | | | |
|--------|---|-------|
| (v) | the exterior wall on the side where the unit is attached below grade | 0.5 m |
| (vi) | the exterior wall of the first storey on the side where the unit is unattached | 1.0 m |
| (vii) | the exterior wall of the second storey on the side where the unit is unattached | 1.0 m |
| (viii) | the exterior wall of the third storey on the side where the unit is unattached | 1.5 m |
| (ix) | where no attached garage or carport facilities are provided | 3.0 m |
- (h) Exterior Side Yard
Minimum Width
- | | | |
|--|--|-------|
| | | 4.5 m |
|--|--|-------|
- Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of
- | | | |
|--|--|-------|
| | | 5.5 m |
|--|--|-------|
- (i) Landscaped Open Space
Minimum
- | | | |
|--|--|-----|
| | | 40% |
|--|--|-----|
- (j) Height Of Building
Maximum
- | | | |
|--|--|-------|
| | | 8.5 m |
|--|--|-------|

(iii) **Exceptions**

(5956-07)

(i) **R3B*-1: Exception 1**

Notwithstanding the provisions of Section 5H(ii) of By-law # 1784 to the contrary, the lands zoned "R3B*-1", as identified on Schedule "A-1" to By-law # 4622-00 shall have the following exception:

- (i) All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.

(6010-07)**(ii) 'R3B*-2': Exception 2**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as 'R3B*-2' on Schedule A-1, attached to and forming part of By-law # 6010-07.

- (a) All residential dwellings, save and except for detached garages, storage sheds, playhouses, swimming pools, and other similar necessary uses, shall be setback from the Canadian Pacific Railway right-of-way a maximum of 30 m.
- (b) All other provisions of By-law # 1784, as amended shall apply.

(7143-16)

(iii) R3B*-3: Exception 3
Part of Lot 22, Concession 3
Plan of Subdivision 18T-88028

1. Defined Area

The lands located north of Dryden Boulevard and east of Anderson Street and zoned R3B*-3 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 zone provisions of this By-law to the contrary, in any R3B*-3 Zone, the following provisions shall apply:

(a) Lot Line Determination

For the lots situated along Dryden Boulevard, the lot line adjacent to Dryden Boulevard, notwithstanding that a 0.3 m reserve abuts Dryden Boulevard, shall be deemed to be the front lot line.

(b) Lot Coverage
Maximum 45 %

Notwithstanding provision (a) above, the following may be permitted:

- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m² provided it is located in the front yard and/or exterior side yard area of the lot

(c) Front Yard
Minimum Depth 4.5 m

Notwithstanding provision (c) above, a garage shall be setback from the front lot line a minimum distance of 5.8 m

(d) Rear Yard
Minimum Depth 7.5 m

-
(e)	Interior Side Yard	
	In the case of a semi-detached dwelling with a connecting wall:	
(i)	the minimum interior side yard setback for the exterior wall on the side where the dwelling unit is attached below grade shall be	0.5 m
(ii)	the minimum interior side yard setback for the exterior wall on the side where the dwelling unit is unattached shall be	1.0 m
(f)	Exterior Side Yard Minimum Width	4.0 m
	Notwithstanding provision (f) above, a garage shall be setback from the exterior side lot line a minimum distance of	5.8 m
(g)	Landscaped Open Space Minimum	35 %
(h)	Height of Main Building Maximum	9.5 m
-

Section 5J Residential (R3C*) Zone

(4208-98)

(5474-04)

No person shall use any lot or erect or alter any building or structure in any 'R3C*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- common wall semi-detached dwelling

(ii) Zone Provisions

(a)	Lot Frontage		
	Minimum	– interior – corner	15 m 18.5 m
(b)	Lot Depth		
	Minimum		30 m
(c)	Lot Area		
	The minimum lot area for a common pair of semi-detached units shall be		450 m ²
	The minimum lot area for one of a pair of semi-detached units shall be		225 m ²
(d)	Lot Coverage		
	Maximum for one storey dwelling units		45%
	Maximum for two and three storey dwelling units		40%
(e)	Front Yard		
	Maximum Depth		8.5 m
	Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of		5.5 m
(f)	Rear Yard		
	Minimum depth to any portion of a dwelling unit having a maximum height of one storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than one storey		10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be		15 m

(8061-24)	(g)	Interior Side Yard	
		In the case of a semi-detached dwelling with a common wall dividing the units, the minimum interior sideyard setback distance shall be,	
	(i)	exterior wall of first storey	1.0 m
	(ii)	exterior wall of second storey	1.2 m
	(iii)	exterior wall of third storey	1.5 m
	(iv)	where no attached garage or carport facilities are provided	3.0 m
	(h)	Exterior Side Yard Minimum Width	4.5 m
		Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
	(i)	Landscaped Open Space Minimum	40% of the lot area
	(j)	Height of Building Maximum	8.5 m
(5956-07) (5129-02)	(iii)	Exceptions	
	(a)	R3C*-1 – Residential (R3C*) Zone - Exception 1 Part Of Lot 27, Concession 3 Block 62, Plan 40M-1743	
	(i)	For the purpose of interpretation for this specific by-law, the front yard setback within the R3C*-1 Zone category shall be measured from the Timber Mill Avenue street line and the rear yard setback within the R3C*-1 Zone category shall be measured from the Carrington Place street line.	
	(ii)	Notwithstanding Section 5I of By-law # 1784, the set back of a detached garage to a street line at Carrington Place shall be a minimum of 3.5 m.	
	(iii)	Notwithstanding the above, all other provisions of Section 5I of By-law # 1784 shall apply.	
(8061-24)	(2)	R3C*-2 – Exception 2 Plan of Subdivision SW-2023-01 Block 189, 40M1715	
	1.	Defined Area	
		The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R3C*-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	
		No person shall within any R3C*-2 Zone use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:	
	(a)	Lot Frontage Minimum	14.0 m

- (b) Lot Area
- The minimum lot area for a common pair of semi-detached dwelling units shall be 360.0 m²
- The minimum lot area for one of a pair of semi-detached dwelling units shall be 180.0 m²
- (c) Front Yard
Minimum Depth 2.8 m
- Provided however, that an attached garage shall be set back a minimum distance from the front lot line of 5.8 m
- (d) Rear Yard
Minimum 7.0 m
- (e) Interior Side Yard (on unattached side)
Minimum 0.6 m
- (f) Landscaped Open Space
Minimum per one of a pair of semi-detached dwelling units 20%
- (g) Height of Building
Maximum 12.0 m
- Provided however, that the maximum building height for any lots that abut lots that front onto Donald Wilson Street shall be two storeys, and
- Provided further that the maximum building height for any lots that abut lots that front onto Eric Clarke Drive shall be three storeys where any third storey component must be incorporated into the roof structure.
- (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 1.35 m from a street line.
- (ii) Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line.
- (iii) Decks and porches are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second and third storeys of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

- (v) Stairs to a deck or porch are permitted provided they are setback a minimum distance of 0.6 m from an exterior side lot line, interior side lot line or rear lot line.

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R3C*-2 by this By-law amendment:

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

(8061-24)

(3) R3C*-3 – Exception 3 Plan of Subdivision SW-2023-01 Block 189, 40M1715

1. Defined Area

The lands located east of Garrard Road and north of Eric Clarke Drive and zoned R3C*-3 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. Permitted Uses

No person shall within any R3C*-3 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- back-to-back semi-detached dwelling

3. Zone Provisions

No person shall within any R3C*-3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Frontage Minimum	13.0 m
(b)	Lot Area Minimum per individual dwelling unit	105 m ²
(c)	Height Maximum	12 m
	Provided however that no dwelling unit shall be greater than three storeys in height.	
(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 and any architectural or landscape features shall not exceed 3 m	
(e)	Front Yard Minimum Depth	2.8 m
	Provided however, that an attached garage shall be set back a minimum distance from the front lot line of	
		5.8 m

(f)	Exterior Side Yard Minimum	3.0 m
(g)	Rear Yard Minimum	0.0 m
(h)	Interior Side Yard (on unattached side) Minimum	0.6m
(i)	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 1.35 m from a street line.	
(ii)	Steps are permitted to project provided they are setback a minimum distance of 0.4 m from a street line.	
(j)	Setback to a Visibility Triangle Minimum	0.6 m

4. Zone Provisions That Do Not Apply

The following shall not apply to the lands zoned R3C*-3 by this By-law amendment:

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

5. 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 #1784, the following definitions shall apply:

“Back-to-Back Semi-Detached Dwelling” means a building on a lot or lots divided vertically by common walls, including a common rear wall, containing four dwelling units and each dwelling unit has an independent entrance from the outside.

Section 5K Residential (R3D*) Zone

(4208-98)

(4622-00)

(5474-04)

- (a) No person shall use any lot or part of a lot or erect or alter or use any building or structure in the "R3D*" Zone except in accordance with the following uses and zone provisions:

(i) Uses Permitted

- low density cluster dwellings

(ii) Zone Provisions

(a)	Lot Frontage Minimum	45 m
(b)	Lot Area Minimum	1.0 ha
(c)	Lot Coverage Maximum	35%
(d)	Density The maximum number of dwelling units permitted within an 'R3D*' Zone shall be	 9 units per net ha
(e)	Height Maximum	2 storeys
(f)	Setbacks	
(a)	The minimum building setback from a street line or a 0.3 m reserve to the nearest portion of a dwelling unit cluster shall be	10.0 m from a local or collector road and 15m from an arterial road
	Provided however, and notwithstanding the above, the minimum distance from a street line to the nearest portion of a dwelling unit cluster may be reduced to a minimum 5.0 m setback provided a private amenity space of 30 m ² , and which has a minimum linear dimension of 4.5 m on one side, is provided adjacent to the dwelling unit cluster on the side of the dwelling unit cluster which faces an internal roadway.	
(b)	The minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of a dwelling unit cluster shall be	7.5 m
	Provided however, and notwithstanding the above the minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of the end wall of a dwelling unit cluster shall be	2.0 m
(i)	The minimum distance from a property line to the nearest portion of a detached garage shall be	5.5 m

- (g) Distance Between Buildings On The Same Lot
 - (a) The minimum distance between the end walls of separate dwelling unit clusters shall be 3.0 m
 - (b) The minimum distance between the end wall of a dwelling unit cluster and a wall other than an end wall of a dwelling unit cluster shall be 9.5 m
 - (c) The minimum distance between walls other than the end walls on separate dwelling unit clusters shall be 15 m
 - (d) The minimum distance between a detached garage and a dwelling unit cluster shall be 5.0 m
 - (e) The minimum distance between an activity building and an end wall of a dwelling unit cluster shall be 5.0 m
 - (f) The minimum distance between an activity building and a wall other than an end wall of a dwelling unit cluster shall be 9.5 m
- (h) Internal Roadway
 - (i) Minimum Width 8.5 m
 - (ii) The minimum distance from an internal roadway to the nearest portion of a dwelling unit cluster shall be 4.5 m
 - (iii) The minimum distance from an internal roadway to the nearest portion of a detached garage shall be 5.5 m
- (i) Landscaped Open Space
Minimum 40% of the lot area
- (j) Private Amenity Space
Minimum Area 30 m² per dwelling unit
- (k) Parking
Repealed by By-law 6925-14

(iii) Exceptions

(4832-01)

- (a) **R3D*-1: Exceptions 1**
Repealed by By-Law 6206-09

(5956-07)

- (b) **'R3D*-2' Low Density Cluster Dwelling Residential Zone - Exception 2**

- (i) Notwithstanding the lot frontage provisions of Section 5J (ii)(a) and the lot area provisions of Section 5J (ii)(b) of 'R3D*' Zone of By-law 1784, the following zone provisions shall be permitted on those lands identified as 'R3D*-2' on Schedule "A-1" annexed to By-law # 5168-02:
 - (a) Lot Frontage
Minimum 24 m
 - (b) Lot Area
Minimum 0.15 hectares
- (ii) The permitted uses for the lands zoned 'R3D*-2/I*' as identified on Schedule "A-1" annexed to By-law 5168-02 shall be developed for either Low Density Cluster Dwellings or Institutional uses within By-law # 1784 as amended.

Section 5L Residential (R4A*) Zone

(3337-93)

(4208-98)

(4622-00)

No person shall use any lot, or erect or alter or use any building or structure in any R4A* Zone except in accordance with the following uses and zone provisions.

(i) Uses Permitted

- activity building
- block townhouse dwelling

(ii) Zone Provisions

(a)	Lot Frontage Minimum	60 m
(b)	Lot Area Minimum	0.4 ha
(c)	Coverage Maximum	35%
(d)	Density Maximum	39 units per net ha
(e)	Yards	
(i)	The minimum distance from a street line or a 0.3 m reserve to the nearest portion of a block townhouse dwelling shall be	10.0 m
	Provided however, and notwithstanding the above, the minimum distance from a street line to the nearest portion of the block townhouse dwelling may be reduced to a minimum 5.0 m setback provided a private amenity space of 30 m², and which has a minimum linear dimension of 4.5 m on one side, is provided adjacent to the block townhouse dwelling unit on the side of the block townhouse dwelling unit which faces an internal roadway.	
(ii)	The minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of a block townhouse dwelling shall be	7.5 m
	Provided however, and notwithstanding the above the minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of the end wall of a block townhouse dwelling shall be	
(iii)	The minimum distance from a property line to the nearest portion of a detached garage shall be	5.5 m
(f)	Distance Between Buildings On The Same Lot	
(i)	The minimum distance between the end walls of separate block townhouse dwellings shall be	3.0 m
(ii)	The minimum distance between the end wall of a block townhouse dwelling and a wall other than an end wall on a separate block townhouse dwelling shall be	9.5 m

(iii)	The minimum distance between walls other than the end walls on separate block townhouse dwellings shall be	15 m
(iv)	The minimum distance between a detached garage and a block townhouse dwelling unit shall be	5.0 m
(v)	The minimum distance between an activity building and an end wall of a block townhouse dwelling shall be	5.0 m
(vi)	The minimum distance between an activity building and a wall other than an end wall of a block townhouse dwelling shall be	9.5 m
(g)	Internal Roadway	
(i)	The minimum width of an internal roadway shall be	8.5 m
(ii)	The minimum distance from an internal roadway to the nearest portion of a block townhouse dwelling shall be	4.5 m
(iii)	The minimum distance from an internal roadway to the nearest portion of a detached garage shall be	5.5 m
(h)	Landscaped Open Space Minimum	50% of lot area
(i)	Private Amenity Space Minimum Area	30 m ² per dwelling unit
(j)	Height Of Buildings Maximum	9.5 m
(k)	Parking Repealed by By-law 6925-14	

(5956-07)**(iii) Exceptions****(a) R4A*-1: Exception 1**

Notwithstanding the provisions of Section 5K(ii) of By-law # 1784 to the contrary, the lands zoned "R4A*-1", as identified on Schedule "A-1", to By-law # 4622-00 shall have the following exception:

- (i) All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.

(5509-04)
(6600-12)**(b) R4A*-2: Exception 2**

Notwithstanding the permitted uses found in Section 5K(ii) Zone provisions of By-law # 1784, the following shall apply for the lands identified on Schedule A-1 attached to and forming part of this By-law # 5509-04.

Zone Provisions

(a)	Lot Frontage minimum	100 m
(b)	Lot Area minimum	3.62 ha

(c)	Coverage maximum	40%
(d)	Density maximum	45 units per net ha
(e)	Yards	
(i)	The minimum distance from a street line or a 0.3 metre reserve to the nearest portion of a block townhouse dwelling shall be	3 m
(ii)	The minimum distance from a property line other than a street line or a 0.3 metre reserve to the nearest portion of a block townhouse dwelling shall be	3 m
(f)	Distance Between Buildings On The Same Lot	
(i)	The minimum distance between the end walls of separate block townhouse dwellings shall be	2.5 m
(ii)	The minimum distance between walls other than the end walls on separate block townhouse dwellings shall be	7 m
(iii)	The minimum distance between walls other than an end wall providing access to a garage shall be	12 m
(iv)	The minimum distance between walls other than an end wall having no contained access to a garage shall be	15 m
(g)	Internal Roadway	
(i)	The minimum width of an internal roadway shall be	6.5 m
(ii)	The minimum distance from an internal roadway to the nearest portion of a block townhouse dwelling shall be	2.5 m
(h)	Landscaped Open Space Minimum	28% of the lot area
(i)	Section 4(y)(d)(c) of By-law # 1784, as amended, shall not apply to the subject property.	
(j)	Height of Buildings Maximum	9.5 m
(k)	Parking	
	The parking provisions found in Section 4 of By-law # 1784, as amended, shall apply	
	The minimum distance between a visitor parking area and the nearest portion of block townhouse dwelling shall be	2 m

(l) Block Townhouse Definition

Notwithstanding Section 2 (Definitions) in By-law Number 1784, as amended, the definition for a block townhouse dwelling shall be amended to permit a minimum of three (3) and a maximum of nine (9) block townhouse dwelling units

(6985-15)

(c) **R4A*-3: Exception 3**
Plan of Subdivision SW-2008-03
Civic Centre Drive

(i) Defined Area

The lands located west of Civic Centre Drive and north of Kenneth Hobbs Avenue and zoned R4A*-3 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.

(ii) Uses Permitted

No person shall within any R4A*-3 Zone use any lot or erect, alter or use any building or structure for any purpose except on or more of the following uses:

- activity building
- back to back townhouse dwelling
- block townhouse dwelling

(iii) Zone Provisions

No person shall within any R4A*-3 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 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 R4A*-3 by this By-law shall be considered to be one lot.

(b)	Lot Frontage Minimum	30 m

(c)	Lot Area Minimum	0.4 ha

(d)	Lot Coverage Maximum	55%

Notwithstanding provision (d) above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.

(e)	Yards	4.0 m
(i)	The minimum distance from a street line or 0.3 m reserve along Civic Centre Drive to the nearest portion of a main wall of the main building shall be	4.0 m
(ii)	The minimum distance from a street line or 0.3 m reserve along Kenneth Hobbs Avenue or any other street line to the nearest portion of a main wall of a main building shall be	3.0 m
(iii)	The minimum distance from a property line other than a street line to the nearest portion of a main wall of a main building shall be	2.0 m
(iv)	The minimum distance from a daylight triangle that has been or will be dedicated to a public authority and incorporated into a street to the nearest portion of a main wall of a main building measured perpendicular from the lot line that forms a portion of a daylight triangle shall be	2.0 m
(f)	Separation Distance Between Buildings	
(i)	The minimum separation distance between end walls of separate main buildings shall be	3.0 m
(ii)	Notwithstanding provision (f)(i) above, the minimum separation distance between end walls of separate main buildings may be reduced to 2.3 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.	
(g)	Internal Roadway	
(i)	Minimum Width	6.0 m
(ii)	The minimum separation distance from the end wall of a main building to an aisle and/or driveway shall be	2.0 m
(iii)	The minimum separation distance from a private garage, a carport or an unenclosed surface parking space that is integral to and/or serving a dwelling unit to an aisle and/or driveway shall be	2.75 m
(h)	Landscaped Open Space Minimum	30%
(i)	Height of Buildings Maximum	3 storeys

(j) Parking Requirements

(i) Number of Parking Spaces

- With an integral garage and related driveway 2 spaces per unit plus 0.25 spaces per unit dedicated for visitor's parking

(ii) Location of Parking Area and/or Parking Spaces

Any parking area and/or parking spaces shall be set back a minimum distance of 2.5 m from any street line, 2.0 m from any main building, and 1.0 m from any other lot line.

(k) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary:

- (i) Decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line or aisle and/or driveway and 1.0 m from a lot line that forms a portion of a daylight triangle.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line or aisle and/or driveway.

(l) Accessory Structure and/or Activity Building

Notwithstanding the definitions of Accessory Structure and Activity Building in Section 2 Definitions of this By-law to the contrary, an accessory structure and/or activity building may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

(m) 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 #1784 the following definitions shall apply:

“Dwelling, Back to Back Townhouse” means a building containing a minimum of 6 and no more than 16 dwelling units that are divided vertically by common walls, including a common rear wall, and whereby each dwelling unit has an independent entrance from the outside.

(p) Zoning Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-3 by this By-law:

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

(6985-15)

(d) **R4A*-4: Exception 4**
Plan of Subdivision SW-2008-03
Civic Centre Drive

(i) **Define Area**

The lands located west of Civic Centre Drive and south of Kenneth Hobbs Avenue and zoned R4A*-4 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.

(ii) **Uses Permitted and Zone Provisions**

The Uses Permitted and related Zone Provisions within a R4A*-4 Zone shall be the same as those set out in the R4A*-3 Zone.

(7344-17)

(e) **R4A*-5: Exception 5**
Part of Lot 21, Concession 3 Plan of Subdivision SW-2016-02

1. **Defined Area**

The lands located west of Thickson Road North and north of Rossland Road East and zoned R4A*-5 shall be subject to the provisions 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**

No person shall within any R4A*-5 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 the registration of any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R4A*-5 by this By-law shall be considered to be one lot.

(b) Lot Frontage Minimum 60 m

(c) Lot Area Minimum 0.4 ha

(d)	Lot Coverage Maximum	50%
	Notwithstanding provision (c) above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.	
(e)	Density Minimum Maximum	30 units per ha 65 units per ha
(f)	Front Yard Minimum Depth	10 m
(g)	Rear Yard Minimum Depth	6 m
(h)	Interior Side Yard Minimum Width	1.5 m
(i)	Separation Distance Between Buildings	
	The minimum separate distance above finished grade between end walls of separate block townhouse dwellings shall be	
		3 m
	Notwithstanding provision (i) above, the minimum separation distance between end walls of separate block townhouse dwellings may be reduced to 2.2 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.	
(j)	Height of Main Building Maximum	12 m
(k)	Yard Encroachment Permitted	
	Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any R4A*-5 Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.	
(l)	Accessory Structure	
	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 to house and store equipment and utility devices related to the principal uses on the lot. The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m	
(m)	Location of Parking	
	Notwithstanding the provisions of subsection 4A 3.1(d) a surface parking area including any required visitors parking spaces may be permitted in the front yard provided that any such parking area and required visitors parking spaces shall be set back a minimum distance of 2.5 m from a street line.	

(n) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-5 by this By-law:

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

(7383-18)

(f) **R4A*-6: Exception 6**
4070 and 4080 Garrard Road
Plan of Subdivision SW-2017-04

1. Define Area

The lands located west of Garrard Road and south of Birchpark Drive and zoned R4A*-6 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*-6 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- block townhouse dwelling

3. Zone Provisions

No person shall within any R4A*-6 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 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 R4A*-6 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

Notwithstanding the definition of front lot line, the lot line abutting Garrard Road shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot line abutting Birchpark Drive shall be deemed the exterior side lot line. All other lot lines shall be deemed to be interior lot lines.

(c)	Number of Dwelling Units Maximum	14 units

(d)	Lot Coverage Maximum	40%

Notwithstanding provision (d) above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.

(e)	Landscaped Open Space Minimum	30%
(f)	Front Yard Depth Minimum	3.0 m
(g)	Rear Yard Depth Minimum	7.5 m
(h)	Interior Side Yard Minimum	1.8 m
(i)	Exterior Side Yard Minimum	3.0 m
	Notwithstanding provision (i) above, the minimum depth to an accessory structure used to house utility devices related to the principal uses on the lot and attached to a main building shall be	
		2.0 m
(j)	Height of Building Maximum	3 storeys
(k)	Separation Distance Between Buildings	
	(i) The minimum separation distance above finished grade between separate block townhouse dwellings shall be	15.0 m
(l)	Setback to Aisle and/or Driveway	
	(i) The minimum separation distance from the end wall of a building to an aisle and/or driveway shall be	2.0 m
(m)	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 to a Parcel of Tied Land;	
	(i) Decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 1.5 m from a street line, aisle or driveway.	
	(ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle or driveway.	
	(iii) Decks, porches, steps and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.	
	(iv) Decks, porches, steps, and balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.	

- (n) Setback to a Visibility Triangle
Minimum 0.0 m
- (o) Accessory Structure
Notwithstanding the definition of Accessory Structure, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m
- (p) Zoning Provisions that Do Not Apply
The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-6 by this By-law:
4(g) Sight Triangles
4(m) Ten Percent of Every Lot
4(w) Satellite Dishes

(7603-20) LPAT

- (g) **R4A*-7: Exception 7**
Block 69 Registered Plan 40M-2428 and Part of Lot 22, Concession 1 (201 Hopkins Street)

1. Defined Area

The lands located south of Nichol Avenue and east of Hopkins Street and zoned R4A*-7 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*-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:

- activity building
- block townhouse dwelling
- one residential sales office for the sale of dwelling units proposed for development on the subject land

3. Zone Provisions

No person shall within any R4A*-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 # 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 of any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R4A*-7 by this By-law shall be considered to be one lot.

- (b) Lot Line Determination
- The lot line abutting Nichol Avenue shall be deemed the front lot line and the lot line abutting Hopkins Street shall be deemed the exterior side lot line. All other lot lines shall be deemed to be interior lot lines.
- (c) Block Townhouse Dwelling Definition
- Notwithstanding the definition of block townhouse dwelling in Section 2 Definitions of By-law # 1784 to the contrary, a block townhouse dwelling contains a minimum of three dwelling units and a maximum of nine dwelling units.
- (d) Density
- | | |
|---------|-----------------|
| Minimum | 30 units per ha |
| Maximum | 65 units per ha |
- (e) Number of Dwelling Units
- | | |
|---------|----------|
| Maximum | 52 units |
|---------|----------|
- (f) Lot Coverage
- | | |
|---------|-----|
| Maximum | 50% |
|---------|-----|
- Notwithstanding provision (f) above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.
- (g) Landscaped Open Space
- | | |
|---------|-----------------|
| Minimum | 30% of lot area |
|---------|-----------------|
- (h) Front Yard
- | | |
|---------------|-------|
| Minimum Depth | 3.0 m |
|---------------|-------|
- (i) Exterior Side Yard
- | | |
|---------------|---|
| Minimum Width | 3.0 m, following any future road widening as determined by the Region of Durham prior to final Site Plan Approval |
|---------------|---|
- (j) Interior Side Yard
- | | |
|---------------|-------|
| Minimum Width | 7.9 m |
|---------------|-------|
- (k) Setback to a Visibility Triangle
- | | |
|---------|-------|
| Minimum | 2.0 m |
|---------|-------|
- (l) Separation Distance Between Buildings
- The minimum separate distance above finished grade between end walls of separate block townhouse dwellings shall be
- | | |
|--|-------|
| | 3.0 m |
|--|-------|
- Notwithstanding provision (l) above, the minimum separation distance between end walls of separate block townhouse dwellings may be reduced to 2.2 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.

- (m) Height of Buildings
Maximum 4 storeys

Provided however that: (i) the maximum height of the end dwelling unit in each block townhouse dwelling that is closest to the interior lot line abutting the lots that front onto Gallimere Court shall be three (3) storeys; and (ii) the maximum height of the townhouse blocks that do not abut the front lot line or the exterior side lot line shall be three (3) storeys.

- (n) Accessory Structure

Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m

- (o) Setback to Aisle and/or Driveway

The minimum separation distance from the end wall of a building to an aisle and/or driveway shall be 1.5 m

- (p) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply to a Parcel of Tied Land;

- (i) Decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 1.8 m from a street line or aisle and/or driveway.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line or aisle and/or driveway.
- (iii) Decks, porches, steps and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Decks, porches, steps and balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

Note:
See amending By-law #7603-20
for provisions related to a
Section 37 Agreement.

- (q) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-7 by this By-law:

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

(7499-19)

(h) **R4A*-8: Exception 8**
Plan 40M 2313 Block 121
665 Taunton Road East

1. Defined Area

The land located south of Taunton Road East and west of Thickson Road North and zoned R4A*-8 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*-8 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- block townhouse dwelling

3. Zone Provisions

No person shall within any R4A*-8 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 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 R4A*-8 by this By-law shall be considered to be one lot.

(b) **Density**

Minimum	30 units per ha
Maximum	65 units per ha

(c) **Landscaped Open Space**

Minimum	30% of the lot area

(d) **Yards**

(i)	The minimum distance from a street line or 0.3 m reserve along Taunton Road East to the nearest portion of a main wall of the main building shall be	3.0 m

(ii)	The minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of a block townhouse dwelling shall be	7.5 m

	Provided however, and notwithstanding the above the minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of the end wall of a block townhouse dwelling shall be	1.4 m

- (e) Distance Between Buildings On The Same Lot
- (i) The minimum distance above finished grade between the end walls of separate block townhouse dwellings shall be 3.0 m
- (f) Setback to Aisle and/or Driveway
- (i) The minimum separation distance from the end wall of a building to an aisle or driveway shall be 1.8 m
- (g) 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 to a Parcel of Tied Land:
- (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, aisle or driveway.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle or driveway.
- (iii) Decks, porches, steps and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (h) Height of Buildings
Maximum 3 storeys
- (i) Accessory Structure
- Notwithstanding the definition of Accessory Structure, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.
- The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m
- (j) Zoning Provisions That Do Not Apply
- The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-8 by this By-law:
- 4(m) Ten Percent of Every Lot
- 4(w) Satellite Dishes

(7491-19 LPAT)

(i)

R4A*-9: Exception 9**Northeast corner of Baldwin Street North and Carnwith Drive East****1. Defined Area**

The lands located north of Carnwith Drive East and east of Baldwin Street North and zoned R4A*-9 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 the By-law # 1784.

2. Uses Permitted

No person shall within any R4A*-9 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) block townhouse dwelling

3. Zone Provisions

No person shall within any R4A*-9 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 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 of any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R4A*-9 by this By-law shall be considered to be one lot.

- (b) Lot Line Determination

The lot line abutting Carnwith Drive East shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot line abutting Baldwin Street North shall be deemed the exterior side lot line. All other lot lines shall be deemed to be interior side lot lines.

- (c) Density

Minimum	30 units per net hectare
Maximum	65 units per net hectare

- (d) Lot Coverage
Maximum 40%

Notwithstanding provision (d) above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.

- (e) Landscaped Open Space
Minimum

30% of lot area

(f)	Front Yard Minimum depth to main building	4.5 m
	Notwithstanding provision (f) above, the minimum setback to an accessory structure used to house utility devices related to the principal uses on the lot shall be	
		2.5 m
(g)	Rear Yard Minimum Depth	1.5 m
(h)	Exterior Side Yard Minimum Width	4.5 m
(i)	Interior Side Yard Minimum Width	7.5 m
(j)	Setback to Visibility Triangle Minimum	4.0 m
(k)	Separation Distance Between Buildings	
	(i) The minimum separation distance above finished grade between end walls of separate block townhouse dwellings shall be	2.4 m
	Notwithstanding provision (i) above, the minimum separation distance between end walls of a separate block townhouse dwellings may be reduced to 2.2 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.	
	(ii) The minimum separation distance above finished grade between walls other than end walls shall be	12.4 m
(l)	Height of Buildings Maximum	3 storeys
	Provided however, and notwithstanding the above, the maximum height of a building that is within 11.5 metres of an R3A* Zone shall be 2 storeys.	
(m)	Accessory Structure	
	Notwithstanding the definition of Accessory Structure in Section 2 Definitions of this By-law, an accessory structure may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.	
	The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be	4.5 m
(n)	Setback to Aisle and/or Driveway	
	The minimum separation distance from the end wall of a building to an aisle and/or driveway shall be	1.8 m

(o) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply to a Parcel of Tied Land;

- (i) Decks, porches, patios and balconies are permitted to project from a main wall of a dwelling unit provided they are set back a minimum distance of 1.8 m from a street line, aisle or driveway,
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle or driveway.
- (iii) Decks, porches, steps and balconies are permitted to project from the first and second storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
Notwithstanding provision (iii) above, decks, porches, steps and balconies are not permitted to project from the second storey of the rear main wall of a building that is within 11.5 metres of an R3A* Zone.
- (iv) Balconies are permitted to project from the third storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

(p) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-9 by this By-law:

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

(7630-20)

(j) **R4A* - 10: Exception 10**
Plan of Subdivision SW-2018-06
4335 Garden Street

1. Defined Area

The lands located north of Promenade Drive and east of Garden Street and zoned R4A*-10 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*-10 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

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

3. Zone Provisions

No person shall within any R4A*-10 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 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 R4A*-10 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Promenade Drive 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. The lot line abutting Garden Street shall be deemed the exterior side lot line and all other lot lines shall be deemed interior side lot lines.

(c) Building Location and Setback

No building or structure shall be erected on the lands zoned R4A*-10 except within the minimum building set back line shown on Appendix "A" to this By-law.

(d) Lot Frontage
Minimum 80 m

(e) Lot Area
Minimum 1.0 ha

(f) Landscaped Open Space
Minimum 20%

(g) Density
Minimum 30 units per net hectare
Maximum 80 units per net hectare

(h) Height of Building
Maximum 3 storeys

(i) Separation Distance Between Buildings

(i) The minimum separation distance between end walls of separate main buildings shall be 3.0 m

(ii) Notwithstanding provision (i)(i) above, the minimum separation distance between end walls of separate main buildings may be reduced to 2.3 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.

- (j) Setback to Aisle and/or Driveway
- (i) The minimum separation distance from the end wall of a building to an aisle or driveway shall be 1.8 m
- (k) 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, aisle or driveway.
- (ii) Notwithstanding provisions (k)(i) above, for any townhouse dwelling situated within 70 m of the north property line and facing Garden Street, decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 0.6 m from the Garden Street streetline.
- (iii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle or driveway.
- (iv) Notwithstanding provision (k)(iii) above, for any townhouse dwelling facing Garden Street steps are permitted to project to the Garden Street streetline.
- (v) Decks, porches, steps and balconies are permitted to project from the first and second storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (vi) Decks, porches, steps and balconies are permitted to project from the third storey of a dwelling unit a maximum distance of 1.52 m from a rear main wall of a dwelling unit.
- (l) Setback to a Visibility Triangle
Minimum 0.0 m
- (m) Location of Parking Areas and/or Parking Spaces
- Any parking area and/or parking spaces shall be set back a minimum distance of 3.0 m from any public street line, 1.5 m from the end wall of any main building and 1.0 m from any other lot line.
- (n) Parking Provisions
- (i) Number of Resident Parking Spaces
Minimum 2 spaces per dwelling unit
- (ii) Number of Visitor Parking Spaces
Minimum 0.16 spaces per dwelling unit

(o) Accessory Structure

- (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 to house and store 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 3.5m to any public street line.

(p) Zoning Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-10 by this By-law:

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

(q) 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 #1784, the following definitions shall apply:

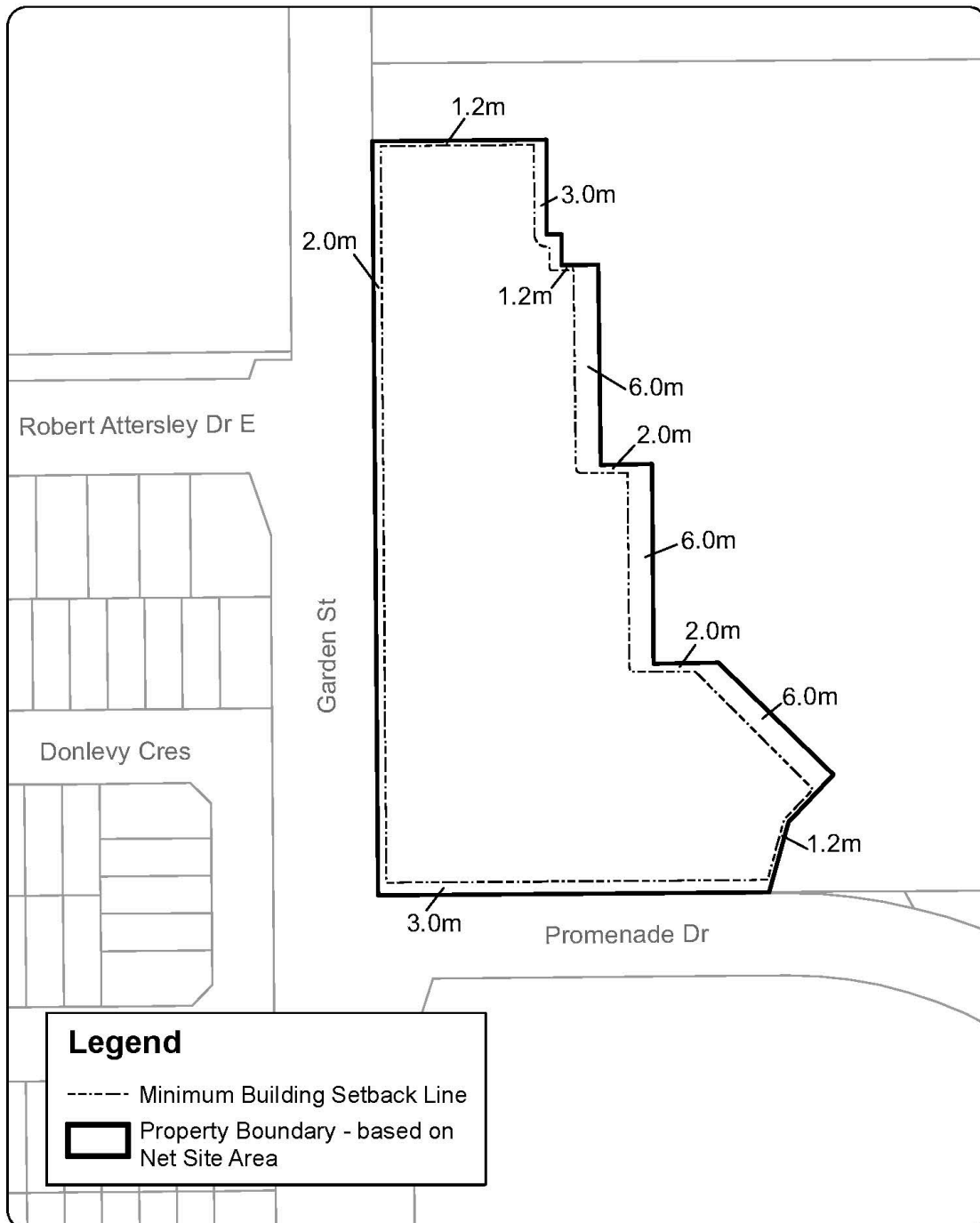
Dwelling, Back To Back Townhouse means a building containing a minimum of 6 and a maximum of 16 dwelling units that are divided vertically by common walls, including a common rear wall, and each dwelling unit has an independent entrance from the outside.

Dwelling Unit, Back To Back Townhouse, means a dwelling unit in a back to back townhouse dwelling.

Dwelling, Stacked Townhouse means a building containing more than four dwelling units, each dwelling unit being separated from the other vertically and horizontally and each dwelling unit having a private entrance from the outside.

Dwelling Unit, Stacked Townhouse means a dwelling unit in a stacked townhouse dwelling

Appendix A To By-Law # 7630-20



(7838-21, OLT)

**(k) R4A*-11: Exception 11
143 Garrard Road****1. Defined Area**

The lands located east of Garrard Road and north of Dundas Street East and zoned R4A *-11 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*-11 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- block townhouse dwelling; and
- semi-detached dwelling on a private road.

3. Zone Provisions

No person shall within any R4A*-11 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 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 R4A*-11 by this By-law shall be considered to be one lot.

(b)	Number of Dwelling Units Maximum	35 Units

Provided further that the maximum number of block townhouse dwelling units shall be 15 dwelling units.

(c)	Landscaped Open Space Minimum	45% of the net lot area

(d) Yards

For purposes of this By-law, the front lot line shall be the lot line along Garrard Road; the rear lot line is the lot line opposite and furthest from the front lot line; all other lot lines will be considered interior side lot lines.

(i)	Minimum distance from street line to a main building exterior wall	13m

(ii)	Minimum rear yard (east lot line)	7.5m

(iii)	Minimum north side yard to a main building exterior wall of a semi-detached dwelling unit	7.2m

(iv)	Minimum north side yard to an end wall of a block townhouse dwelling unit	1.1m
(v)	Minimum south side yard to a main building exterior wall of a semi-detached dwelling unit	7.9m
(vi)	Minimum south side yard to an end wall of a block townhouse dwelling unit	6.1m
(vii)	Minimum south side yard to a main building exterior wall of a block townhouse dwelling unit	7.9m
(viii)	Minimum west side yard to main building exterior wall of semi detached dwelling unit	1.6m
(ix)	The minimum distance from any building line to the nearest visitor parking area shall be	2.6m
(x)	Accessory Structure	
	(a) 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 to house and store equipment and utility devices related to the principal uses on the lot.	
	(b) The minimum distance from the street line to an accessory structure	10.0m
(e)	Distance Between Buildings on the Same Lot	
	(i) Minimum distance above finished grade between end walls of semi-detached dwelling	2.4m
	(ii) Minimum distance between end wall of a semidetached dwelling and a block townhouse dwelling	2.75m
(f)	Decks, Porches, Steps, Patios and Balconies	
	(i) Notwithstanding any other provisions of subsection 4(y) Yard Encroachment provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply:	
	(a) Decks, porches, steps, patios, and balconies are permitted to project from the main wall of a dwelling into the front yard a maximum distance of 4.0 metres.	
	(b) Decks, porches, patios, and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.5 metres from an aisle, driveway, or internal roadway.	
	(c) Steps are permitted to project provided they are set back a minimum distance of 0.6 metres from an aisle, driveway, or internal roadway.	

- (d) Decks, porches, steps, patios and balconies are permitted to project from the rear main wall of a dwelling unit at or below the level of the first storey a maximum distance of 3.5 metres.

- (g) Height of Buildings
Maximum 2 storeys

(7907-22)

(I) **R4A*-12: Exception 12**
Plan of Subdivision SW-2019-01
Vista Court

1. Defined Area

The lands located south of Roybrook Avenue and north of Highway #407 and zoned R4A*-12 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 R4A*-12 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- block townhouse dwelling

3. Zone Provisions

No person shall within any R4A*-12 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 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 R4A*-12 by this By-law shall be considered to be one lot.

- (b) Lot Line Determination

The lot line abutting the north-south portion of Vista Court shall be deemed the front lot line and the lot line abutting the east-west portion of Vista Court including the cul-de-sac shall be deemed the exterior side lot line. All other lot lines shall be deemed interior side lot lines.

- (c) Front Yard
Minimum Depth 3.0 m

- (d) Interior Side Yard
Minimum Width 1.8 m

Provided, however, that for any main buildings situated within 10 metres of the lot lines of any dwellings situated on Telstar Way and Tempo Way the setback to the rear wall of a main building shall be a minimum distance of 6.0 metres.

Provided further that for the unit closest to Tempo Way, the setback to the rear wall of a main building shall be a minimum distance of 1.7 metres.

- (e) Exterior Side Yard
Minimum Width 3.0 m

Provided, however, any accessory structure (meter room) shall have a minimum setback of 2.0 metres.

- (f) Landscaped Open Space
Minimum 30% of the lot area

- (g) Height of Buildings
Maximum 3 storeys

Provided however that for any main buildings situated within 10 metres of the lot lines of any dwellings situated on Telstar Way the maximum height shall be two storeys.

- (h) Separation Distance Between Buildings
- (i) The minimum separation distance between end walls of separate block townhouse dwellings shall be 3.0 m

- (ii) Notwithstanding provision (h)(i) above, the minimum separation distance between end walls of separate block townhouse dwellings may be reduced to 2.3 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility metres.

- (i) Setback to Internal Roadway
- (i) The minimum distance from an end wall of a building to an internal roadway shall be 1.8 m
- (ii) The minimum distance from a wall other than an end wall of a building to an internal roadway shall be 3.0 m
- (iii) The minimum distance from an integral garage of a building to an internal roadway shall be 5.8 m

- (j) Location of Parking Areas and/or Parking Spaces

Any parking area and/or parking spaces not directly providing access to a dwelling unit shall be set back a minimum distance of 3.0 m from any public street line, 1.5 m from the end wall of any block townhouse dwelling and 1.0 m from any other lot line.

(k) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provision of subsection 4y Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patio and Balconies to the contrary, the following provisions shall apply:

- (i) Decks, porches, patios and balconies are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.5 m from a street line or internal roadway.
- (ii) Steps are permitted to project provided they are setback a minimum distance of 0.6 m from a street line or internal roadway.
- (iii) Decks, porches, steps and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear exterior wall of a dwelling unit.
- (iv) Decks and balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear exterior wall of a dwelling unit with a front-accessed garage.
- (v) Decks and balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 2.75 m from the rear exterior wall of a dwelling unit with a rear-accessed garage.
- (vi) Decks and balconies are permitted to project from the third storey of a dwelling unit a maximum distance of 1.0 m from the rear or side exterior wall of a dwelling unit.

(l) Private Driveway Dimension

The minimum width of a private driveway leading to an integral private garage shall be 3.0m.

Provided however, that where the private driveway is obstructed by any part of a fixed structure such as a foundation wall, curb, support column or pole that supports a part of the main building or a projection such as a balcony, deck or porch, the minimum width of a private driveway may be reduced to 2.75m but only to the extent of the projection from the front exterior wall of the private garage.

(m) Accessory Structure

- (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 to house and store 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 ridge of any roof structure shall be 4.5 m.
-

- (iii) Notwithstanding the provisions outlined above, the maximum height of a detached building used to house and store equipment and utility devices such as water metre room, shall be 6.2 m measured from grade level to the mid point between the eaves and the ridge of the roof of the building.

(n) Zoning Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4A*-12 by this By-law amendment.

- 4(g) Sight Triangles
- 4(m) Ten Percent of Every Lot
- 4(w) Satellite Dishes
- 4(y)(b)(i) Accessory Uses – Permitted Locations

(8084-24)

(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 m² per dwelling unit.
Minimum – back-to-back townhouse dwelling 7.5 m² 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
-

Section 5M Residential R4B* Zone

(3337-93)

(4208-98)

(4519-99)

(4622-00)

(5474-04)

No person shall use any lot, or erect or alter or use any building or structure in any 'R4B*' Zone except in accordance with the following uses and zone provisions:

(i) Use Permitted

- street townhouse dwelling

(ii) Zone Provisions

(a)	Lot Frontage Minimum	– interior	6.0 m
		– corner	10.5 m
(b)	Lot Depth Minimum		30 m
(c)	Lot Area Minimum		180 m ²
(d)	Lot Coverage Maximum		50%
(e)	Front Yard Minimum Depth		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of		5.5 m
(f)	Rear Yard Minimum Depth		7.5 m
	Except in the case of a rear yard abutting a street having a planned width of 29 m or more or a 0.3 m reserve abutting such a street, the minimum shall be		15 m
(g)	Interior Side Yard		
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be		1.0 m
	The exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least		1.75 m
(h)	Exterior Side Yard Minimum Width		4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of		5.5 m
(i)	Landscaped Open Space Minimum		40% of the lot area

	(j)	Height of Buildings Maximum	9.5 m
	(iii) Exceptions		
(4519-99)	(a) R4B*-1: Exception 1		
	(i)	Notwithstanding any provisions of this By-law to the contrary, the minimum lot depth shall be	27 m
	(ii)	Notwithstanding any provisions of this By-law to the contrary, the minimum lot area shall be	162 m ²
(4830-01)	(b) R4B*-2: Exception 2		
	(i)	Notwithstanding any provision of this By-law to the contrary, the minimum lot depth shall be	29 m
	(ii)	Notwithstanding any provision of this By-law to the contrary, the minimum lot area shall be	174 m ²
(5103-02) (5956-07)	(c) R4B*-3: Exception 3 – Street Townhouse Dwelling		
	(i) Use Permitted		
(6776-13)		• home based business • street townhouse dwelling;	
	(ii) Zone Provisions		
	(a)	Lot Frontage Minimum	– interior 6.0 m – interior end unit 7.5 m – corner end unit 10.5 m
	(b)	Lot Depth Minimum	30 m
	(c)	Lot Area Minimum	180 m ²
	(d)	Lot Coverage Maximum	50%
	(e)	Front Yard	
		The minimum distance from the front lot line to the nearest portion of the dwelling unit shall be	4.5 m
	(f)	Rear Yard	
	(i)	The minimum distance from the rear lot line to the nearest portion of the dwelling shall be	10 m
	(ii)	The distance from the rear lot line to the nearest portion of a garage or carport shall be	
		Minimum	5.5 m
		Maximum	7.0 m

(g)	Interior Side Yard		
	(i)	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	(ii)	The exterior wall of the second or third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
(h)	Exterior Side Yard Minimum Width		4.5 m
		Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Distance Between Buildings On The Same Lot		
		The minimum distance between a detached garage and a street townhouse dwelling shall be	5.0 m
(j)	Landscaped Open Space Minimum		40% of the lot area
(k)	Height Of Buildings Maximum		9.5 m
(l)	Yard Encroachments		
		Notwithstanding the yard provisions of this By-law to the contrary, unenclosed and uncovered decks, porches, steps and patios, with a height of 0.6 m above grade or less, may have a setback of 2.5 m from a front or exterior side yard.	
		For the purpose of interpretation for this specific by-law, the front yard setbacks within the 'R4B*-3' Zone category shall be measured from the front lot line at Kenneth Hobbs Drive and the rear yard setbacks within the 'R4B*-3' Zone category shall be measured from the rear property line at MacMillan (Street 'E').	

(5103-02)
(5956-07)

(d) R4B*-4: Exception 4

(i) Use Permitted

- home based business
- street townhouse dwelling

(ii) Zone Provisions

(a)	Lot Frontage Minimum	– interior – corner	6.0 m 10.5 m

(6776-13)

(b)	Lot Depth Minimum	30 m
(c)	Lot Area Minimum	180 m ²
(d)	Lot Coverage Maximum	50%
(e)	Front Yard Minimum Depth	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	Rear Yard Minimum Depth	7.5 m
	Except in the case of a rear yard abutting a street having a planned width of 29 m or more or a 0.3 m reserve abutting such a street, the minimum shall be	15 m
(g)	Interior Side Yard	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	The exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(h)	Exterior Side Yard Minimum Width	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(i)	Landscaped Open Space Minimum	40% of the lot area
(j)	Height of Buildings Maximum	9.5 m

(5476-04)

(e) R4B*-5 – Street Townhouse Dwelling Exception 5 Zone**(i) Permitted Uses:**

Notwithstanding the permitted uses within the R4B* - Street Townhouse Dwelling Zone, by By-law 1784, as amended, to the contrary, only a "Street Townhouse Bungalow Dwelling" shall be permitted on lands that are zone R4B*-5 – Street Townhouse Dwelling Exception 5 Zone.

(ii) Definitions:

Notwithstanding the definition of “Street Townhouse Dwelling” in By-law 1784, as amended, to the contrary, for the purposes of this By-law

“**Street Townhouse Bungalow Dwelling**” shall mean a “Street Townhouse Dwelling” that is limited to a maximum building height of one (1) “storey” or one and one half (1 ½) storeys.

(iii) All other provisions of Section 5L of By-law 1784 shall apply.

(5634-05)**(f) R4B*-6 – Street Townhouse Dwelling – Exception 6 Zone****(i) Permitted Uses:**

- street townhouse bungalow dwelling

(ii) Zone Provisions:**(a) Lot Frontage**

Minimum	– interior lot	7.9 m
Maximum	– corner lot	12.4 m

(b) Lot Depth

Minimum	27 m

(5983-07)**(c) Lot Coverage**

Maximum – exclusive of a single storey covered and unenclosed porch, having no habitable space above it, shall be	55%

(5983-07)**(d) Landscaped Open Space**

Minimum – inclusive of a single storey covered and unenclosed porch, having no habitable space above it, shall be	38%

(iii) All other provisions of By-law 1784 shall apply.

(5983-07)**(g) R4B*-7 – Street Townhouse Dwelling Exception 7 Zone****(i) Zone Provisions**

(a)	Notwithstanding any provision of this By-law to the contrary, the minimum lot depth shall be	27 m
(b)	Notwithstanding any provision of this By-law to the contrary, the maximum lot coverage, exclusive of a single storey covered and unenclosed porch, having no habitable space above it, shall be	55%
(c)	Notwithstanding any provision of this By-law to the contrary, the minimum landscaped open space inclusive of a single storey covered and unenclosed porch, having no habitable space above it, shall be	38%

		(d)	Notwithstanding any provisions of this By-law to the contrary, the maximum height of buildings shall be 1 ½ or 2 storeys	
		(ii)	All other zone provisions of Section 5M of By-law 1784 shall apply.	
(5983-07)	(h)	R4B*-8 – Street Townhouse Dwelling Exception 8 Zone		
		(i)	Permitted Uses:	
			street townhouse bungalow dwelling	
		(ii)	Zone Provisions:	
		(a)	Notwithstanding any provision of this By-law to the contrary, the maximum lot coverage, exclusive of a single storey covered and unenclosed porch having no habitable space above it, shall be	55%
		(b)	Notwithstanding any provision of this By-law to the contrary, the minimum landscaped open space inclusive of a porch shall be	38%
		(iii)	All other zone provisions of Section 5M of By-law 1784 shall apply.	
(6007-07)	(i)	'R4B*-8' – Exception 8 Heber Down Crescent		
(6985-15)	(i)	Zone Provisions		
		(a)	Front Yard	
			Notwithstanding the front yard setback as found in Section 5M(ii)(e) where no driveway access from a public road is provided, the minimum front yard depth shall be	3.0 m
		(b)	Rear Yard Minimum Depth	
			Notwithstanding the rear yard setback as found in Section 5M(ii)(f);	
			the minimum distance from the rear property line to the nearest portion of a detached garage shall be	0.75 m
			and a minimum distance from the internal roadway to the nearest portion of a detached garage shall be	3.75 m
		(c)	Interior Side Yard	
			There is no interior side yard requirement for dwelling units or detached garages except in the case of an unattached wall of an end dwelling unit or detached garage in which case the minimum width of such interior side yard shall be	1.0 m
			The exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m

- (d) All other zone provisions and permitted uses of Section 5M of By-law # 1784 shall apply.

(6985-15)

(j) **R4B*-9 – Exception 9**
Plan of Subdivision SW-2008-03
Barrister Avenue

(i) **Uses Permitted**

No person shall within any R4B*-9 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- street townhouse dwelling

(ii) **Zone Provisions**

No person shall within any R4B*-9 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Frontage Minimum	– interior unit – end unit – corner unit	7.5 m 9.0 m 12.0 m

(b)	Lot Depth Minimum	29 m

(c)	Lot Coverage Maximum	55%

Notwithstanding provision (c) above, the following may be permitted:

(i)	a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum of 20 m ² provided it is located in the front yard and/or the exterior side yard of the lot.	
(d)	Front Yard Minimum Depth	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.8 m
(e)	Rear Yard Minimum Depth	7.5 m
(f)	Interior Side Yard	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.5 m
(g)	Exterior Side Yard Minimum Width	3.0 m

Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of 5.8 m

(h) Landscaped Open Space
Minimum 30% of the lot area

(i) Height of Buildings
Maximum 3 storeys

(j) Parking Requirements
Minimum 2 spaces per dwelling unit

Provided that one of the two required parking spaces shall be located in a private garage.

(k) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary;

(i) Decks, porches, patios, and balconies situated in the front yard or exterior side yard are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line and 1.0 m from a lot line that forms a portion of a daylight triangle.

(ii) Steps situated in the front yard or exterior side yard are permitted to project provided they are set back a minimum distance of 0.6 m from a street line.

(iii) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.

(iv) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

(l) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4B*-9 by this By-law:

4(g) Sight Triangles

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

(7055-15)

(k) **R4B*-10: Exception 10**
Plan of Subdivision SW-2015-01
Underwood Drive

(i) **Defined Area**

The lands located south of Winchester Road East and east of Underwood Drive and zoned R4B*-10 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.

(ii) Zone Provisions

No person shall within any R4B*-10 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Interior Side Yard

There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be 1.5 m

**(b) Exterior Side Yard
Minimum Width**

2.0 m

(7143-16)**(I) R4B*-11: Exception 11
Part of Lot 22, Concession 3
Plan of Subdivision 18T-88028****1. Defined Area**

The lands located north of Dryden Boulevard and east of Anderson Street and zoned R4B*-11 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 zone provisions of this By-law to the contrary, in any R4B*-11 Zone the following zone provisions shall apply:

**(a) Lot Coverage
Maximum**

55 %

Notwithstanding provision (a) above, the following may be permitted:

- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum of 20 m² provided it is located in the front yard and/or the exterior side yard of the lot.

**(b) Front Yard
Minimum Depth**

4.5 m

Notwithstanding provisions (b) above, a garage shall be setback from the front lot line a minimum distance of 5.8 m

**(c) Rear Yard
Minimum Depth**

7.5 m

(d) Interior Side Yard

There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be 1.2 m

- (e) Exterior Side Yard
Minimum Width 3.0 m

Notwithstanding provision (e) above a garage shall be setback from the exterior side lot line a minimum distance of 5.8 m
- (f) Landscaped Open Space
Minimum 30 % of the lot area
- (g) Height of Main Building
Maximum 3 storeys
- (h) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary;
 - (i) Decks, porches, patios, and balconies situated in the front yard or exterior side yard are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line and 1.0 m from a lot line that forms a portion of a sight triangle.
 - (ii) Steps situated in the front yard or exterior side yard are permitted to project provided they are set back a minimum distance of 0.6 m from a street line.
 - (iii) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
 - (iv) Decks, porches, steps and balconies situated In the rear yard are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.
 - (v) Zone Provisions That Do Not Apply
 - (i) The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4B*-11 by this By-law:
 - 4(g) Sight Triangles
 - 4(m) Ten Percent (%) of Every Lot
 - 4(W) Satellite Dishes

(7303-17)

- (m) **R4B*- 12: Exception 12**
Blocks 16, 17 and 18, Registered Plan 40M-1797 and
Part of Lot 27, Concession 3SW-2016-08

1. Defined Area

The lands located south of Taunton Road West and west of Valleywood Drive and zoned R4B*-12 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 zone provisions of this By-law to the contrary, in any R4B*-12 Zone the following provisions shall apply:

(a)	Lot Frontage		
	Minimum	– interior lot	6.0 m
		– corner lot	9.5 m
(b)	Lot Depth		
	Minimum		27 m
	Notwithstanding provision (b) above the minimum lot depth for the lot shown cross hatched on Schedule “A-1” to shown cross hatched on Schedule “A-1” to By-law #7303-17 shall be		25 m
(c)	Lot Area		
	Minimum		160 m ²
(d)	Lot Coverage		
	Maximum		55 %

Notwithstanding provision (d) above, the following may be permitted:

(i)	a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum of 20 m ² provided it is located in the front yard and/or the exterior side yard of the lot.		
(e)	Front Yard		
	Minimum Depth		4.0 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of		5.8 m
(f)	Rear Yard		
	Minimum Depth		7.5 m

Notwithstanding provision (f) above, the minimum rear yard depth for the lot shown cross hatched on Schedule “A-1” to By-law #7303-17 shall be 4.2m measured perpendicular from the angled rear lot line to the north-east corner of the main building on the lot.

Provided further and notwithstanding provision (f) above, the minimum rear yard depth for the lot shown with double-diagonal lines on Schedule A-1 to By-law #7303-17 shall be 5.0 m measured perpendicular from the angled rear lot line to the north-west corner of the main building on the lot.

- (g) Interior Side Yard
- There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit in which case the minimum width of such interior side yard shall be 1.5 m
- (h) Exterior Side Yard
Minimum Width 3.0 m
- Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of 5.8 m
- (i) Landscaped Open Space
Minimum 30% of the lot area
- Provided further that a minimum of 25% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located.
- (j) Height of Buildings
Maximum 9.5 m
- (k) Visibility Triangle
- Where a corner lot abuts a visibility triangle the minimum yard setback provisions and minimum landscaped open space provisions shall be measured and/or calculated as if the visibility triangle had not been conveyed provided all buildings are set back a minimum of 2 metres from a lot line that forms a portion of the visibility triangle.
- (l) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary;
- (i) Decks, porches, patios, and balconies situated in the front yard or exterior side yard are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line and 1.0 m from a lot line that forms a portion of visibility triangle.
- (ii) Steps situated in the front yard or exterior side yard are permitted to project provided they are set back a minimum distance of 0.6 m from a street line.
- (iii) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the first storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.

- (iv) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

(m) 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 #1784 the following definitions shall apply:

“Visibility Triangle” means a triangular area of land situated at the intersection of street lines abutting a corner lot that has been or will be conveyed to a public authority and incorporated into the right of way of a public street and is not a sight triangle.

(n) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4B*-12 by By-law #7303-17:

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

(7344-17)

(n) **R4B*-13: Exception 13**
Part of Lot 21, Concession 3 Plan of Subdivision SW-2016-02

1. Defined Area

The lands located west of Thickson Road North and north of Rossland Road East and zoned R4B*-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. Zoning Provisions

No person shall within any R4B*-13 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Frontage

Minimum	– interior	6 m
	– interior where no common wall exists	7.5 m
	– corner	10.5 m

(b) Lot Depth
 Minimum

27 m

(c) Lot Area
 Minimum

160 m²

(d) Lot Coverage
 Maximum

55%

Notwithstanding provision (d) above, the following may be permitted:

- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m² provided it is located in the front yard and/or exterior side yard area of the lot
- (e) Front Yard
Minimum Depth 3 m
- (f) Rear Yard
Minimum Depth 7.5 m
- (g) Interior Side Yard
There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit in which case the minimum width of such interior side yard shall be 1.5 m
- (h) Exterior Side Yard
Minimum Width 3 m
- (i) Landscaped Open Space
Minimum 30% of the lot area
Provided further and notwithstanding any provisions of Section 4 General Provisions and Section 4A Parking and Loading Requirements regarding minimum landscaped open space in the front yard or exterior side yard to the contrary, a minimum of 20% of the front yard or exterior side yard area in which a driveway is located must be maintained as landscaped open space.
- (j) Height of Main Building
Maximum 12 m
- (k) Sight Triangle and Visibility Triangle
 - (i) A sight triangle shall be required only where a visibility triangle abutting a corner lot has not been incorporated into the right of way of a public street.
 - (ii) Notwithstanding any other provision of this By-law to the contrary, in a sight triangle no building, structure, fence, wall, driveway, hedge, tree, shrub or other vegetative planting or landscaping feature shall be erected, maintained or permitted that has a height of greater than 0.9 metres above finished grade level.
 - (iii) Where a corner lot abuts a visibility triangle the setback provisions and minimum front yard landscaped open space provisions shall be measured and/or calculated as if the visibility triangle had not been conveyed, provided all buildings are set back a minimum of 0.3 metres from the visibility triangle with the exception that window sills, belt courses, steps, cornices, eaves, and eave troughs may project to within 0.0 metres of the lot line of the lot that forms one of the sides of the visibility triangle.

(l) Yard Encroachments Permitted

Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any R4B*-13 Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.

(m) 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 # 1784 the following definitions shall apply: "Visibility Triangle" means a triangular area of land situated at the intersection of street lines abutting a corner lot that has been or will be conveyed to a public authority and incorporated into the right of way of a public street and is not a sight triangle.

(n) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4B*-13 by this By-law:

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

(7526-19)

(o) **R4B*-14: Exception 14
Plan of Subdivision SW-2008 -03
Vanier Street****1. Defined Area**

The lands located east of Brock Street North, south of Vanier Street and zoned R4B*-14 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 R4B*-14 Zone use any lot or erect alter or use any building or structure except in accordance with one or more of the following uses:

- street townhouse dwelling

3. Zone Provisions

No person shall within any R4B*-14 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions :

(a)	Lot Frontage Minimum	– Interior unit – end unit	6.0 m 7.5 m
(b)	Lot Depth Minimum		28 m

- (c) Lot Coverage
Maximum 55%
- Notwithstanding provisions (c) above, the following may be permitted:
- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it to a maximum of 20 m² provided it is located in the front yard and/or the exterior side yard of the lot.
- (d) Front Yard
Minimum Depth 4.5 m
- Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of 5.8 m
- (e) Rear Yard
Minimum Depth 7.5 m
- (f) Interior Side Yard
- There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be 1.45 m
- (g) Exterior Side Yard
Minimum Width 3.0 m
- Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of 5.8 m
- (h) Landscaped Open Space
Minimum 30% of the lot area
- Provided further and notwithstanding any provisions of Section 4 General Provisions and Section 4A Parking and Loading Requirements regarding minimum landscaped open space in the front yard or exterior side yard to the contrary, a minimum of 20% of the front yard or exterior side yard area in which a driveway is located must be maintained as landscaped open space.
- (i) Height of Building
Maximum 3 storeys
- (j) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary;
- (i) Decks, porches, patios and balconies situated in the front yard or exterior side yard are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line and 1.0 m from a lot line that forms a portion of a daylight triangle.

- (ii) Steps situated in the front yard or exterior side yard are permitted to project provided they are set back a minimum distance of 0.6 m from a street line.
- (iii) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the first and second storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the third storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

(k) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R4B*-14 by this By-law:

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

(7628-20)

(o) **R4B*-15: Exception 15**
Plan of Subdivision SW-2016-04
Carson Avenue

1. Defined Area

The lands located south of Carnwith Street East and east of Baldwin Street North and zoned R4B*-15 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 R4B*-15 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- street townhouse dwelling

3. Zone Provisions

No person shall within any R4B*-15 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Lot Frontage

Minimum	– interior unit	6.0 m
	– corner unit	9.0 m
- (b) Lot Depth

Minimum	26 m
- (c) Lot Area

Minimum	145 m ²
- (d) Lot Coverage

Maximum	55%

Notwithstanding provision (d) above, the following may be permitted:

- (i) a single storey covered and enclosed porch or verandah having no habitable space above it to a maximum floor area of 20 m² provided it is located in the front yard area of the lot.
- (e) Front Yard
Minimum Depth 4.0 m
- Provided however that the entrance to a garage or carport which is from the front yard, shall be set back from the front lot line a minimum distance of 5.8 m
- (f) Rear Yard
Minimum Depth 7.5 m
- (g) Interior Side Yard
Minimum Width
- There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit in which case the minimum width of such interior side yard shall be 1.2 metres and the minimum width of an interior side yard adjacent to Queen Street and Baldwin Street North shall be 6 metres.
- (h) Exterior Side Yard
Minimum Width 3.0 m
- Provided however that the entrance to a garage or carport which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of 5.8 m
- (i) Landscaped Open Space
Minimum 30% of lot area
- Provided further and notwithstanding any provisions of Section 4 General Provisions and Section 4A Parking and Loading Requirements regarding minimum landscaped open space in the front yard or exterior side yard to the contrary, a minimum of 20% of the front yard or exterior side yard area in which a driveway is located must be maintained as landscaped open space.
- (j) Height of Buildings
Maximum 3 storeys
- (k) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary, the following provisions shall apply to a Parcel of Tied Land:
- (i) Decks, porches, patios and balconies situated in the front yard or exterior side yard are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0m from a street line and 1.0m from a lot line that forms a portion of a visibility triangle.

- (ii) Steps situated in the front yard or exterior side yard are permitted to project provided they are set back a minimum distance of 0.6m from a street line.
 - (iii) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the first and second storey of a dwelling unit a maximum distance of 3.5m from the rear main wall of a dwelling unit.
 - (iv) Decks, porches, steps and balconies situated in the rear yard are permitted to project from the third storey of a dwelling unit a maximum distance of 1.5m from the rear main wall of a dwelling unit.
- (l) Parking Provisions
- (i) Number of Parking Spaces
Minimum 2 spaces per dwelling unit
 - (ii) Number of Visitor Parking Spaces
Minimum 0.25 space per dwelling unit
 - (iii) Private Driveway Dimensions
The minimum width of a private driveway on a lot shall be 3.0 metres, except that the minimum width of a driveway in an interior side yard leading to a private garage, carport or parking space in the rear yard shall be 2.75 metres.

The maximum width of a private driveway on a lot serving a one car private garage shall be 4.4 metres.
 - (iv) Private Street
Minimum Width 6.0 m
 - (v) Location of Parking Area and/or Parking Spaces
Any parking area and/or parking spaces not directly providing access to a dwelling unit shall be setback a minimum distance of 1.8 metres from any lots fronting onto either Aster Crescent or Carson Avenue.

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 #1784 the following definitions apply:

“Dwelling, Street Townhouse” means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is on a separate freehold lot with frontage on a street, and each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside, a driveway from a street or lane, and a private garage, carport, or parking space.

“Dwelling Unit, Street Townhouse” means a dwelling unit in a street townhouse dwelling.

“Lot” means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with Planning Act or is described in accordance with a registered Plan of Condominium, and includes a Parcel of Tied Land but excludes a zero decimal three metre reserve.

“Lot, Corner” means a lot situated at the intersection of and abutting upon two or more streets or two portions of the same street, provided that the angle of intersection of such streets, or the bend in such street, is not more than 135 degrees.

“Private Street” means a right-of-way or roadway that provides vehicular access to individual freehold lots or Parcels of Tied Land and is maintained by a condominium corporation and is not a lane.

“Street” means the right-of-way of a public highway or private street.

5. Zone Provisions That Do Not Apply

The following zone provisions shall not apply to the land zoned R4B*-15 by this By-law amendment:

4(g) Sight Triangles

4(l) Roads

4(m) Ten Percent (10%) of Every Lot

4(w) Satellite Dishes

(8044-24)

(p)

R4B*-16: Exception 16

Part of Lot 21, Concession 3 Plan of Subdivision SW-2021-07

1. Defined Area

The lands located south of Winchester Road West and east of Ashburn Road and zoned R4B*-16 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. Definitions

For the purpose of the interpretation of the various uses permitted and the zone provisions set forth in this By-law amendment, the provisions and definitions of Section 2 and subsection 14.1(a) of By-law # 1784 shall apply. Where there is a conflict between the definitions of Section 2 and subsection 14.1(a), the definitions of subsection 14.1(a) shall apply.

3. General Provisions

The General Provisions of Section 6 of By-law 1784 shall not apply to any lands zoned R4B*-16 by this By-law amendment.

In lieu thereof, the General Provisions of subsection 14.2 shall apply to this By-law amendment.

4. Yard Setbacks to Ministry of Transportation (MTO) Corridors

Minimum 4.5m

Maximum 8.0m

Provided however that the yard setbacks required by the MTO shall apply along any public street that is subject to MTO corridor control.

5. Uses Permitted

No person shall within any R4B*-16 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- back to back townhouse dwelling
- street townhouse dwelling

6. Zoning Provisions

No person shall within any R4B*-16 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot and Building Requirements by Building Type

- (i) The following Table and additional provisions establish the zone standards that apply to the R4B*-16 Zone.
-

R4B*-16 Zone Standards

Building Type	Min. Lot Area (m²)	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit with a front access garage	160 m ² / unit	6 m / unit ⁽³⁾	3 m ⁽¹⁾	1.2 m ⁽⁵⁾	3 m	7.5 m ⁽⁷⁾	NR	20%	2 storeys	4 storeys
Street townhouse dwelling unit with a detached rear garage	110 m ² / unit	4.5 m / unit ⁽³⁾	3 m	1.2 m ⁽⁵⁾	3 m ⁽¹⁾	2.5 m to a garage, carport or unenclosed parking space ⁽²⁾	25 m ² / unit	50%	2 storeys	4 storeys
Street townhouse dwelling unit with an integral rear garage	110 m ² / unit	4.5 m / unit ⁽³⁾	3 m	1.2 m ⁽⁴⁾⁽⁵⁾	3 m ⁽¹⁾	2.5 m to a garage, carport or unenclosed parking space ⁽²⁾	15 m ² / unit ⁽⁶⁾	50%	2 storeys	4 storeys
Back to back townhouse dwelling unit	85 m ² / unit	5.5 m / unit ⁽³⁾	3 m ⁽¹⁾	1.5 m ⁽⁵⁾	3 m ⁽¹⁾	NR	7.5 m ² / unit	NR	2 storeys	4 storeys

Notes: NR = No Requirement

- (1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (2) Except that the minimum distance where access is provided to both sides of a lane shall be 1.75 metres.
- (3) Except that for a corner lot, the minimum lot frontage shall be 9 metres.
- (4) If no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.
- (5) Where no common wall exists.
- (6) Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.
- (7) Except that the minimum rear yard for Lot 6 on Block 26 shall be 2.0m measured perpendicular from the angled rear lot line to the nearest point of the main building on the lot.

(b) Additional Provisions

- (ii) The following provisions apply to back to back townhouse dwelling units
 - (a) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.0 metres.
- (iii) The following provisions apply to the lots with street townhouse dwellings with an integral rear garage that front onto Winchester Road West and the north-south section of Cottesmore Drive:
 - (a) The minimum rear yard setback to the street line shall be 3.5 m provided that for the lots that front onto Winchester Road West if the front yard setback is reduced below 10.0 m, the rear yard setback will be increased by the same dimension of the front yard reduction.
 - (b) Decks are permitted to project from the second storey rear exterior wall of a dwelling unit with a rear-accessed garage a maximum distance of 3.65 m.
 - (c) The minimum rear yard setback to the street line from a deck projecting from a rear exterior wall shall be 1.75 m.
 - (d) The minimum rear yard setback to the street line of any support column or post that supports a deck shall be 1.75 m.
 - (e) The maximum diameter of any support column or post shall be 15.4 cm or as required by the Ontario Building Code.
 - (f) In the area between any foundation wall related to the main building and any support column or post that supports a deck no structure, wall, fence, hedge, shrub or other vegetative planting or landscape feature that has a height greater than 1.0 m above finished grade level shall be permitted in order to avoid any sight line obstructions.

(c) Parking Requirements

Notwithstanding any provisions of Section 4A to the contrary, the following provisions shall apply:

- (ii) The minimum number of parking spaces required for a back to back townhouse dwelling shall be 2 spaces per dwelling unit provided the dwelling unit has a private garage accessed by a driveway from a public street or lane.
 - (iii) The minimum number of parking spaces required for a street townhouse dwelling shall be 2 spaces per dwelling unit provided that dwelling unit has a private garage accessed by a driveway from a public street or lane.
-

Section 5N Residential (R4C*) Zone (5026-02)

No person shall use any lot or erect or alter to use any building or structure in an 'R4C*' Zone except in accordance with the following uses and zone provisions:

(i) Uses Permitted

- activity building, accessory to a block townhouse development
- apartment dwelling house
- block townhouse dwelling
- fourplex dwelling
- retirement home
- semi-detached duplex dwelling
- stacked dwelling
- street townhouse dwelling
- triplex dwelling

(ii) Zone Provisions

(1) Triplex Dwelling, Fourplex Dwelling, Semi-Detached Duplex Dwelling

(a)	Lot Frontage (Minimum)	
	Triplex	18 m
	Fourplex	30 m
	Semi-Detached Duplex	
	Interior	21 m
	Corner	25.5 m
(b)	Lot Depth	
	Minimum	30 m
(c)	Lot Area (Minimum)	
	Triplex	540 m ²
	Fourplex	900 m ²
	Semi-Detached Duplex	630 m ²
(d)	Lot Coverage	
	Maximum	40 % of the lot area
(e)	Front Yard	
	Minimum	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	Rear Yard	
	Minimum	7.5 m
(g)	Interior Side Yard	
	Minimum	3.7 m

(6925-14)	(h)	Exterior Side Yard Minimum	4.5 m
		Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
	(i)	Landscaped Open Space Minimum	40% of the lot area
		Provided not less than 60% of the front yard shall be maintained as landscaped open space.	
	(j)	Height of Building Maximum	3 storeys
	(k)	Parking Repealed by By-law 6925-14	
	(l)	Driveway Location	
		Where a driveway intersects a street line on a public street having a width greater than 20 m the minimum distance between the driveway and the next adjacent driveway(s) shall be	15 m
	(2)	Block Townhouse Dwelling, Accessory Activity Building And Stacked Dwelling	
	(a)	Lot Frontage Minimum	30 m
	(b)	Lot Area (Minimum)	
		Block Townhouse Stacked Dwelling	0.4 ha 135 m ² /unit
	(c)	Lot Coverage Maximum for all buildings	35% of the lot area
	(d)	Density	
		Minimum: Maximum:	30 units per net ha 40 units per net ha
	(e)	Yards	
	(i)	The minimum distance from a street line or a 0.3 m reserve to the nearest portion of a block townhouse or stacked dwelling shall be	10.0 m
		Provided however, and notwithstanding the above, the minimum distance from a street line to the nearest portion of the block townhouse or stacked dwelling may be reduced to a minimum 5.0 m setback provided a private amenity space of 30 m ² , and which has a minimum linear dimension of 4.5 m on one side, is provided adjacent to the block townhouse or stacked dwelling unit on the side of the block townhouse dwelling unit which faces an internal roadway.	

(ii)	The minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of a block townhouse or stacked dwelling shall be	7.5 m
	Provided however, and notwithstanding the above the minimum distance from a property line other than a street line or a 0.3 m reserve to the nearest portion of the end wall of a block townhouse or stacked dwelling shall be	2.0 m
(iii)	The minimum distance from a property line to the nearest portion of a detached garage shall be	5.5 m
(f)	Distance Between Buildings On The Same Lot	
(i)	The minimum distance between the end walls of separate block townhouse or stacked dwellings shall be	3.0 m
(ii)	The minimum distance between the end wall of a block townhouse or stacked dwelling and a wall other than an end wall on a separate block townhouse or stacked dwelling shall be	9.5 m
(iii)	The minimum distance between walls other than the end walls on separate block townhouse or stacked dwellings shall be	15 m
(iv)	The minimum distance between a detached garage and a block townhouse or stacked dwelling unit shall be	5.0 m
(v)	The minimum distance between an activity building and an end wall of a block townhouse or stacked dwelling shall be	5.0 m
(vi)	The minimum distance between an activity building and a wall other than an end wall of a block townhouse or stacked dwelling shall be	9.5 m
(g)	Internal Roadway	
(i)	The minimum width of an internal roadway shall be	8.5 m
(ii)	The minimum distance from an internal roadway to the nearest portion of a block townhouse or stacked dwelling shall be	4.5 m
	Except in the case of an end wall adjacent to a roadway, the minimum distance shall be	1.75 m
(iii)	The minimum distance from an internal roadway to the nearest portion of a detached garage shall be	5.5 m
(h)	Landscaped Open Space Minimum	
		50 % of the lot area
(i)	Height of Building Maximum	
		3 storeys

	(j)	Private Amenity Space Minimum	30 m ² /unit
(6925-14)	(k)	PARKING Repealed by By-law 6925-14	
	(3)	Street Townhouse Dwelling	
	(a)	Lot Frontage (Minimum)	
		Interior	6.0 m
		Corner	10.5 m
	(b)	Lot Depth Minimum	30 m
	(c)	Lot Area Minimum	180 m ²
	(d)	Lot Coverage Maximum	50% of the lot area
	(e)	Front Yard Minimum	4.5 m
		Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	5.5 m
	(f)	Rear Yard Minimum	7.5 m
	(g)	Interior Side Yard	
		There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
		The exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
	(h)	Exterior Side Yard Minimum	4.5 m
		Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
	(i)	Landscaped Open Space Minimum	40% of the lot area
	(j)	Height of Building Maximum	9.5 m
(6925-14)	(k)	Parking Repealed by By-law 6925-14	
	(l)	Driveway Location	
		The driveway shall only be located on a street having a width of 20 m or less.	

(4) Retirement Home and Apartment Dwelling House

(a)	Lot Frontage Minimum	50 m
(b)	Lot Area Minimum	0.5 ha
(c)	Lot Coverage Maximum	35% of the lot area
(d)	Density	
	Minimum:	30 units per net ha
	Maximum:	40 units per net ha
(e)	Front Yard Minimum Depth	6.0 m
(f)	Rear Yard Minimum Depth	7.5 m
(g)	Interior Side Yard Minimum Depth	
	in the case of an end wall containing no habitable room windows	4.5 m
	in the case of an end wall containing a habitable window other than a living room window	6.0 m
	in the case of an end wall containing a living room window	7.5 m
(h)	Exterior Side Yard Minimum Depth	6.0 m
(i)	Landscaped Open Space Minimum	30% of the lot area
(j)	Height Of The Building Maximum	3 storeys, plus the mechanical penthouse
(k)	Parking Repealed by By-law 6925-14	
(l)	Parking Location Repealed by By-law 6925-14	
(m)	Distance Between Buildings on the Same Lot	
	(i) The minimum distance between two exterior walls (neither of which is an end wall) facing and parallel to each other, where either or both walls contain a living room window, shall be the height of the higher wall or 15 m, whichever is the greater.	
	(ii) The minimum distance between an exterior wall containing a living room window and a facing and parallel end wall containing no windows to habitable rooms shall be the height of the higher wall or 12.5 m, whichever is the greater.	

(6925-14)**(6925-14)**

- (iii) The minimum distance between two exterior walls (neither of which is an end wall) facing and parallel to each other, where either or both contain windows to habitable rooms other than living room windows, shall be the height of the higher wall or 10.5 m, whichever is the greater, provided that such distance shall not be less than 15 m for buildings over 2 ½ storeys in height.
- (iv) The minimum distance between an exterior wall containing a habitable room window, other than a living room window, and a facing and parallel end wall containing no windows of habitable rooms shall be one-half the height of the higher wall or 7.0 m, whichever is the greater.
- (v) The minimum distance between two end walls facing and parallel to each other where neither wall contains habitable room windows shall be one-quarter the height of the higher wall or 3.7 m, whichever is the greater.
- (vi) For the purpose of this section, such exterior walls having an angle of divergence of not more than 85 degrees shall be deemed to face and be parallel to each other.

In this clause, “**Angle of Divergence**” means the interior acute angle formed by and lying between such two exterior walls of their projection.

Section 50 Residential (R5A*) Zone

(4622-00)

(5026-02) (a) No person shall use any lot or part of a lot or erect or alter or use any building or structure in the "R5A*" Zone except in accordance with the following uses and zone provisions:

(5474-04)

(i) USES PERMITTED

(6925-14)

- apartment dwelling house
- long term care facility
- retirement home

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 50 m

(b) LOT AREA
Minimum 0.5 ha

(c) LOT COVERAGE
Maximum 35%

(d) DENSITY
The number of apartment dwelling units permitted within an "R5A*" Zone shall be
Minimum: 65 units per net ha
Maximum: 135 units per net ha

(e) HEIGHT
Maximum 6 storeys

(f) SETBACKS

(i) FRONT YARD

(a) the minimum building setback from a designated local road shall be 6.0 m

(b) the minimum building setback from a designated collector road or any building or portions of any building not exceeding three storeys shall be 5.5 m

(c) where buildings or portions of buildings are 4 storeys or greater, the minimum building setback shall be 6.0 m or half the height of the building, whichever is greater

(d) the minimum setback from a designated arterial road shall be 10.0 m or half the height of the building, whichever is greater

(ii) REAR YARD Minimum Depth

7.5 m or half the height of the building, whichever is greater

(iii)	INTERIOR SIDE YARD Minimum Depth	6.0 m
(iv)	EXTERIOR SIDE YARD the minimum building setback from a designated local road shall be the minimum building setback from a designated collector road or any building or portions of any building not exceeding three storeys shall be where buildings or portions of buildings are 4 storeys or greater, the minimum building setback shall be the minimum setback from a designated arterial road shall be	5.5 m or half the height of the building, whichever is greater 5.5 m 6.0 m or half the height of the building, whichever is greater 10.0 m or half the height of the building, whichever is greater
(g)	DISTANCE BETWEEN BUILDINGS ON THE SAME LOT The minimum distance between buildings shall be provided however, and notwithstanding the above, this distance may be reduced to 7.5 m between the end walls of buildings provided neither wall contains a bedroom, living room or dining room window.	15 m
(h)	INTERNAL ROADWAY (i) Minimum Width (ii) The minimum distance from an internal roadway to the nearest end wall containing no habitable room windows of an apartment dwelling shall be Provided however, and notwithstanding the above, the minimum distance from an internal roadway to the nearest exterior wall of an apartment dwelling containing a living room, bedroom or dining room window shall be	8.5 m 2.0 m 5.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(j)	PARKING Repealed by By-law 6925-14	

(iii) EXCEPTIONS**(5956-07)
(7530-19)****(a) R5A*-1: EXCEPTION 1
300 Carnwith Drive East****1. Defined Area**

The land located north of Carnwith Drive East and east of Thickson Road North and zoned R5A*-1 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 the By-law # 1784.

2. Uses Permitted

No person shall within any R5A*-1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- apartment building
- block townhouse dwelling
- long term care home
- retirement home

3. Zone Provisions

No person shall within any R5A*-1 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 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 R5A*-1 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

Notwithstanding the definition of the front lot line, the lot line abutting Carnwith Drive East shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot line abutting Thickson Road North shall be deemed the exterior side lot line. All other lot lines shall be deemed to be interior side lot lines.

(c)	Lot Coverage Maximum	35%

(d)	Landscaped Open Space Minimum	30%

(e)	Front Yard Minimum Depth	4.5 m

(f)	Rear Yard Minimum Depth	10.0 m

(g)	Interior Side Yard Minimum Width	7.5 m
(h)	Exterior Side Yard Minimum Width	4.5 m
(i)	Density	
	Minimum	40 units per net hectare
	Maximum	115 units per net hectare
(j)	Height of Building Maximum	
	apartment building	6 storeys
	block townhouse dwelling	3 storeys
(k)	Location of Apartment Building	
	(i) No apartment building shall be situated any further than 30 metres from the Thickson Road North street line	
(l)	Setback to a Visibility Triangle Minimum	4.5 m
(m)	Separation Distance between Block Townhouse Dwellings	
	(i) The minimum separation distance above finished grade between end walls of separate block townhouse dwellings shall be	3.0 m
	Notwithstanding provision (n)(i) above, the minimum separation distance between end walls of separate block townhouse dwellings may be reduced to 2.2 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meter.	
(n)	Setback to Aisle and/or Driveway	
	(i) The minimum separation distance from the end wall of an apartment building or block townhouse dwelling to an aisle or driveway shall be	1.5 m
	(ii) The minimum separation distance from an exterior wall of an apartment building other than an end wall to an aisle or driveway other than a lobby drop off or pickup lay-by or a loading zone shall be	5.0 m
(o)	Aisle and/or Driveway Width	
	(i) The minimum width for an aisle and/or driveway shall be	6.5 m
	(ii) The minimum width of an aisle and/or driveway serving a loading area-two way shall be	6.5 m

(p) Parking Requirements for Apartment Building

- (i) All required parking spaces shall be located within a parking structure situated below finished grade provided that up to 20% of any required parking spaces may be situated at finished grade.
- (ii) Any parking structure situated below finished grade may be located no closer than 0.5 m to any street line or any other lot line provided that any roof deck or finished top level of the parking structure is completely below finished grade. This provision shall not apply to ventilation shafts, stairways and other similar facilities associated with a parking structure that project above finished grade.
- (iii) Any parking area or parking space at finished grade shall be set back a minimum distance of 3.0 m from any street line or any other lot line and 1.5 m from an end wall.

(q) Setback to Trans Canada Pipeline Easement

- (i) Any building, structure or accessory structure situated above grade or below grade shall be setback from the Trans Canada Pipeline easement right of way or any of its successors a minimum distance of 10 metres.

(r) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary:

- (i) Decks or patios, including any related screen wall enclosing such deck or patio, porches and balconies are permitted to project from the main wall of a building provided they are set back a minimum distance 2.0m from a street line, and 1.5 m from an aisle or driveway,
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle or driveway.
- (iii) Decks, porches, steps and balconies are permitted to project from the first and second storey of a dwelling unit a maximum distance of 3.5 m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the third storey of a dwelling unit a maximum distance of 1.5 m from the rear main wall of a dwelling unit.

(s) Accessory Structure

- (i) Notwithstanding the definitions of Accessory Structure in Section 2 Definitions of By-law to the contrary, an accessory structure may be attached to a main building and may be used to house and store 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 ridge of any roof structure shall be

4.5 m

- (iii) The minimum separation distance from an accessory structure used to house and store equipment and utility devices to an aisle or driveway shall be 0.3 m

(t) Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-1 by this By-law:

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

(5956-07)

(b) **R5A*-2: EXCEPTION 2**

Notwithstanding the provisions of Section 5M(ii)(d) of By-law # 1784 to the contrary, the lands zoned "R5A*-2", as identified on Schedule "A-1" attached to and forming part of By-law # 4662-00 shall have the following exceptions:

(i) DENSITY

The maximum number of apartment dwelling units permitted within an "R5A*-2" Zone shall be

Minimum	40 units per net ha
Maximum	115 units per net ha

(4790-01)
(5254-03)

(c) **R5A*-3: EXCEPTION 3**
Site rezoned to R4B* by By-law 5254-03

(5957-07)

(d) **'R5A*-4': EXCEPTION 4**

- (i) Notwithstanding the permitted uses provision of Section 5N (i), the lot frontage provisions of Section 5N (ii)(a), the lot area provisions of Section 5N (ii)(b) and the building height provisions of Section 5N (ii)(e) of 'R5A*' Zone of By-law # 1784, the following zone provisions shall be permitted on those lands identified as 'R5A*-4' on Schedule "A-1" annexed by By-law # 5168-02:

(a) USES PERMITTED

- block townhouse
- street townhouse
- apartment dwellings

- (b) LOT FRONTAGE
Minimum 46 m

- (c) LOT AREA
Minimum 0.25 ha

- (d) BUILDING HEIGHT
Maximum 3 storeys

- (ii) Where the lands are developed for the purpose of block townhouse dwellings, the lands shall be developed in accordance with the zone provisions of Section 5K 'R4A*' of By-law 1784, and exception 'R5A*-4'.

- (iii) Where the lands are developed for the purposes of street townhouse dwellings, the lands shall be developed in accordance with the zone provisions of Section 5L 'R4B*' of By-law 1784, and exception 'R5A*-4' and all units shall front onto a local street.
- (iv) Where the lands are developed for the purposes of apartment dwellings, the lands shall be developed in accordance with the zone provisions of Section 5N 'R5A*' of By-law 1784, and exception R5A*-4: Exception 4.

(6007-07)

**(e) 'R5A*-5': EXCEPTION 5
WINCHESTER ROAD WEST**

(i) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 10 m
- (b) UNITS
Maximum 102 units
- (c) HEIGHT
Maximum 3 storeys
- (d) SETBACKS
 - (i) REAR YARD
Minimum Depth 12 m
- (e) INTERNAL ROADWAY
 - (i) Minimum Width 6.0 m
 - (ii) The minimum distance from an internal roadway to the nearest end wall containing no habitable room windows or the wall of an apartment dwelling containing a living room, bedroom or dining room window shall be 2.0 m
- (f) PARKING
 - (i) Notwithstanding any provisions of this By-law to the contrary, the minimum distance between a parking area and the end wall containing no habitable room windows or the exterior wall of an apartment dwelling containing a living room, bedroom, or dining room shall be 2.0 m
 - (ii) All other zone provisions and permitted uses of Section 5 O of By-law 1784 shall apply.

(6356-10)

**(f) R5A*-6: EXCEPTION 6
PART LOT 21, CONCESSION 1
100, 200 GLEN HILL DRIVE SOUTH**

1. USES PERMITTED

- (a) No person shall within any R5A*-6 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

(6925-14)

- seniors residence
- long term care facility
- accessory and incidental uses to a seniors residence or a long term care facility such as and similar to:
 - auditorium
 - beauty salon
 - chapel
 - dining room
 - fitness facility
 - gift shop
 - library
 - medical office
 - office
 - snack bar

(6776-13)

provided that the primary means of access to such facilities is from an internal corridor or hallway.

2. ZONE PROVISIONS

No person shall within any R5A*-6 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 to the contrary, all lands zoned R5A*-6 shall be considered to be one lot for the purposes of applying the zone provisions of this By-law.

(b)	LOT FRONTAGE Minimum	70 m
(c)	LOT COVERAGE Maximum	35% of the lot area
(d)	FRONT YARD DEPTH Minimum	10 m
(e)	REAR YARD DEPTH Minimum	10 m
(f)	INTERIOR SIDE YARD Minimum	13 m
(g)	EXTERIOR SIDE YARD Minimum	6.0 m
(h)	LANDSCAPED OPEN SPACE Minimum	35% of lot area
(i)	BUILDING HEIGHT Maximum	14 storeys
(j)	NUMBER OF DWELLING UNITS Maximum	355

- (k) NUMBER OF BUILDINGS
Maximum 3

(l) PARKING AREA REQUIREMENTS

Notwithstanding the provisions of Section 4 General Provisions, subsection (n) Parking Area Requirements of By-law # 1784, only the following parking area requirements shall apply:

- (i) NUMBER OF PARKING SPACES
Seniors Residence
Minimum 0.4 spaces for each unit plus 0.2 spaces per unit allocated and assigned for visitors parking

(6925-14)

- Long Term Care Facility
Minimum 0.25 spaces per bed

(ii) LOCATION OF PARKING SPACES

All yards provided that no part of any parking area, other than a driveway, is located closer than 0.5 metres from any lot line.

Provided however, and notwithstanding the above, an underground structure may be located within 0.0 meters of any lot line provided further that any roof deck or finished top level of the parking structure is completely below finished grade level.

(4590-00)
(6600-12)

(g) **R5A*-7: EXCEPTION 7
SOUTHEAST CORNER OF TAUNTON ROAD EAST AND ANDERSON STREET
3975 ANDERSON STREET**

- (a) No person shall use any lot, or erect or alter or use any building or structure in any "R5A*-7" Zone as shown on Schedule "A-1" attached to By-law # 4590-00 except in accordance with the following uses and zone provisions:

R5A*-7

(a) **USES PERMITTED**

- one linked dwelling house not exceeding three dwelling units
- one semi-detached dwelling house
- retirement home

(b) **ZONE PROVISIONS**

- (a) LOT AREA
minimum 3 ha
- (b) LOT COVERAGE
maximum 15% of the lot area
- (c) FRONT YARD
minimum Depth 15 m

(d)	INTERIOR SIDE YARD	
	Minimum Depth from the east property line	60 m
(e)	REAR YARD	
	minimum Depth	25 m
(f)	EXTERIOR SIDE YARD	
	minimum Depth	15 m
(g)	LANDSCAPED OPEN SPACE	
	minimum	50% of the lot area
(h)	HEIGHT OF BUILDINGS	
	maximum	3 storeys
(i)	NUMBER OF RETIREMENT SUITES	
	maximum	119
(j)	PARKING	
	Notwithstanding the provisions of Section 4 of By-law # 1784, the following parking provisions shall apply:	
	retirement home:	0.6 spaces for each suite, with 0.2 spaces per unit allocated and assigned for visitor parking
	semi-detached or link dwelling house:	1.2 spaces for each unit, with 0.2 spaces per unit allocated and assigned for visitor parking
	Notwithstanding Section 4(ix) of By-law # 1784 parking areas may be located in all yards provided that no portion of any parking area, other than a driveway is located closer than 10 m to any street line.	

(6985-15)

(h) **R5A*-7: EXCEPTION 7
PLAN OF SUBDIVISION SW-2008-03
VANIER STREET**

(i) **USES PERMITTED**

- (a) No person shall within any R5A*-7 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

Residential

- apartment building

- (b) Non-Residential

- financial institution
- office
- personal service establishment
- retail store

(ii) ZONE PROVISIONS

No person shall within any R5A*-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 #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 R5A*-7 by this By-law shall be considered to be one lot.

(b) FRONT LOT LINE

Notwithstanding the definition of Lot Line, Front in Section 2 of By-law #1784, the front lot line shall be deemed to be the Vanier Street streetline.

(c) LOT FRONTAGE

Minimum	50 m

(d) LOT AREA

Minimum	0.4ha

(e) LOT COVERAGE

Maximum	45% of the lot area

(f) YARDS

(i)	Front Yard – minimum depth	6.0 m
(ii)	Rear Yard – minimum depth	6.0 m
(iii)	Interior Side Yard – minimum depth	6.0 m
(iv)	Exterior Side Yard – minimum depth	6.0 m

(g) NUMBER OF APARTMENT DWELLING UNITS

Minimum	150 units
Maximum	300 units

(h) HEIGHT OF BUILDINGS

Minimum	8 storeys
Maximum	18 storeys

Provided that any apartment building having a height of more than 8 storeys shall be developed as a Point Tower.

(i) FLOOR PLATE AREA

The maximum floor plate area for any storey in a Point Tower shall be	800 m ²

(j) DISTANCE BETWEEN APARTMENT BUILDINGS

Minimum	20 m

(k) LANDSCAPED OPEN SPACE

Minimum	30% of the lot area

(l) NON-RESIDENTIAL PROVISIONS

- (i) Notwithstanding the definition of an Apartment Building, non-residential uses are required to be provided in at least one apartment building on the land zoned R5A*-7 by this By-law.
- (ii) Non-residential uses shall only be permitted on the first or second storey or on a floor below the first storey.
- (iii) The minimum gross floor area devoted to non-residential uses shall be 250 m².

(m) PARKING AND LOADING REQUIREMENTS

Parking shall be in accordance with the provisions of Section 4A Parking and Loading Requirements of By-law #1784.

- (i) Location of Parking Spaces
 - (a) Notwithstanding the provisions of Section 4A, all required parking spaces for residential uses shall be provided within a parking structure provided that up to 10% of any required parking spaces for residential uses may be provided at grade in a surface parking area.

(n) 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 #1784 the following definitions shall apply:

“APARTMENT BUILDING” means the whole of a building that contains four or more dwelling units which have a common entrance either from a yard or landscaped open space and are served by a common corridor and the occupants of which units have the right to the use, in common with others entitled thereto, of the corridors, stairs and yards, or one or more of them, or by an individual entrance from a yard or landscaped open space and which units are divided horizontally and/or vertically.

“FLOOR PLATE AREA” means the total area of a floor of a building, measured from the exterior of the main wall of the floor level, including voids at the level of the floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct or utility shaft but shall not include any unenclosed private balcony or private terrace.

“LANDSCAPED OPEN SPACE” means the open unobstructed space at grade 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, open space or similar areas or other private or common outdoor recreational activity areas or landscaped space on the roof of a podium, point tower and apartment dwelling house 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.

“LOT COVERAGE” means that percentage of the area of the lot covered by the horizontal projections of all buildings above grade.

“PODIUM” means the base of a building consisting of a base and a point tower above the base where the base is two storeys or greater.

“POINT TOWER” means the portion of a building above the podium of the building, where the tower portion of the building is at least 12 storeys.

(o) **ZONE PROVISIONS THAT DO NOT APPLY**

The following subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-7 by this By-Law:

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes
- 4(y) Accessory Uses and Yard Encroachments Permitted

(7151-16)

(i) **R5A*- 9: Exception 9
Part of Lot 26, Concession 3
95 Taunton Road East**

1. Defined Area

The lands located south of Taunton Road East and west of Riverwood Street and zoned R5A*-9 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 R5A*-9 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- retirement home
- stacked townhouse dwelling

3. Zone Provisions

No person shall within any R5A*-9 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 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 R5A*-9 by this By-law 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 opposite the front lot line and abutting Hubbel Drive and Willowbrook Drive shall be deemed the rear lot line. All other lot lines shall be deemed to be interior lot lines.

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(c)	Lot Frontage Minimum	100 m
(d)	Lot Area Minimum	1.0 ha
(e)	Lot Coverage Maximum	40 % of the lot area
(f)	Front Yard Minimum Depth Maximum Depth	3.0 m 7.5 m
(g)	Rear Yard Minimum Depth	4.0 m
(h)	Interior Side Yard Minimum Width	7.5 m
(i)	Number of Dwelling Units Maximum	
	• retirement home • stacked townhouse dwelling	162 units 10 units
(j)	Height of Building Maximum	
	• retirement home • stacked townhouse dwelling	8 storeys 3 storeys
(k)	Landscaped Open Space Minimum	30 % of lot area
(l)	Location of Retirement Home	
	(i) No portion of a retirement home shall be situated any further than 73 metres from the Taunton Road East street line.	
(m)	Separation Distance Between Buildings	
	(i) The minimum separation distance between end walls of separate main buildings shall be	10 m
(n)	Setback to Aisles and/or Driveway	
	(i) The minimum separation distance from the end wall of a main building to an aisle and/or driveway shall be	2.0 m
(o)	Decks, Porches, Steps, Patio and Balconies	
	Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary:	
	(i) Decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they	
-

are set back a minimum distance of 2.0 m from a street line or aisle and/or driveway.

- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line or aisle and/or driveway.

(p) Accessory Structure and/or Activity Building

Notwithstanding the definitions of Accessory Structure and Activity Building in Section 2 Definitions of this By-law to the contrary, an accessory structure and/or activity building may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

(q) Parking Requirements

(i) Number of Parking Spaces – Retirement Home

Minimum	0.3 spaces per dwelling unit plus 0.2 spaces per dwelling unit dedicated for visitor parking.

(ii) Number of Parking Spaces – Townhouse Dwelling

Minimum	1.25 spaces per dwelling unit

(iii) Location of Parking Spaces

Any parking spaces and parking area shall be set back a minimum distance of 2.0 m from any main building, 3.0 m from any street line and 1.0 m from any other lot line.

(r) Loading Area Requirements

(i) Number of Loading Spaces

Minimum	1 space

(ii) Dimensions of Loading Space

Minimum Length	5.0 m
Minimum Width	3.5 m
Minimum Height	4.5 m

(s) 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 # 1784 the following definitions shall apply:

“Dwelling, Stacked Townhouse” means a building other than a converted dwelling, located on a lot or lots containing more than four dwelling units, each of which has a vertical and a horizontal common wall and an independent entrance either directly from the outside or through a common vestibule.

(7342-17)

(t) Holding Provisions

Site rezoned to R5A*-9 by By-law 7342-17

(7191-16)

(j)

R5A*-10: Exception 10
Southeast corner of Garden Street and Promenade Drive

1. Defined Area

The lands located south of Promenade Drive and east of Garden Street and zoned R5A*-10 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 R5A*-10 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- apartment building
- block townhouse dwelling
- long term care home
- retirement home
- seniors apartment building

3. Zone Provisions

3.1 Apartment Building, Long Term Care Home, Retirement Home

The zone provisions for an apartment building, long term care home and retirement home with the R5A*-10 Zone shall be the same as those set out in Section 5O the Residential R5A* Zone.

3.2 Block Townhouse Dwelling, Seniors Apartment Building

No person shall within any R5A*-10 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 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 R5A*-10 by this By-law shall be considered to be one lot.

(b)	Lot Frontage Minimum	100 m
(c)	Lot Area Minimum	1.0 ha
(d)	Lot Coverage Maximum	50 %
(e)	Landscaped Open Space Minimum	30 %

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(f)	Front Yard Minimum Depth	4.0 m
(g)	Rear Yard Minimum Depth	7.5 m
(h)	Interior Side Yard Minimum Width	6.0 m
	Notwithstanding provision (h) above, the minimum interior side yard width to the end wall of a block townhouse dwelling shall be	
		1.2 m
(i)	Exterior Side Yard Minimum Width	4.0 m
(j)	Number of Dwelling Units Minimum	110 units
	Provided further that the minimum and maximum number of dwelling units for certain permitted uses shall be as outlined below:	
	• Block Townhouse Dwelling Maximum	50 units
	• Seniors Apartment Building Minimum	65 units
(k)	Height of Building Maximum	
	• Block Townhouse Dwelling	3 storeys
	• Seniors Apartment Building	6 storeys
(l)	Location of Seniors Apartment Building	
	(i) No seniors apartment building with a height of building greater than 4 storeys shall be situated any further than 40 metres from the Garden Street street line.	
(m)	Separation Distance between Block Townhouse Dwellings	
	(i) The minimum separation distance above finished grade between end walls of separate block townhouse dwellings shall be	3.0 m
	(ii) Notwithstanding provision (m)(i) above, the minimum separation distance between end walls of separate block townhouse dwellings may be reduced to 2.2 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.	
(n)	Setback to Aisle or Driveway	
	(i) The minimum separation distance from the end wall of a block townhouse	
-

dwelling or a seniors apartment building
to an aisle or driveway shall be 2.0 m

- (ii) The minimum separate distance from the nearest exterior wall of a seniors apartment building to an aisle or driveway shall be 3.2 m

(o) Parking Requirements for Seniors Apartment Building

- (i) All required parking spaces shall be located within a parking structure situated below finished grade provided that up to 10% of any required parking spaces may be situated at finished grade.
- (ii) Any parking structure situated below finished grade may be located no closer than 1.0 m to any street line or any other lot line provided that any roof deck or finished top level of the parking structure is completely below finished grade. This provision shall not apply to ventilation shafts, stairways and other similar facilities associated with a parking structure that project above finished grade.
- (iii) Any parking area or parking spaces situated at finished grade shall be set back a minimum distance of 3.0 m from any street line or any other lot line, 3.5 m from an exterior wall other than an end wall and 1.8 m from an end wall.

(p) Accessory Structure and/or Activity Building

Notwithstanding the definitions of Accessory Structure and Activity Building in Section 2 Definitions of this By-law to the contrary, an accessory structure and/or activity building may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m

(q) Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-10 by this By-law:

- 4(g) Sight Triangles
4(m) Ten Percent (%) of Every Lot
4(w) Satellite Dishes
4(y) Accessory Uses and Yard Encroachments Permitted

(7344-17)

(j) **R5A*-11: Exception 11**
Part of Lot 21, Concession 3 Plan of Subdivision SW-2016-02

1) **Defined Area**

The lands located west of Thickson Road North at north of Rossland Road East and zoned R5A*-11 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 R5A*-11 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

Residential

- apartment building
- back to back townhouse dwelling
- block townhouse dwelling
- stacked townhouse dwelling
- street townhouse dwelling
- retirement home

Non-Residential

- activity building accessory to a permitted use
- day care establishment
- community centre

Provided that a day care establishment or community centre are only permitted on the ground floor of an apartment building or retirement home.

3) Zone Provisions

No person shall within any R5A*-11 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot and Building Requirements by Building Type

(i) The following Table and additional provisions establish the zone standards that apply to the R5A*-11 Zone.

R5A*-11 Zone Standards

Building Type	Min. Lot Area (m ²)	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit with a front access garage	160 m ² / unit except 145 m ² / unit on a private street	6 m /unit except 5.5 m/ unit on a private street ⁽⁵⁾	3 m ⁽¹⁾	1.2m ⁽⁸⁾	3 m ⁽¹⁾	7.5 m	NR	20%	2 storeys ⁽⁴⁾	12 m
Street townhouse dwelling unit with a detached rear garage	165 m ² / unit	5.5 m/ unit ⁽⁵⁾	3 m	1.2 m ⁽⁸⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport or unenclosed parking space ⁽²⁾⁽⁹⁾	25 m ² / unit	50%	2 storeys ⁽⁴⁾	12 m
Street townhouse dwelling unit with an integral rear garage	108 m ² / unit	5.5 m/ unit ⁽⁵⁾	3 m	1.2 m ⁽⁶⁾⁽⁸⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport or unenclosed parking space ⁽²⁾⁽⁹⁾	15 m ² / unit ⁽⁷⁾	50%	2 storeys ⁽⁴⁾	12 m
Block townhouse dwelling	NR	30 m	3 m ⁽¹⁾⁽³⁾	1.2 m ⁽³⁾	3 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁴⁾	12 m
Stacked townhouse dwelling	NR	30 m	3 m ⁽¹⁾⁽³⁾	1.8 m ⁽³⁾	3 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁴⁾	12 m
Back to back townhouse dwelling unit	75 m ² / unit	5.5 m/ unit ⁽⁵⁾	3 m ⁽¹⁾⁽³⁾	1.5 m ⁽⁸⁾	3 m ⁽¹⁾⁽³⁾⁽¹⁰⁾	NR	7.5 m ² / unit	NR	2 storeys ⁽⁴⁾	12 m
Apartment building/ Retirement home/ Long term care home	NR	NR	4 m ⁽³⁾	6 m ⁽³⁾	4 m ⁽³⁾	7.5 m ⁽³⁾	NR	NR	2 storeys ⁽⁴⁾	4 storeys

Notes: NR = No Requirement

- (1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
 - (2) Except that the minimum distance where access is provided to both sides of a lane shall be 1.75 metres.
 - (3) Except that for an underground parking area, the minimum setback shall be 0 metres.
 - (4) Except that in the R5A*-11 Zone abutting Rossland Road East or Thickson Road North, the minimum building height shall be 3 storeys.
 - (5) Except that for a corner lot, the minimum lot frontage shall be 9 metres.
 - (6) If no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.
 - (7) Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.
 - (8) Where no common wall exists.
 - (9) Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 metres.
 - (10) Except that the minimum setback to a private street shall be 1.8 metres.
-

(b) Additional Provisions

- (i) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.5 metres.
 - (ii) The following provisions apply to block townhouse dwellings:
 - (a) The minimum width of each dwelling unit shall be 5.5 metres.
 - (b) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (c) The provisions pertaining to setbacks for garages in subsection 14.2 apply to block townhouse dwellings, and for the purpose of applying these provisions to block townhouse dwellings, the boundary of an internal roadway shall be deemed to be a lot line and a theoretical line extending from the vertical division of the block townhouse dwelling units to the boundary of the internal roadway shall be considered the side lot line.
 - (d) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (e) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 m.
 - (f) The minimum distance from an integral garage of a block townhouse dwelling unit to an internal roadway shall be 5.8m.
 - (g) The minimum landscaped open space on the lot shall be 30%.
 - (iii) The following provisions apply to stacked townhouse dwellings:
 - (a) The minimum separation distance between stacked townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (c) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 m.
 - (d) The minimum distance from an integral garage of a stacked townhouse dwelling unit to an internal roadway shall be 5.8 m.
 - (e) The minimum landscaped open space on the lot shall be 30%.
-

(iv) The following provisions apply to an apartment building, long term care home or retirement home:

- (a) The minimum landscaped open space on the lot shall be 25%.
- (b) The minimum separation between two buildings on the same lot shall be 12 metres.

(c) Yard Encroachments Permitted

Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any R5A*-11 Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.

(d) Accessory Structure

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 to house and store equipment and utility devices related to the principal uses on the lot.

The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m

(e) Definitions

For the purpose of the interpretation of the various uses permitted and the various zone provisions set forth above, the definitions of Section 2 and Subsection 14.1 of By-law #1784 shall apply. Where there is a conflict between the definitions of Section 2 and Subsection 14.1 the definitions of Subsection 14.1 shall take precedence.

(f) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R5A*-11 by this By-law.

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

(7382-18)

**(k) R5A*-12: Exception 12
Part of Lot 19, Concession 4
870, 880, 890, 892 & 896 Taunton Road East and 4050 Garrard Road**

1. Defined Area

The land located north of Taunton Road East and west of Garrard Road and zoned R5A*-12 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 R5A*-12 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- retirement home
- seniors apartment building

3. Zone Provisions

No person shall within any R5A*-12 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 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 R5A*-12 by this By-law shall be considered to be one lot.	
(b)	Lot Line Determination	
	Notwithstanding the definition of front lot line, the lot line abutting Taunton Road East shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line.	
(c)	Number of Dwelling Units	
	Maximum	
	• retirement home	158 units
	• seniors apartment building	67 units
(d)	Lot Coverage	
	Maximum	40%
(e)	Height	
	Maximum	5 storeys
(f)	Front Yard	
	Minimum Depth	3.0 m
	Maximum Depth	12.0 m
(g)	Rear Yard	
	Minimum Depth	10.0 m
(h)	Side Yard	
	Exterior Side Yard Abutting Garrard Road	
	Minimum Width	7.5 m
	Maximum Width	15.0 m
	Interior Side Yard Abutting Emergency Access	
	Minimum Width	7.5 m
	Maximum Width	15.0 m
(i)	Setback to a Visibility Triangle	
	Minimum	0.0 m
(j)	Landscaped Open Space	
	Minimum	30%
(k)	Setback to Aisles and/or Driveway	
	The minimum separation distance from the end wall of a main building to an aisle and/or driveway shall be	
		2.0 m

- (l) Driveway and/or Aisle Width
- The minimum width for a driveway and/or aisle serving a loading area shall be 6.0 m
- (m) Number of Loading Spaces
Minimum
- retirement home 1 space
 - seniors apartment building 1 space
- (n) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary:
- Decks, porches, patios and balconies are permitted to project from the main wall of a building provided they are set back a minimum distance of 2.0 m from a street line or aisle and/or driveway.
- Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line or aisle and/or driveway.
- (o) Zone Provisions That Do Not Apply
- The provisions of subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-12 by this By-law:
- 4(g) Sight Triangles
4(m) Ten Percent (%) of Every Lot
4(w) Satellite Dishes

(7558-19)

(l) **R5A*-13: Exception 13**
850 Taunton Road East

1. Defined Area

The land located north of Taunton Road East and west of Garrard Road and zoned R5A*-13 shall be subject to the provisions 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 R5A*-13 Zone use any lot or erect, alter or use any building or structure for any purpose except the following use:

- apartment building
- retirement home
- seniors apartment building

3. Zone Provisions

No person shall within any R5A*-13 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

(a) Lot Line Determination

The lot line abutting Taunton Road East shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot line abutting the future street to the east shall be deemed the exterior side lot line and the westerly lot line shall be deemed the interior side lot line.

(b)	Lot Frontage Minimum	40.0 m
(c)	Lot Area Minimum	0.3 ha
(d)	Lot Coverage Maximum	55 %
(e)	Height Maximum	6 storeys
(f)	Front Yard Minimum Depth Maximum Depth	2.0 m 6.0 m
(g)	Rear Yard Minimum Depth	10.0 m
(h)	Interior Side Yard Minimum Width	4.0 m
(i)	Exterior Side Yard Minimum Width Maximum Width	3.0 m 6.0 m
(j)	Setback to a Visibility Triangle Minimum	0.0 m
(k)	Landscaped Open Space Minimum	35 %

(l) Parking and Loading Requirements

Notwithstanding any provisions of Section 4A to the contrary, the following provisions shall apply to an apartment building:

(i)	Number of Resident Parking Spaces Minimum	1.21 spaces per dwelling unit
(ii)	Number of Visitor Parking Spaces Minimum	0.14 spaces per dwelling unit

- (iii) Parking spaces may be provided in a vertical stacked arrangement using an automated parking system. Section 4A 1.3 Parking Space Dimensions shall not apply to stacked parking spaces.
- (iv) Parking spaces shall be permitted in the exterior side yard provided they are set back a minimum distance of 0.5m from the street line.
- (v) One loading space shall be permitted in the rear yard provided it is set back from the rear lot line a minimum distance of 3.0 m.
- (m) Decks, Porches, Steps, Patios and Balconies
Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary:
 - (i) Decks, porches, patios and balconies are permitted to project from the main wall of a building provided they are set back a minimum distance of 0.25 m from a street line and a minimum distance of 2.0 m from an aisle or driveway.
- (n) Zone Provisions That Do Not Apply
The provisions of subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-13 by this By-law:
 - 4(g) Sight Triangles
 - 4(m) Ten Percent (%) of Every Lot
 - 4(w) Satellite Dishes

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

Automated Parking System means a mechanical system, wholly contained in a building or part of a building which moves motor vehicles to a parking space without the vehicles being occupied by a human being.

Parking Space, Stacked means a parking space that is positioned above or below another parking space and is accessed only by means of an Automated Parking System.

(7907-22)

- (n) **R5A*-14: Exception 14**
Plan of Subdivision SW-2019-01
Vista Court

1. Defined Area

The lands located south of Roybrook Avenue and north of Highway #407 and zoned R5A*-14 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 R5A*-14 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- apartment building
- block townhouse dwelling
- long term care home
- retirement home
- stacked townhouse dwelling

3. Zone Provisions

No person shall within any R5A*-14 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 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 R5A*-14 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting the Vista Court street line shall be deemed the front lot line and the most easterly lot line shall be deemed the rear lot line. The lot line abutting Highway #407 shall be deemed the exterior side lot line and all other lot lines shall be deemed interior side lot lines.

(c) Lot Frontage Minimum

30 m

(d) Height of Building Minimum Maximum

3 storeys
6 storeys

(e) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access, activity room and any architectural features shall not exceed 6 metres.

(f) Green Roof

- (i) A green roof shall be required on any apartment building greater than four storeys in height.
- (ii) The minimum coverage of available roof spaces covered by the green roof shall be 25% of the total available roof space of an apartment building excluding roof top appurtenances such as an elevator penthouse, mechanical room, mechanical equipment, roof top access room, stair tower and outdoor recreational activity space.

(g) Front Yard Minimum Depth

3.0 m

-
- (h) Rear Yard
Minimum Depth 3.0 m
- (i) Interior Side Yard
Minimum Width 6.0 m
Provided, however, any accessory structure (meter room) shall have a minimum setback of 1.2 metres.
- (j) Exterior Side Yard
Minimum Width 14 m
- (k) Landscaped Open Space
Minimum 30% of the lot area
- (l) Separation Distance Between Buildings
- (i) The minimum separation distance between end walls of separate block townhouse dwellings or separate stacked townhouse dwellings shall be 3.0 m
- (ii) Notwithstanding provision (l)(i) above, the minimum separation distance between end walls of separate block townhouse dwellings or separate stacked townhouse dwellings may be reduced to 2.3 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility metres.
- (m) Setback to Internal Roadway
- (i) The minimum distance from an end wall of a building to an internal roadway shall be 1.8 m
- (ii) The minimum distance from a wall other than an end wall of a building to an internal roadway, shall be 3.0 m
- (iii) The minimum distance from an integral garage of a building to an internal roadway shall be 5.8 m
- (n) Location of Parking Areas and/or Parking Spaces
Any parking area and/or parking spaces not directly providing access to a dwelling unit shall be set back a minimum distance of 3.0 m from any public street line, 1.5 m from the end wall of any building and 1.0 m from any other lot line.
- (o) Decks, Porches, Steps, Patios and Balconies
- (i) Decks, porches, patios and balconies are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 2.0 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.
-

(p) Accessory Structure

- (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 to house and store 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 ridge of any roof structure shall be 4.5 m.
- (iii) Notwithstanding the provisions outlined above, the maximum height of a detached building used to house and store equipment and utility devices such as water metre room , shall be 6.2 m measured from grade level to the mid point between the eaves and the ridge of the roof of the building.

(q) Parking and Loading Requirements

- (i) The number of Parking Spaces for a block townhouse dwelling and a stacked townhouse dwelling with an integral garage and related driveway shall be:
 - Resident 2 spaces per dwelling unit
 - Visitor 0.25 spaces per dwelling unit
- (ii) The number of Parking Spaces for a block townhouse dwelling and a stacked townhouse dwelling without an integral garage and related driveway shall be:
 - Resident 1.75 spaces per dwelling unit
 - Visitor 0.25 spaces per dwelling unit
- (iii) 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.
- (iv) The parking space dimensions for an accessible parking space shall be:

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.8 m	3.4 m	2.4 m

(r) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned R5A*-14 by this By-law amendment:

- 4 (g) Sight Triangles
- 4 (m) Ten Percent of Every Lot
- 4 (w) Satellite Dishes
- 4 (y)(b)(i) Accessory Uses – Permitted Locations

(7909-22)

R5A*-15 – Exception 15**Land between 835 McQuay Boulevard and 855 McQuay Boulevard****1. Defined Area**

The land located on the east side of McQuay Boulevard between 835 and 855 McQuay Boulevard and zoned R5A-15 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 R5A-15 Zone use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

- (a) Residential Uses
- apartment building

3. Zone Provisions

No person shall within any R5A-15 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 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 R5A-15 by this By-law shall be considered to be one lot.

(b)	Lot Area Minimum	0.1 ha
(c)	Lot Frontage Minimum	30 m
(d)	Lot Coverage Maximum	45 %
(e)	Front Yard Minimum Depth	1.5 m
(f)	Rear Yard Minimum Depth	7.5 m
(g)	Interior Side Yard Minimum width to the north lot line Minimum width to the south lot line	0.9 m 3.0 m
(h)	Building Height Maximum	3 storeys

(i) 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 6.0 metres.

(j) Landscaped Open Space
Minimum

30 %

(k) Internal Roadway
Minimum width

6.0 m wide

(l) Parking and Loading Requirements

(i) Minimum required parking spaces 0.67 parking spaces / unit

Provided however, 2 parking spaces must be accessible, and can be located/shared with the property located at 835 McQuay Boulevard

4. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R5A-15 by this By-law amendment:

3.1 (b) Location of Parking

4(y) Decks, Porches, Steps, Patios and Balconies

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

6(32) Accessory Apartment

Section 5P Commercial Mixed Use (CMU*) Zone

- (4539-00) (a) No person shall use any lot or part of a lot or erect or alter or use any building or structure in the “CMU*”
 (5026-02) Zone except in accordance with the following uses and zone provisions:
 (5474-04)

(i) USES PERMITTED – Residential

- (6925-14)
- apartment dwelling house
 - long term care facility
 - retirement home

(ii) USES PERMITTED – Non Residential

- (6776-13)
- (6776-13)
- bakeshop
 - church
 - clinic
 - commercial school
 - community centre
 - day nursery
 - eating establishment but shall not include a drive-thru facility for ordering or the pick-up of prepared foods or beverages from the exterior of the building
 - financial institution
 - food store provided the gross floor area of such establishment does not exceed 1200 m²
 - laundrette, coin operated laundry
 - library
 - meeting hall
 - office
 - personal service establishment
 - place of entertainment
 - public use in accordance with the provisions of Section 4(a) of By-law # 1784
 - recreational club or facility
 - retail store
 - service shop
 - veterinary clinic

(iii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	45 m
(b)	LOT DEPTH Minimum	90 m
(c)	LOT AREA Minimum	0.5 ha
(d)	LOT COVERAGE Maximum	25%
(e)	FRONT YARD Minimum Depth	4.5 m or ½ of the building height, whichever is the greater
	Maximum Depth	25 m

- (f) **INTERIOR SIDE YARD**
Minimum Depth
for a permitted non-residential use adjacent to a commercial zone 0.0 m
for a residential use adjacent to a residential zone 7.5 m
- (g) **REAR YARD**
Minimum Depth 7.5 m
- (h) **EXTERIOR SIDE YARD**
Minimum Depth 4.5 m or ½ of the building height, whichever is the greater
- (i) **LANDSCAPED OPEN SPACE**
Minimum 10% of the lot area
- (j) **HEIGHT OF BUILDING**
Minimum 2 storeys or 7.0 m
Maximum 8 storeys
- (k) **SEPARATION DISTANCE BETWEEN BUILDINGS**
- (i) For buildings with a maximum height of two storeys:
- | Wall containing a Window of a | Living Room | Habitable Room | Blank Wall |
|-------------------------------|-------------|----------------|------------|
| Living Room | 15 m | 13.5 m | 7.5 m |
| Habitable Room | 13.5 m | 9.0 m | 4.5 m |
| Blank Wall | 7.5 m | 4.5 m | 1.5 m |
- (ii) For buildings with a maximum height greater than two storeys:
- (a) For each storey above two storeys, an additional building separation distance of 0.5 m per storey shall be provided where the wall contains a blank wall.
- (b) For each storey above two storeys, an additional building separation distance of 1.0 m per storey shall be provided where the wall contains a window of a living room or habitable room.
- (iii) Where a building wall contains a window of both a living room and a habitable room, the building separation distance for the living room shall apply.
- (iv) Where a pedestrian access or walkway is provided between two buildings and both building walls contain a blank wall, the building separation distance shall be 3.0 m plus the distance specified herein.
- (v) Where a commercial building is adjacent to another commercial building the separation distance may be 0.0 m.

(6925-14)

- (l) **PARKING**
Repealed by By-law 6925-14

(m)	NUMBER OF APARTMENT DWELLING UNITS Maximum	65 units per ha
(n)	NUMBER OF GUEST SUITES Maximum	125 units per ha

(iv) EXCEPTIONS:**(1) CMU*-1: EXCEPTION 1****(6776-13)**

- (i) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, the total maximum floor space for retail and personal service establishment uses shall be 5,300 m².
- (ii) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, freestanding retail warehouse stores and freestanding department stores shall not be permitted.
- (iii) A retail store, notwithstanding any other definition contained herein, shall not include a supermarket.

(6776-13)**(2) CMU*-2: EXCEPTION 2**

- (i) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, the total maximum floor space for retail and personal service establishment uses shall be 500 m²
- (ii) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, freestanding retail warehouse stores and freestanding department stores shall not be permitted.
- (iii) A retail store, notwithstanding any other definition contained herein, shall not include a supermarket.
- (iv) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, the maximum lot coverage shall be 35%
- (v) Notwithstanding any other provisions of Zoning By-law # 1784 to the contrary, where there are no residential uses located within any adjacent CMU*-1 Zone, the maximum number of units permitted within the CMU*-2 Zone shall be calculated as follows:

(a)	NUMBER OF APARTMENT DWELLING UNITS Maximum	135 units per ha
(b)	NUMBER OF GUEST SUITES Maximum	215 units per ha

**(4809-01)
(5956-07)****(3) CMU*-3: EXCEPTION 3
PART OF LOTS 29 AND 30, CONCESSION 3
PLAN OF SUBDIVISION 18T-90044
Rezoned for residential uses****(4834-01)
(5956-07)****(4) CMU*-4: EXCEPTION 4
PART OF LOT 20, CONCESSION 3
PLAN OF SUBDIVISION 18T-99020**

No person shall use any lot or erect or alter or use any building or structure in any CMU*-4 - Commercial Mixed Use Zone - Exception 4 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED – Residential

(6925-14)

- apartment dwelling house
- block townhouse dwelling
- long term care facility
- retirement home

(ii) USES PERMITTED - Non Residential

(6776-13)

(6776-13)

- bakeshop
- church
- clinic
- commercial school
- community centre
- day nursery
- eating establishment but shall not include a drive-thru facility for ordering or the pick-up of prepared foods or beverages from the exterior of the building
- financial Institution
- food store provided the gross floor area of such establishment does not exceed 1,000 m²
- launderette, coin operated laundry
- library
- meeting hall
- office
- personal service establishment
- place of entertainment
- public use in accordance with the provisions of Section 4(a) of By-law # 1784
- recreational club or facility
- retail store
- service shop
- veterinary clinic

(iii) ZONE PROVISIONS

(6776-13)

(a)	LOT FRONTAGE Minimum	45 m
(b)	LOT DEPTH Minimum	90 m
(c)	LOT AREA Minimum	0.5 ha
(d)	LOT COVERAGE Maximum	30%
	Maximum gross leasable floor space area for retail and personal service establishment use within the CMU*-4 Zone category shall be	2,000 m ²
(e)	FRONT YARD Minimum Depth	4.5 m or ½ of the building height, whichever is the greater

- Maximum Depth 25 m
- (f) **INTERIOR SIDE YARD**
Minimum Depth
- for a permitted non-residential use adjacent to a commercial zone 0.0 m
- for a residential use adjacent to a residential zone 7.5 m
- (g) **REAR YARD**
Minimum Depth 7.5 m
- (h) **EXTERIOR SIDE YARD**
Minimum Depth 4.5 m or ½ of the building height, which-ever is the greater
- (i) **LANDSCAPED OPEN SPACE**
Minimum 10% of the lot area
- (j) **HEIGHT OF BUILDING**
Minimum 2 storeys or 7.0 m
Maximum
- (i) buildings for residential uses only 4 storeys
(ii) buildings for residential & commercial uses 6 storeys
- (k) **SEPARATION DISTANCE BETWEEN BUILDINGS**
- (i) For buildings with a maximum height of two storeys:

Wall containing a	Living Room	Habitable Room	Blank Wall
Window of a Living Room	15 m	13.5 m	7.5 m
Habitable Room	13.5 m	9.0 m	4.5 m
Blank Wall	7.5 m	4.5 m	1.5 m

- (ii) For buildings with a maximum height greater than two storeys:
- (a) For each storey above two storeys, an additional building separation distance of 0.5 m per storey shall be provided where the wall contains a blank wall; and,
- (b) For each storey above two storeys, an additional building separation distance of 1.0 m per storey shall be provided where the wall contains a window of a living room or habitable room.
- (iii) Where a building wall contains a window of both a living room and a habitable room, the building separation distance for the living room shall apply.

- (iv) Where a pedestrian access or walkway is provided between two buildings and both building walls contain a blank wall, the building separation distance shall be 3.0 m plus the distance specified herein.
- (v) Where a commercial building is adjacent to another commercial building the separation distance may be 0 m.

(I) PARKING

(i) Parking Spaces Required on Lot – Residential

- (a) Notwithstanding the provisions of Section 4 of By-law 1784, the following parking provisions shall apply
 - 1.5 parking spaces per apartment dwelling unit of which 0.25 space per unit shall be set aside and clearly identified for visitor parking
- (b) Notwithstanding the provisions of Section 4 of By-law 1784, the following parking provisions shall apply
 - 1.25 parking spaces per apartment dwelling unit for a mixed use building where the ground floor, save and except the lobby and stairwells associated with the residential use, is used for commercial purposes
- (c) Notwithstanding the provisions of Section 4 of By-law 1784, the following parking provisions shall apply
 - 0.5 parking space per dwelling unit or guest suite within a Retirement Home

(6776-13)

(ii) Parking Spaces Required on Lot - Non Residential

- Notwithstanding the provisions of Section 4 of By-law 1784, the following provisions shall apply
 - 2.5 spaces per 93 m² of gross floor area for office spaces located on a second floor, but this provision shall not include parking reductions for a commercial school, a clinic or a retail store located on a second floor.

(iii) Parking Area Location on Lot

All yards provided that no part of any parking area, other than a driveway, is located closer than 2.5 m to any street line and 3.0 m for a residential zone. A traffic aisle shall not be located any closer than 2.5 m from a residential zone. Further, a parking area shall have a minimum horizontal separation of 5.5 m to a dwelling unit, a guest room, common living area, meeting area or dining room located within the same lot. Notwithstanding the above, an underground parking lot shall be permitted within any yard provided that where such structure is adjacent to any streetline or residential zone the minimum setback to the underground structure shall be 0.5 m.

(m) NUMBER OF APARTMENT DWELLING
UNITS OR BLOCK TOWNHOUSE
DWEL-LING UNITS

Maximum 65 units per ha

(n) NUMBER OF GUEST SUITES
Maximum

125 units per ha

(5045-02)
(5956-07)

(5) **CMU*-5: EXCEPTION 5
PART OF LOT 27, CONCESSION 3**

(i) Notwithstanding the provisions of Section 5L, 'CMU*' Zone of By-law # 1784, the following shall not be permitted on the lands identified as 'CMU*-5' on Schedule A-1 annexed to By-law # 5044-02;

(a) residential uses;

(b) supermarket, free standing retail warehouse store or free standing department store within the definition of a retail store contained in Section 2 (Definitions) of By-law # 1784.

(ii) Notwithstanding the provisions of Section 5L, 'CMU*' Zone of By-law # 1784, the following additional uses shall be permitted on the lands identified as 'CMU*-5' on Schedule A-1 annexed to By-law # 5044-02;

(a) gas bar including a car wash;

(b) drive-thru facility for the ordering or pick up of prepared foods or beverages from the exterior of an eating establishment, and shall be limited to one (1) facility;

(c) drive-thru facility for financial institutions, and shall be limited to two (2) facilities; and,

(d) total gross floor space for retail and personal service establishment uses is limited to 3,500 m².

(6776-13)

(iii) Notwithstanding the provisions of Section 5L 'CMU*' Zone of By-law # 1784, the following provisions shall apply to the lands identified as 'CMU*-5' on Schedule A-1 annexed to By-law # 5044-02.

(a) LOT FRONTAGE
Minimum

40 m

(b)	LOT DEPTH Minimum	100 m
(c)	LOT AREA Minimum	1.7 ha
(d)	LOT COVERAGE Maximum	25% of the lot area
(e)	FRONT YARD Minimum Depth Maximum Depth	1.0 m 6 m
(f)	INTERIOR SIDE YARD Minimum Depth	3 m
(g)	REAR YARD Minimum Depth Maximum Depth	1.0 m 23.5 m
(h)	EXTERIOR SIDE YARD Minimum Depth Maximum	2 m 24 m
(i)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(j)	HEIGHT OF BUILDING Minimum Maximum	2 storeys or 7 m 8 storeys
(k)	PARKING	
	The provisions of Section 4 of By-law 1784 shall apply.	
(l)	In addition to the zone provisions of By-law # 5044-02, the provisions of Section 7(D) 1, 2, 3, and 7 shall also apply for the gas bar with car wash and kiosk.	

(4854-01)
(5956-07)

**(6) CMU*-6: EXCEPTION 6
PART OF LOT 27, CONCESSION 3**

- (i) Notwithstanding Section 5N 'CMU*' Zone of By-law # 1784, the following uses shall not be permitted on the lands identified as 'CMU*-6' on Schedule A-1 annexed to By-law # 4854-01.
- (ii) Non residential uses, unless accessory and incidental to the residential use and integral to the building with primary access being from an internal corridor or hallway, uses such as and similar to:

(5626-05)

- beauty salon
- chapel
- coffee shop
- day nursery
- dining room
- fitness room
- games room
- gift shop
- medical office

(6776-13)	• meeting room • office • resident activity rooms		
	(i)	Notwithstanding Section 5N 'CMU*' Zone of By-law # 1784, the following zone provisions shall apply:(5626-05)	
	(a)		
(6925-14)	(i)	Apartment Dwelling House Maximum Number of Units	142
	(ii)	Long Term Care Facility Maximum Number of Beds	120
	(iii)	Retirement Home Maximum Number of Beds	242
	(b)	LOT FRONTAGE Minimum	100 m
	(c)	LOT DEPTH Minimum	100 m
(5626-05)	(d)	LOT AREA Minimum	2.8 ha
	(e)	LOT COVERAGE Maximum	40% of the lot area
	(f)	FRONT YARD Minimum Depth	3.0 m to an end wall 7.5m or ½ the height of the building, whichever is greater to any wall exceeding 3 storeys
	(g)	INTERIOR SIDE YARD Minimum Depth	3.5 m
	(h)	REAR YARD Minimum Depth	4.0 m
(5626-05)	(i)	EXTERIOR SIDE YARD Minimum Depth	
		Adjacent to a road having a road allowance width of 20 m or less	7.0 m
		Adjacent to a road having a road allowance width in excess of 20 m	
		Minimum Depth	20 m
		Maximum Depth	35 m
		Adjacent to Valleywood Drive	7.0 m
(j)		LANDSCAPED OPEN SPACE Minimum	30% of the lot area

(5626-05)	(k)	HEIGHT OF BUILDING Minimum	2 storeys or 7.0m for any building or structure within 35m from any street line. 8 storeys
		Maximum	
	(l)	PARKING Notwithstanding the provisions of Section 4 of By-law # 1784, the following shall apply:	
(6925-14)		1. long term care facility	1 space per 4 beds
		2. retirement home	1 space per 3 beds
		3. seniors apartments	1.25 spaces for each unit, with 0.25 spaces per unit allocated and assigned for visitor parking
(5626-05)		4. day nursery	1.0 space per 28 m ² of GFA of playroom space
(5626-05)	(m)	DAY NURSERY FLOOR SPACE Maximum	560 m ²
(5081-02)	(7)	CMU*-7: EXCEPTION 7	
	(a)	Notwithstanding any other provision of Section 5O of By-law 1784 to the contrary, the following shall apply to the lands designated CMU*-7:	
(6776-13)	(i)	the total maximum floor space for retail and personal service establishment uses within the CMU*-7 Zone shall be	3,000 m ²
	(ii)	freestanding retail warehouse facilities, freestanding department stores, and food stores exceeding 750 m ² of total floor space shall not be permitted	
	(iii)	the minimum lot area shall be	1.4 ha
	(iv)	the maximum lot coverage shall be	40%
	(v)	the following additional residential uses shall be permitted, block townhouse dwellings, or street townhouse dwellings, provided these uses have frontage on a local street having a width of 20 m or less	
	(vi)	where the lands are developed for the purpose of block townhouse dwellings or street townhouse dwellings, the lands shall be developed in accordance with the provisions of Sections 5K and 5L respectively	
	(vii)	the maximum number of units permitted within the CMU*7 Zone shall be calculated as follows:	
	(a)	block townhouse dwellings	40 units per ha
	(b)	street townhouse dwellings	40 units per ha
	(c)	apartment dwellings	65 units per ha

(6925-14)	(d) long term care facility (e) retirement home	65 units per ha 75 suites/units per ha
	(viii) the maximum height shall be	4 storeys
(5956-07)	(8) CMU*-8: EXCEPTION 8 NORTHEAST CORNER OF BROADLEAF AVENUE AND BALDWIN STREET SOUTH	
	(i) Notwithstanding Section 5L Commercial Mixed Use 'CMU*' Zone of By-law # 1784, as amended, the following uses shall not be permitted on the lands shown as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5596-05;	
(6925-14)	(a) RESIDENTIAL USES - apartment dwelling house - long term care facility - retirement home (b) NON RESIDENTIAL USES - place of entertainment	
	(ii) Notwithstanding Section 5L Commercial Mixed Use 'CMU*' Zone of By-law # 1784, as amended, the following zone provision shall apply for the lands shown as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5596-05;	
	(a) LOT FRONTAGE Minimum	45 m
	(b) LOT DEPTH Minimum	90 m
	(c) LOT AREA Minimum	0.5 ha
	(d) LOT COVERAGE Maximum	26%
	(e) FRONT YARD Minimum Depth	1.5 m
	(f) INTERIOR SIDE YARD Minimum Depth	3.5 m
	(g) REAR YARD Minimum Depth	3.5 m
	(h) EXTERIOR SIDE YARD Minimum Depth	1.5 m
	(i) LANDSCAPED OPEN SPACE Minimum	10% of the lot area
	(j) HEIGHT OF BUILDING Maximum	1 storey
(6776-13)	(k) FLOOR SPACE FOR RETAIL AND PERSONAL SERVICE ESTABLISHMENT USES Maximum	3,400 m ²

(I) PARKING

(i) The provisions of Section 4 of By-law # 1784, as amended, shall apply.

(ii) Parking Area Location On Lot

All yards provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line and 3.0 m for a residential zone.

(5632-05)
(5956-07)

(9) **CMU*-9: EXCEPTION 9**
20 TAUNTON ROAD EAST

(i) Notwithstanding Section 5O Commercial Mixed Use CMU* Zone of By-law # 1784, as amended, the following uses shall not be permitted on the lands shown as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5632-05;

(a) RESIDENTIAL USES

- apartment dwelling house
- long term care facility
- retirement home

(6925-14)

(ii) Notwithstanding Section 5O(a)(iii) of By-law # 1784, as amended, the zone provisions are revoked and replaced with the following for the lands shown as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5632-05;

(a)	LOT FRONTAGE Minimum	45 m
(b)	LOT DEPTH Minimum	45 m
(c)	LOT AREA Minimum	0.5 ha
(d)	LOT COVERAGE Maximum	50%
(e)	FRONT YARD Minimum Depth	
	to a building or structure	1.0 m
	for a parking area	2.5m
(f)	INTERIOR SIDE YARD Minimum Depth	
	to a commercial zone	0.0 m
	to a residential zone or a institutional zone	3.0 m
(g)	REAR YARD Minimum Depth	
	to a residential zone or a institutional zone	3.0 m
(h)	EXTERIOR SIDE YARD Minimum Depth	
	to a building or structure	1.0 m
	to a parking area	2.5 m

	(i)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
	(j)	HEIGHT OF BUILDING Minimum Maximum	2 storeys or 7.0 m 8 storeys
	(k)	PARKING	
(6727-13)	(i)	Notwithstanding the provisions of Section 4 of By-law # 1784, as amended, the following provisions shall apply:	5.0 parking spaces per 93 m ² of gross leasable area
(6727-13)	(ii)	Notwithstanding the provisions of Section 4 of By-law # 1784, as amended, the following provisions shall apply:	2.5 parking spaces per 93 m ² of gross floor area for office spaces located above the first floor, provided however, that this provision shall not include parking reductions for a commercial school, clinic, a meeting hall or a retail store located on or above the first floor
(6727-13)	(iii)	The maximum gross leasable area devoted to personal service establishment and/or retail store uses shall be 5,350m ²	
(6727-13)	(iv)	Notwithstanding any other provisions of Zoning By-law # 1784, as amended, to the contrary, freestanding retail warehouse stores and freestanding department stores shall not be permitted.	
	(v)	A retail store, notwithstanding any other definition contained herein, shall not include a supermarket.	
	(vi)	Section 4(o)(i) of By-law # 1784, as amended, shall not apply.	
(6727-13)	(vii)	The maximum gross leasable area devoted to eating establishment uses shall be 2,121m ² .	

(6010-07) (10) CMU*-10: EXCEPTION 10

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as 'CMU*-10'.

(i) ADDITIONAL PERMITTED USES

- Automobile Dealerships as established on the lands on or before December 1, 2007

(ii) ZONE PROVISIONS

Notwithstanding the zone provisions for non-residential uses set out under Section 5P(a)(iii) the following zone provisions shall apply:

LOT COVERAGE

Maximum 40% of the lot area

FRONT YARD OR EXTERIOR SIDE YARD

Minimum Depth 2.5 m to a building or structure and a parking area

INTERIOR SIDE YARD

Minimum Depth

to a commercial zone to an end wall containing no exit doors or windows 0.0 m

to a residential zone for the first storey or half the height of the building, whichever is greater 3.5 m

REAR YARD

Minimum Depth

to a residential zone for the first storey or half the height of the building, whichever is greater 3.5 m

EXTERIOR SIDE YARD

Minimum Depth

to a building or structure 1.0 m
to a parking area 2.5 m

BUILDING HEIGHT

Notwithstanding Section 5P(a)(iii)(j), any new freestanding building constructed after December 1, 2007 shall not have a height less than 7.0 m and shall not have less than 2 floors within the building.

(6024-08)**PARKING**

(i) Notwithstanding the provisions of Section 4 of By-law # 1784, as amended, the following provisions shall apply:

5.5 parking spaces per 93 m² of gross leasable area on the ground floor

(6776-13)

2.5 parking spaces per 93 m² of gross floor area for office spaces located above the first floor provided how-ever, that this provision shall not apply to:

a commercial school, a clinic, a meeting hall, place of entertainment, a retail store or eating establishment located above the first floor.

- (ii) All other provisions of By-law # 1784, as amended shall apply.

(7613-20 OLT)

(11) **CMU*-11: EXCEPTION 11**
Part of Lot 26, Concession 4
70 Taunton Road East

1. Defined Area

The lands located north of Taunton Road East and east of Baldwin Street South and zoned CMU*-11 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 CMU*-11 Zone use any lot or erect, alter or use any building or structure for any purpose except the following use:

- all uses permitted in the CMU* Zone
- commercial self storage warehouse

3. Zone Provisions

No person shall within any CMU*-11 Zone use any lot or erect, alter or use any building or structure except in accordance with the zone provisions for the CMU* Zone save and except for the following provisions related to a commercial self-storage warehouse:

(a)	Lot Coverage Maximum	50%
(b)	Front Yard Minimum Depth	1.0 m
(c)	Interior Side Yard Minimum Depth	
	to a commercial zone	0.0 m
	to a residential zone or institutional zone	3.0 m
(d)	Yard Encroachments Permitted	
	Notwithstanding the yard provisions of the By-law to the contrary, a canopy or marquee may be located in any yard provided that the minimum distance between any portion of the canopy and / or marquee and any lot line shall be	2.0 m
(e)	Parking Requirements	
(i)	Number of Parking Spaces	
	The minimum number of outdoor parking spaces required for a five storey commercial self-storage warehouse with a maximum gross floor area of 14,000 m ² shall be	25 spaces

- (ii) Location of Parking Spaces
Any parking spaces and parking area shall be set back a minimum distance of 1.8 m from the first storey wall, 2.5m from any street line and 1.0 m from any other lot line.
- (iii) Aisle and/or Driveway Width
The minimum width of an aisle and/or driveway including an aisle or driveway serving a loading area-two way shall be 6.0 m
- (iv) Number of Loading Spaces
Minimum 1 space
- (v) Outside Storage
The activities and other operations incidental and accessory to a commercial self-storage warehouse, including storage of goods, materials and parking and storage of commercial vehicles, recreational vehicles and trailers shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the occasional outside parking of vehicles by the owner, tenants, employees and customers.

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 #1784, the following definitions shall apply:

- (a) **“Outdoor Storage”** means the storage or keeping of goods, inventory, materials, machinery or equipment outside of any structure.
- (b) **“Commercial Self Storage Warehouse”** means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

5. Zoning Provisions That Do Not Apply

The following zone provisions shall not apply to the lands zoned CMU*-11 by this By-law amendment:

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

(7886-22)

(12) CMU*-12: EXCEPTION 12 5550 Baldwin Street S. and portion of 145 Winchester Road W.

1. Defined Area

The land located west of Baldwin Street South and south of Winchester Road West and zoned CMU*-12 shall be subject to the provisions 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 CMU*-12 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

Residential

- apartment building
- apartment building, seniors
- long term care home
- retirement home

Non Residential

- animal care establishment
- art gallery
- assembly hall
- bakeshop
- banquet hall
- catalogue store
- catering service establishment
- clinic
- commercial school
- community centre
- day care establishment
- department store
- dry cleaners distribution station
- dry cleaning establishment
- eating establishment
- eating establishment, take-out
- financial institution
- food store
- hotel
- laundromat
- library
- museum
- office
- personal service establishment
- place of entertainment
- place of worship
- private club
- private school
- recreational club or facility
- retail store
- service shop
- shopping centre
- studio
- supermarket
- taxi establishment
- veterinary clinic
- wellness centre

3. Zone Provisions

No person shall within any CMU*-12 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*-12 by this By-law shall be considered to be one lot.

(b) Building Location and Setbacks

No building or structure shall be erected on the lands subject to this By-law amendment except within the building setback line shown on Appendix "A" to this By-law amendment.

Notwithstanding the required setbacks shown on Appendix "A", the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

(c) Gross Leasable Area

- (i) The minimum gross leasable area for all non-residential uses shall be 45,000 m² which can be built in phases with Phase 1 having a minimum of 7,000 m² of gross leasable area including a supermarket.
- (ii) No gross leasable area for non-residential uses shall be developed beyond Phase 1 of development except in conjunction with the development of dwelling units where such dwelling units may be situated either in stand alone residential buildings or in mixed use buildings.
- (iii) A minimum of 4,500 m² of gross leasable area of non-residential uses shall be oriented along the Pedestrian Promenade and/or Urban Square shown on Appendix "A" to this By-law amendment.
- (iv) The maximum gross leasable area for all non-residential uses shall be 75,000 m².

(d) Density

Minimum	65 dwelling units per net hectare
Maximum	135 dwelling units per net hectare

Notwithstanding the above, stand alone residential buildings with no non-residential uses which are situated beyond 30 m from Baldwin Street South and Winchester Road West shall have a density ranging from 65 to 200 dwelling units per net hectare.

Provided further and notwithstanding the above, mixed use buildings may have a density ranging from 135 to 300 dwelling units per net hectare.

(e) Number of Dwelling Units

Notwithstanding the minimum density provisions of (d) above, the minimum number of dwelling units shall be 400 dwelling units.

(f) Building Height

(i) Residential and Mixed Use Buildings

Minimum	2 storeys
Maximum	12 storeys

Notwithstanding the above, the maximum building height of any portion of any stand alone residential building or mixed use building situated within 30 m of the Baldwin Street South or Winchester Road West street lines shall be 8 storeys.

(ii) Non-Residential Buildings

Minimum	2 storeys
Maximum	8 storeys

The requirement for a minimum building height of two storeys shall be satisfied where the building has a minimum height of 7.5 m and there is functional floor space above the first storey that is a minimum of 25% of the gross floor area of the first storey of the building.

As an exception, within the area identified as Phase 1 on Appendix "A" to this By-law, for buildings of less than 2,000 m² of gross leasable area, the minimum height shall be one storey. For buildings greater than 2,000 m² of gross leasable area, the requirement for a minimum of two storeys shall be satisfied where the building has a minimum height of 7.5 m and there is a functional mezzanine space above the first storey that is a minimum of 400 m² of gross floor area.

(g) Landscaped Open Space
Minimum

15%

(h) Location of Aisles, Parking and Loading

There shall be no aisles, parking lots or loading spaces in the yards situated between buildings and a public street or in the yards between buildings situated along the Pedestrian Promenade and/or an Urban Square.

(i) Drive Through Facilities

No drive-through facilities are permitted within 30 m of the Baldwin Street South and Winchester Road West street lines.

(j) Projections

(i) Any outdoor patio or any ornamental or architectural structure such as a canopy or a colonnade related to non-residential uses may project to within 0.6 m of the property line, except along Baldwin Street South and Winchester Road West.

(ii) Decks, porches, patios and balconies are permitted to project from the main wall of a dwelling unit provided they are set back a minimum distance of 2.0 m from a street line, aisle and driveway.

(iii) Steps are permitted to project provided they are set back a minimum distance of 0.6 m from a street line, aisle and driveway.

(k) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room and any architectural features shall not exceed 6.0 m.

(l) Green Roof

(i) A green roof shall be required on any stand alone residential building and any mixed use building.

(ii) The minimum coverage of available roof spaces covered by the green roof shall be 25% of the total available roof space excluding roof top appurtenances such as an elevator penthouse, mechanical equipment, roof top access room and stair tower.

(m) Special Provisions

(i) Only non-residential uses shall be permitted on the ground floor of any buildings abutting the Pedestrian Promenade and/or an Urban Square.

(ii) Residential dwelling units are not permitted on the ground floor of any building where such dwelling units will face Baldwin Street South and/or Winchester Road West.

(iii) The minimum floor to ceiling height of the ground floor for all non-residential uses shall be a minimum of 4.0m.

(iv) The required parking for all dwelling units in stand alone residential buildings and dwelling units in mixed use buildings shall be underground or in a parking structure provided that up to 15% of the required parking may be provided at grade.

(v) A step-back to a building wall that faces a public street is not permitted below a height of 4 storeys or 12m above grade.

(vi) A maximum of 25% of the length of a street wall of a building facing Baldwin Street South and Winchester Road West may be setback beyond the maximum setback as shown on Appendix 'A'.

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Animal Care Establishment” means a building or part of a building where pets and domestic animals are groomed and 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.

“Apartment building” means the whole of a building that contains four or more dwelling units which have either a common entrance from a yard or landscaped open space and are served by a common corridor and the occupants of which units have the right to the use, in common with others entitled hereto, of the corridors, stairs and yards, or one or more of them or by an individual entrance from a yard or landscaped open space and which units are divided horizontally and/or vertically.

“Day Care Establishment” means:

- (a) 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,
- (b) 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.

“Department Store” means a retail store engaged in merchandising in a departmentalized format a wide range of goods or commodities such as for example apparel, hardware, home furnishings, grooming products, home appliances and confectionary products and shall not include a retail warehouse facility or outlet.

“Food Store” means a building or part of a building having a gross leasable area of less than 1,200 m² wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty food stores such as, but not limited in kind to a health food store, a butcher shop, a retail bakery, a delicatessen, a fruit and vegetable market, or other specialty food store.

“Green Roof” means an extension of an above grade roof built on top of a human made structure that allows vegetation to grow in a growing medium.

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

“Pedestrian Promenade” means an open predominantly hardscaped walkway area designed to create a unique pedestrian experience that may be adjacent to a public street and/or private roadway.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Private Club” means a building or part of a building used as a place of assembly for an organization such as for example a fraternal lodge, service club, fraternity or sorority or a labour union.

“Supermarket” means a building, or part of a building, containing a departmentalized food store and where the gross leasable area for such use is 1,200 m² or greater.

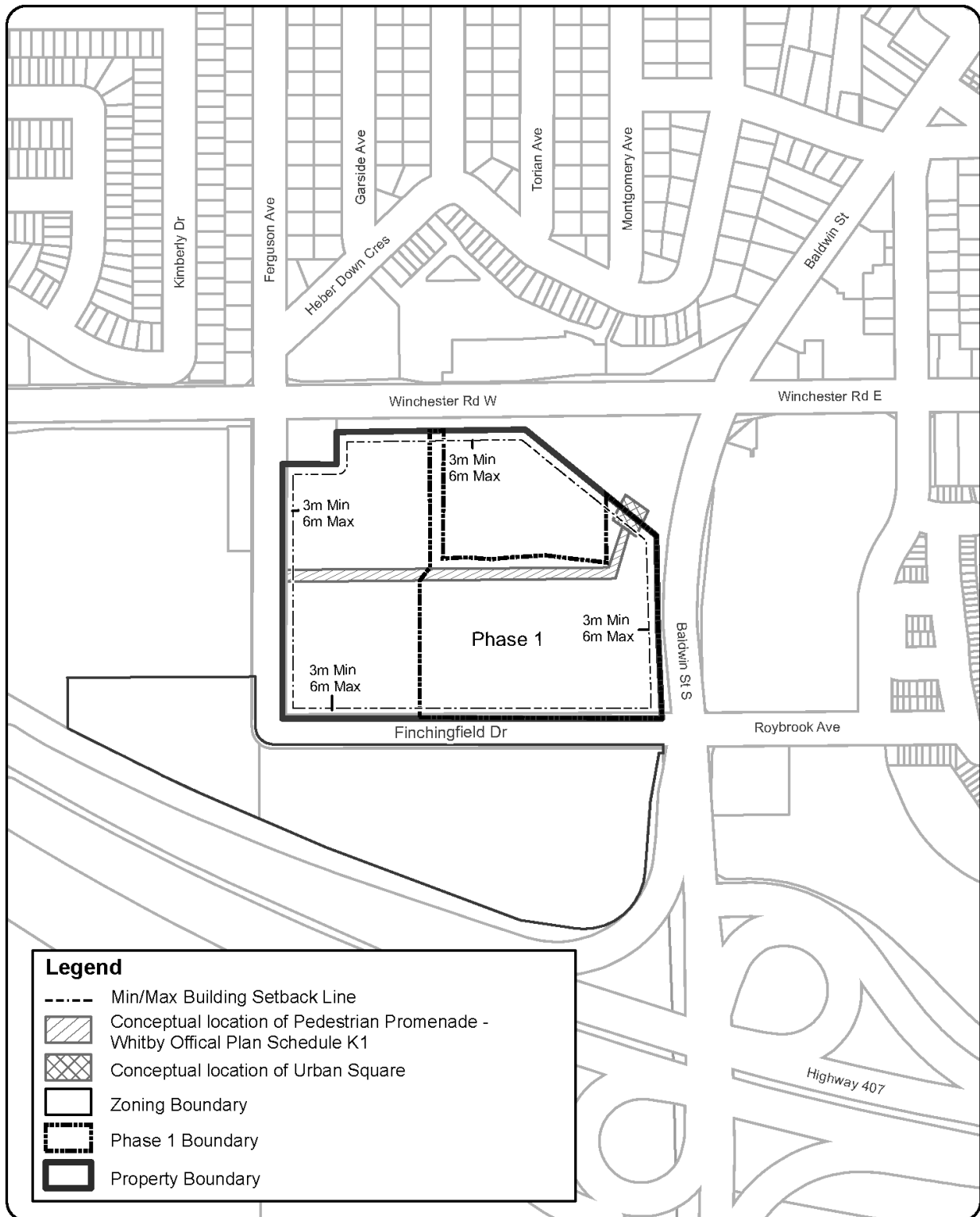
“Urban Square” means a predominantly hardscaped open area of at least 300m² with one side at least 15 m in length.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned CMU*-12 by this By-law amendment.

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

Appendix A To By-Law # 7886-22



(7694-20)

(13)

**CMU*-13: EXCEPTION 13
121 Kendalwood Road****1. Defined Area**

The land located east of Kendalwood Road and north of Hunter Street and zoned CMU*-13 shall be subject to the provisions 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*-13 Zone use any lot or erect, alter or use any building or structure except for the following uses:

- office
- personal service establishment

3. Zone Provisions

No person shall within any CMU*-13 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

(a)	Lot Frontage Minimum	20 m
(b)	Lot Coverage Maximum	35%
(c)	Front Yard Minimum Depth	3.0 m
(d)	Exterior Side Yard Minimum Width	3.0 m
(e)	Interior Side Yard Minimum	1.2 m
(f)	Landscaped Open Space Minimum	25% of the lot area
(g)	Height of Building Maximum	7.5 m to the ridge line of a main building
(h)	Setback to a Visibility Triangle Minimum	0.0 m
(i)	Gross Floor Area Maximum	434 m ²
(i)	Number of Parking Spaces Minimum	1 parking space per 30m ² of gross leasable area

(j) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned CMU*-13 by this By-law amendment.

- 4(g) Sight Triangles
- 4(m) Ten Per Cent (10%) of Every Lot
- 4(w) Satellite Dishes

(7715-21)

(14) **CMU*-14: EXCEPTION 14**
812, 816, 900, 904 and 908 Rossland Road East

1. Defined Area

The lands located north of Rossland Road East and east of Garden Street and zoned CMU*-14 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*- 14 Zone use any lot or erect , alter or use any building or structure except for one or more of the following uses:

- apartment building
- live-work dwelling where the non - residential work component within the unit is a use permitted in the CMU* Zone
- mixed use building where the non - residential use within the building is a use permitted in the CMU* Zone

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

3. Zone Provisions

No person shall within any CMU*-14 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*-14 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Rossland Road East shall be deemed the front lot line and the lot line furthest from and opposite the front lot line (Teddington Crescent) shall be deemed the rear lot line. All other lot lines shall be deemed interior side lot lines.

(c)	Height of Building	
	Minimum	2 storeys
	Maximum	5 storeys
(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, amenity space and any architectural features shall not exceed 6 metres. No floor area above the fifth storey shall be used as a dwelling unit.	
(e)	Lot Coverage	
	Maximum	40%
(f)	Landscaped Open Space	
	Minimum	40%
(g)	Front Yard	
	Minimum Depth	3.0 m
	Maximum Depth	7.0 m
(h)	Rear Yard	
	Minimum Depth	7.5 m
(i)	Interior Side Yard	
	Minimum Width	5.5 m
(j)	Decks, Porches, Steps, Patios and Balconies	
	(i) Decks, porches, patios and balconies are permitted to project from the main wall of a building provided they are set back a minimum distance of 2.0 m from a street line, property line, aisle and/or driveway.	
	Provided however, that a balcony can only project from the main wall of a building into the interior side yard a maximum distance of 2.1 m.	
	(ii) Steps are permitted to project provided they are setback a minimum distance of 0.6 m from a street line, aisle and/or driveway.	
(k)	Aisle and/or Driveway Width	
	(i) The maximum width of a driveway at the street line shall be	12.3 m
	(ii) The minimum width of an aisle and/or driveway serving a loading area shall be	6.0 m
(l)	Number of Live-Work Dwelling Units	
	Maximum	18
(m)	Live – Work Dwelling Provisions	
	(i) The non-residential component of a live-work dwelling unit shall be situated only on the first storey of the dwelling.	

- (ii) The minimum gross floor area of the non-residential component of a live-work dwelling unit shall be 50 m² excluding any floor area used for a washroom, mechanical or electrical room or a storage room.
 - (iii) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door to the non-residential component shall be 0.6 m.
 - (iv) The minimum floor to ceiling height of the first storey of all live-work dwelling units shall be 3.1m.
 - (v) 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 (n) (i) below.
- (n) Non-Residential Provisions
 - (i) The minimum gross floor area devoted to non-residential uses shall be 740 m² excluding outdoor patios related to non-residential uses.
 - (ii) Non-residential uses shall only be permitted on the first and second storey.
 - (iii) The minimum floor to ceiling height of the first storey for all non-residential uses shall be 3.1 m.
 - (iv) Notwithstanding the minimum building yard setback provisions to the contrary, any ornamental or architectural structure such as a canopy or a colonnade may project to within 1.0 m of the property line.
 - (v) No drive through facilities are permitted.
- (o) Parking and Loading Requirement

Notwithstanding any provisions of Section 4A to the contrary, the following provisions shall apply:

 - (i) Number of Live-Work Dwelling Unit Parking Spaces

Minimum	1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
 - (ii) Number of Non-Residential Parking Spaces

1.0 space per 30m ² of gross leasable area
 - (iii) 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.

- (iv) The parking space dimensions for an accessible parking space shall be

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.8 m	3.4 m	2.1 m

- (v) The minimum unobstructed height of a parking space may be obstructed by facilities for a suspended bicycle parking space for the exclusive use of the owner or assigned user of the parking space.

(7715-21)

4. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned CMU*-14:

- 4(m) Ten Percent % of every lot
4(w) Satellite Dishes

5. 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 here under and those set forth in Section 2 of By-law #1784, the following definitions shall apply:

- (a) **“Amenity Space”** means a space within a building or outside of a building which provides an active and/or passive recreation area for the exclusive use of the occupants of the building for which it is intended to apply.
- (b) **“Live-Work Dwelling”** means a dwelling unit within a building, in which a portion of the unit at grade level may be used as a business establishment and the remainder of the unit shall be a dwelling unit and whereby each “live” and “work” component within a portion of the unit has an independent entrance from the outside and an interior access between the “live” and “work” component.
- (c) **“Mixed Use Building”** means a building containing residential uses and at least one other non-residential use.

(7742-21)

(15) CMU*-15: EXCEPTION 15 Part of Lot 26, Concession 4 20 Taunton Road East

1. Defined Area

The lands located north of Taunton Road East and east of Baldwin Street South and zoned CMU*-15 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 CMU*-15 Zone use any lot or erect, alter or use any building or structure for any purpose except the following use:

- all uses permitted within the CMU*-9 Zone
- commercial self storage warehouse

3. Zone Provisions

No person shall within any CMU*-15 Zone use any lot or erect, alter or use any building or structure except in accordance with the zone provisions for the CMU*-9 Zone save and except for the following provisions related to a commercial self-storage warehouse.

(a) Lot Line Determination

Notwithstanding the definition of front lot line, the most southerly lot line shall be deemed the front lot line and the most northerly lot line shall be deemed the rear lot line. All other lot lines shall be deemed to be interior side lot lines.

(b) Lot Coverage
Maximum 55%

(c) Front Yard
Minimum Depth 14.5 m

(d) Interior Side Yard
Minimum Width 0.0 m

(e) Rear Yard
Minimum Depth 3.0 m

(f) Parking Requirements

(i) Number of Parking Spaces

The minimum number of outdoor parking spaces required for a 4-storey commercial self-storage warehouse with a maximum gross floor area of 11,500 m² shall be 28 spaces.

(ii) Location of Parking Spaces

Any parking spaces and parking area shall be set back a minimum of 1.8 m from the first storey wall of the main building, 0.3 m from the front lot line and 1.5 m from any interior side lot line.

(iii) Number of Loading Spaces
Minimum 1 space

(iv) Outside Storage

The activities and other operations incidental and accessory to a commercial self-storage warehouse, including storage of goods, materials and parking and storage of commercial vehicles, recreational vehicles and trailers shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the occasional outside parking of vehicles by the owner, tenants, employees and customers.

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 #1784, the following definitions shall apply:

- (a) **“Commercial Self Storage Warehouse”** means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

5. Zoning Provisions That Do Not Apply

The following zone provisions shall not apply to the lands zoned CMU*-15 by this By-law amendment:

- 4(e) Frontage on Public Street
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

(7930-22)

(16) **CMU*-16: EXCEPTION 16** **Southeast Corner of Taunton Road East and Sebastian Street**

1. Defined Area

The lands located at the southeast corner of Taunton Road East and Sebastian Street and zoned CMU*-16 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*-16 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 uses permitted in the CMU* Zone
- (b) Residential Uses
 - back to back townhouse dwelling
 - block townhouse dwelling

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

3. Zone Provisions

No person shall within any CMU*-16 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, Part Lot Exemption, or conveyance with respect to any portion of the said land, the land zoned CMU*-16 by this By-law shall be considered to be one lot.
- (b) Height of Building

Minimum		2 storeys
Maximum	– Back to Back Townhouse Dwelling	4 storeys
	– Block Townhouse Dwelling	3 storeys

- (c) **Roof Top Appurtenances**
The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical roof, stair tower, roof top access room, indoor activity space and any architectural features shall not exceed 6 metres.
- (d) **Front Yard**
Minimum Depth 4.5 m
- (e) **Rear Yard**
Minimum Depth 7.5 m
- (f) **Interior Side Yard**
Minimum setback to an exterior end wall of a block townhouse dwelling unit 5.0 m
Minimum setback to a south facing rear wall of a block townhouse dwelling unit 7.5 m
- (g) **Exterior Side Yard**
Minimum setback to an exterior end wall of a block townhouse dwelling unit 2.2 m
Minimum setback to a north facing front wall of a block townhouse dwelling unit 2.5 m
Minimum setback including the setback to a visibility triangle, to a non-resident building 0.0 m
- (h) **Landscaped Open Space**
Minimum 30% of the lot area
- (i) **Decks, Porches, Steps, Patios And Balconies**
- (i) Decks, porches, patios and balconies are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.5 m from a street line or internal roadway.
 - (ii) Steps are permitted to project provided they are setback a minimum distance of 0.6 m from a street line or internal roadway.
 - (iii) Decks, porches, steps 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.
 - (iv) Decks and balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5 m from the rear exterior wall of a dwelling unit.
 - (v) Decks and balconies are permitted to project from the second storey a maximum distance of 2.75 m from the rear exterior wall of a dwelling unit with a rear accessed garage.

- (j) 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 (water meter room) and garage storage related to the principal uses on the lot.
 - (ii) The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m
 - (k) Special Provisions – Block Townhouse Dwelling
 - (i) The minimum width of each dwelling unit shall be 5.2 metres.
 - (ii) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.2 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (iii) The minimum distance from an end wall to an internal roadway shall be 1.8 metres.
 - (iv) The minimum distance from a wall other than an end wall to an internal roadway shall be 2.75 metres.
 - (v) The minimum distance from an integral private garage to an internal roadway shall be 5.8 metres.
 - (l) Special Provisions – Back to Back Townhouse Dwelling
 - (i) The minimum distance from an end wall to an internal roadway shall be 1.8 metres.
 - (ii) The minimum distance from a wall other than an end wall to an internal roadway shall be 2.75 metres.
 - (iii) The minimum distance from an integral private garage to an internal roadway shall be 5.8 metres.
 - (iv) The minimum outdoor private amenity space for a dwelling unit shall be 7.5 square metres.
 - (v) The minimum number of parking spaces required are two parking spaces per dwelling unit plus 0.25 parking spaces per dwelling unit dedicated for visitors parking.
 - (m) Special Provisions – Non-Residential Building
 - (i) The minimum gross floor area shall be 950 square metres.
 - (ii) The minimum floor to ceiling height of the first storey shall be 3.5 metres.
 - (iii) The maximum elevation of the ground floor of the first storey above finished grade level at the entrance door to premises shall be 0.3 metres.
 - (iv) No drive through facilities are permitted.
-

4. Zone Provisions That Do Not Apply

The following provisions of By-law #1784 shall not apply to the lands zoned CMU*-16 by this By-law amendment:

- 4(g) Sight Triangles
- 4(m) Ten Percent % of every lot
- 4(w) Satellite Dishes
- 4A (5.0) Loading Space Regulations

(8180-25)**(17) CMU*-17: EXCEPTION 17
1399 DUNDAS STREET EAST
(Temporary Use)****1. Defined Area**

The lands located east of Hopkins Street and west of Glen Hell Drive South and zoned CMU*-10 and CMU*-17 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. Use(s) Permitted

Notwithstanding the uses permitted in subsection 5P(i) and 5P(ii), the temporary use of an automotive sales office and associated parking lot shall be permitted on the property municipally known as 1399 Dundas Street East.

3. Definition(s):

The following definition shall apply:

“Automotive sales office and associated parking lot” means a lot, a building, or part of a building where new and/or used motor vehicles are kept for temporary display and sale.

4. Expiry Date

The temporary use of an automotive sales office and associated parking lot shall cease to be in effect as of April 28, 2028.

(8213-25)**(18) 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
-

Section 5Q Residential (R2A*–WS) Wide Shallow Zone

(5346-03)

(5612-05)

(5956-07)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2A*– WS' Zone except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE

Minimum	– interior lot	17.0 m
Minimum	– corner lot	20.5 m

(b) LOT DEPTH

Minimum	27.0 m

(c) LOT AREA

Minimum	459 m ²

(d) LOT COVERAGE

Maximum	– one storey dwelling unit	45%
Maximum	– dwelling unit greater than one storey	40 %

Notwithstanding subsection (d) above, the following is not included in the calculation of maximum lot coverage:

- (i) a detached garage having a maximum area of 38.0 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it provided that:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12.0 m² shall be permitted, provided it is located in the front yard.
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20.0 m², provided it is located in the front yard and/or the exterior side yard.

(e) FRONT YARD DEPTH

Minimum	4.5 m

Notwithstanding subsection (e) above, the minimum front yard depth for an attached garage or carport, the entrance to which is from the front yard, shall be

5.5 m

- (f) REAR YARD DEPTH
- Minimum rear yard depth to any portion of a dwelling unit having a maximum height of one storey 7.5 m
- Minimum rear yard depth to any portion of a dwelling unit having a maximum height of two storeys 7.5 m
- Minimum rear yard depth to any portion of a second storey of a dwelling unit having a walkout basement 10.0 m
- (g) INTERIOR SIDE YARD DEPTH
- Minimum 1.0 m
- Notwithstanding subsection (g) above,
- (i) the minimum interior side yard depth for the exterior wall of the second storey of a dwelling shall be 1.2 m
- (ii) where no garage or carport facilities are provided, the minimum interior side yard depth to the dwelling shall be 4.5 m
- (iii) where a detached garage or an attached garage is provided in the rear yard, the minimum interior side yard depth shall be:
- on the side containing the driveway to a detached garage or an attached garage located in the rear yard 3.1 m
- on the other side 1.2 m
- (h) EXTERIOR SIDE YARD DEPTH
- Minimum 4.5 m
- Notwithstanding subsection (h) above, the minimum exterior side yard depth, to a garage or carport, the entrance to which is from the exterior side yard, shall be 5.5 m
- (i) LANDSCAPED OPEN SPACE
- Minimum 40 %
- (j) HEIGHT OF BUILDING
- Maximum 8.5 m

(iii) EXCEPTIONS

(5346-03)
(5612-05)

(a) R2A*-WS-1 – RESIDENTIAL WIDE SHALLOW ZONE – EXCEPTION 1
MONTANA CRESCENT

- (i) The following additional zone provisions shall apply to the 'R2A*-WS-1' Zone:

(6185-09)

(a) FRONT YARD DEPTH
Maximum 6.5 m

(b) HEIGHT OF BUILDING
Maximum 7.0 m

(c) PROHIBITIONS

No windows or openings onto the rear yard above the main floor of any building shall be permitted.

(6541-11)**(b)****R2A*-WS-2 – EXCEPTION 2
PART OF LOT 31, CONCESSION 3**

Notwithstanding any provisions of this By-law to the contrary, in any R2A*-WS-2 Zone, the following provisions shall apply:

(a)

LOT DEPTH
Minimum

22m

Section 5R Residential R2B*-WS Wide Shallow Zone

(5346-03)

(5599-05)

(5656-07)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2B*-WS' Zone except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE

Minimum	– interior lot	14 m
Minimum	– corner lot	17.5 m

(b) LOT DEPTH

Minimum	27 m

(c) LOT AREA

Minimum	378 m ²

(d) LOT COVERAGE

Maximum	– one storey dwelling unit	45 %
Maximum	– dwelling unit greater than one storey	42.5 %

Notwithstanding subsection (d) above, the following is not included in the calculation of maximum lot coverage:

- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it provided that:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted, provided it is located in the front yard.

- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m², provided it is located in the front yard and/or the exterior side yard.

(e) FRONT YARD DEPTH

Minimum	4.5 m

Notwithstanding subsection (e) above, the minimum front yard depth for an attached garage or carport, the entrance to which is from the front yard, shall be 5.5 m

(f) REAR YARD DEPTH

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of two storeys	7.5 m

	Minimum rear yard depth to any portion of a second storey of a dwelling unit having a walkout basement	10 m
(g)	INTERIOR SIDE YARD DEPTH Minimum	1.0 m
	Notwithstanding subsection (g) above,	
(i)	the minimum interior side yard depth for the exterior wall of the second storey of a dwelling shall be	1.2 m
(ii)	where no garage or carport facilities are provided, the minimum interior side yard depth to the dwelling shall be	4.5 m
(iii)	where a detached garage or an attached garage is provided in the rear yard, the minimum interior side yard depth shall be:	
	on the side containing the driveway to a detached garage or an attached garage located in the rear yard	3.1 m
	on the other side	1.2 m
(h)	EXTERIOR SIDE YARD DEPTH Minimum	4.5 m
	Notwithstanding subsection (h) above, the minimum exterior side yard depth, to a garage or carport, the entrance to which is from the exterior side yard, shall be	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40 %
(j)	HEIGHT OF BUILDING Maximum	8.5 m

(iii) EXCEPTIONS**(5346-03)**
(5612-05)**(a) R2B*-WS-1 – RESIDENTIAL WIDE SHALLOW ZONE –EXCEPTION 1**
MONTANA CRESCENT

(i) The following additional zone provisions shall apply to the 'R2B*-WS-1' Zone:

(a) **FRONT YARD DEPTH**
Maximum 6.5 m**(6185-09)**(b) **HEIGHT OF BUILDING**
Maximum 7.0 m**(6185-09)**(c) **PROHIBITIONS**

No windows or openings onto the rear yard above the main floor of any building shall be permitted.

(6891-14)**(b)****R2B*-WS-2 - Exception 2
184 Way Street**

- (1) Notwithstanding any zone provisions of this By-law to the contrary, in any R2B*-WS-2 Zone the following provisions shall apply:
- (a) LOT COVERAGE
Maximum – dwelling unit greater than one storey 45%
 - (b) HEIGHT OF BUILDING
Maximum 7.5 m
 - (c) PROHIBITIONS
No windows or openings onto the rear yard above the main floor of any building shall be permitted.
-

Section 5S Residential (R2C*–WS) Wide Shallow Zone

(5346-03)

(5599-05)

(5956-07)

No person shall use any lot, or erect or alter or use any building or structure in any 'R2C*–WS' Zone except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE

Minimum	– interior lot	11.3 m
Minimum	– corner lot	14.8 m

(b) LOT DEPTH

Minimum	27 m

(c) LOT AREA

Minimum	305 m ²

(d) LOT COVERAGE

Maximum	– one storey dwelling unit	45 %
Maximum	– dwelling unit greater than one storey	40 %

Notwithstanding subsection (d) above, the following is not included in the calculation of maximum lot coverage:

a single storey covered and unenclosed porch or verandah having no habitable space above it provided that:

- in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted, provided it is located in the front yard.
- in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m², provided it is located in the front yard and/or the exterior side yard.

(e) FRONT YARD DEPTH

Minimum	4.5 m

Notwithstanding subsection (e) above, the minimum front yard depth for an attached garage or carport, the entrance to which is from the front yard, shall be

5.5 m

(f) REAR YARD DEPTH

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of two storeys	7.5 m

Minimum rear yard depth to any portion of a second storey of a dwelling unit having a walkout basement	10 m

(8084-24)	(g)	INTERIOR SIDE YARD DEPTH Minimum	1.0 m
		Notwithstanding subsection (g) above,	
	(i)	the minimum interior side yard depth for the exterior wall of the second storey of a dwelling shall be	1.2 m
	(ii)	where no garage or carport facilities are provided, the minimum interior side yard depth to the dwelling shall be	4.5 m
	(iii)	where a detached garage or an attached garage is provided in the rear yard, the minimum interior side yard depth shall be:	
		on the side containing the driveway to a detached garage or an attached garage located in the rear yard	3.1 m
		on the other side	1.2 m
	(h)	EXTERIOR SIDE YARD DEPTH Minimum	4.5 m
		Notwithstanding subsection (h) above, the minimum exterior side yard depth, to a garage or carport, the entrance to which is from the exterior side yard, shall be	5.5 m
	(i)	LANDSCAPED OPEN SPACE Minimum	40 %
	(j)	HEIGHT OF BUILDING Maximum	8.5 m
(iii)	EXCEPTIONS		
(6024-08)	(1)	R2C*-WS-1: Exception 1	
	(a)	Notwithstanding the provisions of Section 5S of By-Law # 1784 to the contrary, the lands zoned R2C*-WS-1 – Single Detached Dwelling – Wide Shallow Zone – Exception 1, as identified on Schedule A-1 to By-Law # 6024-08, shall have the following exception:	
	(i)	INTERIOR SIDE YARD DEPTH	
		Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:	
		– on one side of the dwelling unit	0.6 m
(8084-24)		– on the other side of the dwelling unit	1.2 m
		Provided however, that the minimum distance between dwelling units shall be	1.2 m
	(ii)	All other provisions of Section 5S of By-law 1784 shall apply.	
	(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 Maximum	50%
(b)	Front Yard Depth Minimum Provided however that an attached garage shall be set back a minimum distance from the front lot line of	4.5 m 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 Provided however that no dwelling unit shall be greater than three storeys in height.	12.0 m

(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 Minimum	0.6 m
(i)	Setback to an Internal Roadway Minimum	1.5 m

(j) 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

Section 5T Residential (R2D*–WS) Wide Shallow Zone (5634-05)

No person shall use any lot, or erect or alter or use any building or structure in any R2D*-WS Zone except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE

Minimum	– interior lot	9.1 m
Minimum	– corner lot	12.6 m

(b) LOT DEPTH

Minimum	27 m

(c) LOT AREA

Minimum	246 m ²

(d) LOT COVERAGE

Maximum	– one storey dwelling unit	45 %
Maximum	– dwelling unit greater than one storey	45 %

Notwithstanding, the following is not included in the calculation of maximum lot coverage:

- (i) a single storey covered and unenclosed porch or verandah having no habitable space above it provided that:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted, provided it is located in the front yard.
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m², provided it is located in the front yard and/or the exterior side yard.

(e) FRONT YARD DEPTH

Minimum	4.5 m

Notwithstanding the minimum front yard depth for an attached garage or carport, the entrance to which is from the front yard, shall be 5.5 m

(f) REAR YARD DEPTH

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of two storeys	7.5 m

Minimum rear yard depth to any portion of a second storey of a dwelling unit having a walkout basement	10.0 m

(g) INTERIOR SIDE YARD DEPTH

Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:

- on one side of the dwelling unit 0.5 m
- on the other side of the dwelling unit 1.0 m

Provided however, that the minimum distance between dwelling units shall be 1.5 m

**(h) EXTERIOR SIDE YARD DEPTH
Minimum**

4.5 m

Notwithstanding the minimum exterior side yard depth, to a garage or carport, the entrance to which is from the exterior side yard, shall be 5.5 m

**(i) LANDSCAPED OPEN SPACE
Minimum**

40 %

**(j) HEIGHT OF BUILDING
Maximum**

8.5 m

(iii) EXCEPTIONS**(5983-07)****(a) R2D*-WS-1 – WIDE SHALLOW ZONE – EXCEPTION 1****(i) ZONE PROVISIONS****(a) INTERIOR SIDE YARD DEPTH**

Where a garage is provided integral to the main dwelling unit, the minimum width of the interior side yard shall be as follows:

- on one side of the dwelling unit 0.6 m
- on the other side of the dwelling unit 1.2 m

Provided however, that the minimum distance between dwelling units shall be 1.2 m

(ii) All other provisions of Section 5T of By-law 1784 shall apply.

Section 5U Residential (R3A*–WS) Wide Shallow Zone

(5346-03)

(5650-05)

(5956-07)

- (i) No person shall use any lot, or erect or alter or use any building or structure in any R3A*-WS Zone except in accordance with the following uses and zone provisions:

(a) USE PERMITTED

- link dwelling

(b) ZONE PROVISIONS

(i) LOT FRONTAGE

Minimum	– interior lot	9.1 m
Minimum	– corner lot	12.6 m

(ii) LOT DEPTH

Minimum	27 m

(iii) LOT AREA

Minimum	246 m ²

(iv) LOT COVERAGE

Maximum	– one storey dwelling unit	45 %
Maximum	– dwelling unit greater than one storey	45 %

Notwithstanding subsection (iv) above, the following is not included in the calculation of maximum lot coverage:

- (a) a single storey covered and unenclosed porch or verandah having no habitable space above it provided that:

- (i) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted, provided it is located in the front yard.
- (ii) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m², provided it is located in the front yard and/or the exterior side yard.

(v) FRONT YARD DEPTH

Minimum	4.5 m

Notwithstanding subsection (v) above, the minimum front yard depth for an attached garage or carport, the entrance to which is from the front yard, shall be

5.5 m

(iv) REAR YARD DEPTH

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of one storey	7.5 m

Minimum rear yard depth to any portion of a dwelling unit having a maximum height of two storeys	7.5 m

Minimum rear yard depth to any portion of a two storey dwelling unit having a walkout basement	10.0 m

(vii)	INTERIOR SIDE YARD DEPTH Minimum	0.0 m
	Notwithstanding subsection (vii) above,	
(b)	on the side where the dwelling units are attached below grade, the minimum interior side yard depth shall be	0.5 m
(c)	on the side where the end wall of the dwelling unit is unattached, the minimum interior side yard depth shall be	1.0 m
(viii)	EXTERIOR SIDE YARD DEPTH Minimum	4.5 m
	Notwithstanding subsection (viii) above, the minimum exterior side yard depth, to a garage or carport, the entrance to which is from the exterior side yard, shall be	5.5 m
(ix)	LANDSCAPED OPEN SPACE Minimum	40 %
(x)	HEIGHT OF BUILDING Maximum	8.5 m

Section 6 Local Commercial (C1) Zone

No person shall hereafter use any land or erect or use a building or structure in a Local Commercial (C1) Zone except in accordance with the following provisions:

(4002-97)

(a) USES PERMITTED

(i) COMMERCIAL

Retail stores, service shops, shopping centres, offices, banks, studios, undertaking establishments, custom workshops, places of entertainment, restaurants, bakeshop or confectionary shop, music or dance studio, pet grooming, video or computer rental establishment, and parking lots.

(ii) INSTITUTIONAL

Hospitals (Public and Private), clinics, libraries, churches, commercial schools, community centres, private clubs, lodges, fraternities, labour halls, auditoriums.

(iii) RESIDENTIAL

Dwellings in business buildings over stores or offices, of which each dwelling unit shall have a minimum net floor area of 70 m² exclusive of public or common halls and stairways, and the thickness of the outside walls.

(b) AREA REQUIREMENTS

No person shall within any Local Commercial (C1) Zone erect or use any building or structure except in accordance with the provisions set out in Schedule "A".

(c) SHOPPING CENTRES

No shopping centre may be established unless it is in accordance with an approved site plan.

(d) EXCEPTIONS

(4229-98)

EXCEPTION 1 (C1-R) PART OF LOT 24, CONCESSION 3 3975 GARDEN STREET

No person shall use any lot or erect or alter or use any building or structure in any "C1-R" Zone on Schedule "A-1" annexed to By-law # 4229-98 except in accordance with the following uses and zone provisions:

"C1-R" LOCAL COMMERCIAL – RESTRICTED

(a) USES PERMITTED

- bank
- barber shop
- beauty salon
- drugless practitioner
- dry cleaner's distribution station
- eating establishment provided such facility does not include a "drive through" service, to order or pick-up food or beverages from a vehicle
- office
- school of dance, art or music

(6776-13)

- shoe repair
- tailor's shop
- travel agency
- trust company or similar financial institution

(b) ZONE PROVISIONS

(i)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(ii)	LOT FRONTAGE Minimum	25 m
(iii)	FRONT YARD Minimum depth	7.5 m
(iv)	EXTERIOR SIDE YARD Minimum Width Maximum Width	6.0 m 12 m
(v)	REAR YARD Minimum depth	6.0 m
(vi)	INTERIOR SIDE YARD Minimum width	3.0 m
(vii)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(viii)	HEIGHT OF BUILDING Maximum	10.0 m
(ix)	PARKING, ACCESSORY BUILDINGS In accordance with the provisions of Section 4 of By-law # 1784.	
(x)	OPEN STORAGE The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers.	

(7045-15)

EXCEPTION 2: C1-2

Part of Lot 19, Concession 1, Plan M1179 Part Block B, Now RP 40R-16263, Part 1

(1) Defined Area

The lands located south of Dundas Street East and east of Springwood Street and zoned C1-2 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) Uses Permitted

No person shall within any C1-2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- office

(3) Zone Provisions

No person shall within any C1-2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following zone provisions:

(a)	Lot Coverage Maximum	40% of the lot area
(b)	Landscaped Open Space Minimum	10% of the lot area
(c)	Gross Floor Area Maximum	3,720m ²
(d)	Height of Building Maximum	2 storeys
(e)	Number of Loading Spaces Minimum	1
(f)	Holding Provisions	
-
(i)	No person shall use any lot or erect, alter or use any building or structure in any H-C1-2 Zone shown on Schedule "A-1" to this By-law except in accordance with the following uses:	
	• Existing uses at the date of the passing of this By-law.	
(ii)	The "H" holding symbol prefixed to the C1-2 Zone shall not be removed by amendment to this By-law until the following matters have been fulfilled to the satisfaction of the Central Lake Ontario Conservation Authority and the Town of Whitby:	
	• The submission of a comprehensive engineering report inclusive of all revisions and approved changes; • The completion and verification of the flood plain cut and fill operation; • The completion of site remediation and preparation earthworks including fill removal and replacement to provide a safe stable base for construction. Confirmation shall be provided by a qualified geotechnical engineer that the earthworks have been completed and that the site can support the intended use; • Confirmation that drainage entering the site at the northeast corner has been accommodated; • The submission of an acceptable detailed design for all proposed retaining walls by a structural engineer; • The submission of an acceptable detailed site servicing/grading design and associated construction staging plan(s) for the proposed works; • The submission of a comprehensive restoration plan/compensation plan and environmental monitoring plan; • The submission of a construction management plan including a groundwater control plan;	

- The submission of a fill management programme to ensure the appropriate disposal of material being removed from the site and to ensure the quality of the incoming material; and,
 - That a satisfactory site plan agreement has been entered into between the Developer and the Town of Whitby. The site plan agreement shall include a requirement that the Developer convey the cut area and the 15 metre setback area to the Town of Whitby free and clear of all encumbrances. The Developer shall be responsible for providing a draft Reference Plan and transfer documents for review and approval prior to conveying the land.
-

Section 6A
(2633-89) **Brooklin Secondary Plan Commercial (C1-BP, C2-S-BP) Zones**

- (a) Those portions of the zones designated "R2, R3, C1, C2" and "C2-S" on Schedule "B" to By-law 1784 as are specified on Schedule "A-2" annexed to By-law N0. 2633-89 are hereby changed to Local Commercial Zone "C1-BP" and Special Purpose Commercial Zone "C2-S-BP" respectively as shown on Schedule "A-2" annexed to By-law # 2633-89.
 - (b) No person shall use any land or erect or use a building or structure in any zone designated "C1-BP" and "C2-S-BP" unless such land is serviced by municipal water and sanitary sewer facilities operated by the Regional Municipality of Durham and such building or other structure is connected thereto.
 - (c) Notwithstanding the provisions of subsection (b) of this Section 6A, the following shall be permitted in the zones designated "C1-BP", "C2-S-BP", respectively, as foresaid:
 - (i) The continuation, alteration or reconstruction of any commercial building or structure that was in existence as of the 1st day of January, 1989, provided that such alteration or reconstruction is carried out in accordance with all other provisions of this By-law 1784; and,
 - (ii) The erection and use of any accessory building or structure provided that such building or structure is accessory to a commercial use permitted hereunder.
 - (d) Notwithstanding the provisions of subsection (b) of this Section 6A, the provisions of the By-law 1784, as amended by the By-laws specified hereunder shall continue to apply to the lands designated in such by-laws, namely, By-laws numbered 2347-88.
 - (e) The respective Zone Provisions and other requirements of By-law 1784 apply to any development or use of the lands designated in accordance with subsections (a) and (b) hereof and, without limiting the generality of the foregoing, the "C1" and "C2-S" Zone provisions apply to the areas designated as aforesaid as "C1-BP" and "C2-S-BP" respectively.
-

Section 6B
(3194-92)

Rossland Garden Main Central Area Secondary Plan – Central Area Commercial

- (a) No person shall use any land, or erect or use any building or structure in any 'CAC' Central Area Commercial Zone as shown on Schedule "A-1" annexed to By-law # 3194-92 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- (a) A shopping centre containing one or more of the following uses hereinafter specified, provided that such uses are carried out wholly within an enclosed building:

- bake shop
- bowling alley
- commercial school
- community centre
- day care centre
- eating establishment
- launderette, coin operated laundry
- Office
- personal service establishment
- place of entertainment
- recreational or fitness club
- retail store
- institutional use permitted in a 'C1' Zone

(6776-13)
(6776-13)

(6776-13)

- (b) A building or buildings containing one or more of the following uses, as hereinafter specified, provided that such uses are carried out wholly within an enclosed building:
- office

(ii) ACCESSORY USES PERMITTED

- (a) parking structure

(6776-13)

- (b) within a building as defined under clause (i)(b) above, retail stores, personal service establishment or a day care centre provided however, that these uses are contained only in the first or second storey and do not exceed 25% of the total gross floor area of the building.

(iii) ZONE PROVISIONS

- (a) FLOOR AREA FOR SHOPPING CENTRE

1. The minimum total gross floor area for any shopping centre building shall be 10,000 m²
2. The maximum gross floor area for shopping centre uses within the area designated 'CAC' on Schedule "A-1" annexed hereto shall be 18,850 m²

- (b) LOT AREA
Minimum

0.4 ha

- (c) LOT FRONTAGE
Minimum 50 m
- (d) PROHIBITION
No person shall erect any building or structure on any lot or block zoned 'CAC' unless all streets shown on Schedule "A-2" annexed to By-law # 3194-92 and forming a property line of said lot or block are open municipal streets.
- (e) YARD DEPTHS
1. Interior side yard setback

Minimum	10 m
Maximum	20 m
 2. Rear yard setback where the rear lot line does not abut a municipal street or a 0.3 m reserve abutting a municipal street

Minimum	10 m
Maximum	20 m
 3. Setback to streets

 The following setbacks shall apply between any portion of any building or structure and the streets as shown on Schedule "A-2" annexed to By-law # 3194-92:

having a road allowance width of more than 26 m in width	10 m
having a road allowance width of 26 m or less	8.0 m
- (f) BUILDING HEIGHT
1. Maximum 12 storeys or 45 m whichever is less
 2. Minimum for lands shown on Schedule "A-3" annexed to By-law # 3194-92: 3 storeys or 12 m whichever is greater
 3. Notwithstanding any provision to the contrary, an angular plane restriction shall apply along Garden Street, commencing at a point 335 m north of the centreline of the Garden Street and Rossland Road East intersection such that:

 no portion of any building or structure shall extend through a plane drawn westerly at a 30° angle from the east limit of the municipal street known as Garden Street.
 4. The maximum height of any above ground parking structure shall be 2 storeys or 10.0 m whichever is less
- (g) LOT COVERAGE
Maximum for all buildings and structures 50%
- (h) PARKING AND LOADING
Repealed by By-law 6925-14

(i)	LANDSCAPING Minimum landscaped open space	10% of total lot area

(iv) INTERPRETATION

For the purposes of Section 6B the following definitions shall apply where in conflict with Section 2 of By-law # 1784:

“PERSONAL SERVICE ESTABLISHMENT” means a building or a portion of a building used to provide direct services to the public which shall include a medical office, a dental office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor’s shop, a barber shop, a beauty salon, a shoe repair, a dry cleaners distribution station, a school of dance, art or music or photographic studio and a veterinary hospital.

“GROSS FLOOR AREA” means the aggregate of the horizontal areas of each floor within a building or structure whether any such floor is above or below grade, calculated by measuring from centre line to centre line of all interior dividing walls and from the exterior face of store fronts and other perimeter walls, including outer building walls and walls adjoining corridors or other common areas excluding, however, a basement area and mezzanine space used exclusively for storage, mechanical, electrical and elevator machine rooms, exterior truck loading facilities, common walkways/stairways and interior pedestrian mall spaces.

“LOT LINE, FRONT” means the line that divides the lot from the street or a 0.3 metre reserve abutting a street, provided that in the case of a corner lot, the shorter lot line that so abuts the street or 0.3 metre reserve is deemed to be the front line of the lot, and the longer line that so abuts the street or 0.3 metre reserve is termed a side lot line.

“FRONTAGE, LOT” means a horizontal distance along the front lot line between the side lot lines. Where the side lot lines are not parallel, the lot frontage shall be the distance between the side lot lines measured on a line parallel to the front lot line and 7.5 metres distance therefrom.

Section 6C
(4348-99)

Brock/Taunton Major Central Area Secondary Plan – Central Area Commercial

- (a) No person shall use any land, or erect or use any building or structure in any “CAC-BT” Central Area Commercial - Brock/Taunton Zone as shown on Schedule “A-1” annexed to By-law # 4348-99, except in accordance with the following uses and zone provisions:

(i) NON-RESIDENTIAL USES PERMITTED

- automobile leasing office
- automobile supply parts store
- bake shop or confectionary shop
- bank, credit union or other financial institution
- clinic or veterinary clinic
- commercial school
- day care centre, community centre
- department store
- eating establishment
- fitness centre or health club
- food store
- gas bar: one gas bar provided such facility is situated at least 100 m distance from Taunton Road and complies with the zone provisions of Section 7A (B) and (D) of By-law # 1784, as amended
- hotel
- institutional use permitted in a “C-1” Zone in accordance with the provisions of By-law # 1784
- laundrette or coin operated laundry
- library
- music and/or video rental and sales outlet
- outdoor or open storage: no outdoor or open storage of materials shall be permitted on the subject lands, except for an outdoor garden centre if ancillary to a permitted use
- office
- personal service establishment
- place of amusement
- place of entertainment
- public garage, provided such use is integral and subordinate to a retail automobile parts store or retail department store
- recreation or fitness club
- retail store
- shop for pet grooming and retail sales
- supermarket
- taxi establishment

(6776-13)

(6776-13)

(6776-13)

(ii) ZONE PROVISIONS

(a)	LOT AREA Minimum	1.8 ha
(b)	LOT FRONTAGE Minimum	50 m
(c)	LANDSCAPE OPEN SPACE Minimum	10% of all lands within the “CAC-BT” Zone

(d)	FRONT YARD SETBACK Minimum	5.0 m
	Notwithstanding the above, a ground level patio and associated perimeter fencing having a maximum height of 1.0 m may project into such yard to a maximum of 4.5 m provided such patio area is not located within a sight triangle associated with the intersection of any driveway and a street or intersecting streets.	
(e)	EXTERIOR SIDE YARD SETBACK Minimum	5.0 m
	Notwithstanding the above, a ground level patio and associated perimeter fencing having a maximum height of 1.0 m may project into such yard to a maximum of 4.5 m provided such patio area is not located within a sight triangle associated with the intersection of any driveway and a street or intersecting streets.	
(f)	INTERIOR SIDE OR REAR YARD SETBACK	3.0 m
	Except where the lot line abuts lands within the commercial zone	0.0 m
(g)	TOP OF BANK	
	Notwithstanding any other yard provision, no building or structure, parking area, driveway or loading zone shall be located within 10.0 m of the top of bank or Greenbelt Zone	
(h)	Minimum Building Height Maximum Building Height	2 stories or 7.0 m 8 stories
(i)	LOT COVERAGE Maximum	50% for all buildings
(6925-14)	(j) PARKING AND LOADING Repealed by By-law 6925-14	
(k)	LANDSCAPING Minimum Landscaped Open Space	10% of total lot area

(iii) DEFINITIONS

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply (where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):

1. **“SUPERMARKET”** means the tenant gross leasable space within a building or part of a building or commercial retail unit wherein various food, foodstuffs, groceries, beverages, and other household supplies commonly used within the home, such as but not limited to, patent medicines, toilet preparations, personal hygiene products, kitchen ware and hardware and newspapers are offered and kept for sale and where the gross leasable area for such use exceeds 1,200 m².

2. **“FOOD STORE”** means a building or part of a building having a gross leasable area of less than 1,200 m² wherein various food, foodstuffs, groceries and other products used with the household are sold and may include specialty food stores such as, but not limited in kind to a health food store, a butcher shop, a delicatessen, a fruit and vegetable market, or other specialty food store.
-

Section 6D
(4797-01)

**Thickson/Taunton Community Central Area Secondary Plan –
Central Area Commercial**

- (a) No person shall use any lot or part of a lot or erect or alter or use any building or structure in the “CAC-TT” Zone except in accordance with the following uses and zone provisions:

(i) NON-RESIDENTIAL USES PERMITTED

- automobile leasing office
- bake shop or confectionery shop
- bank, credit union or other financial institution
- clinic or veterinary clinic
- commercial school
- day care centre or community centre
- department store
- eating establishment
- fitness centre or health club
- food store
- hotel
- institutional use permitted in a “C-1” Zone in accordance with the provisions of By-law # 1784
- laundrette or coin operated laundry
- library
- music and/or video rental and sales outlet
- office
- personal service establishment use
- place of amusement
- place of entertainment
- recreation or fitness club
- retail store
- shop for pet grooming and retail sales
- supermarket
- taxi establishment

(6776-13)

(6776-13)

(6776-13)

(ii) ZONE PROVISIONS

(6776-13)

(a)	RETAIL AND PERSONAL SERVICE ESTABLISHMENT FLOOR SPACE Maximum	7,000 m ²
(b)	LOT AREA Minimum	1.8 ha
(c)	LOT FRONTAGE Minimum	18 m
(d)	LANDSCAPE OPEN SPACE Minimum	10%
(e)	FRONT YARD SETBACK Minimum	5.0 m

Notwithstanding the above, a ground level patio and associated perimeter fence having a maximum height of 1.0 m may project into such yard to a maximum of 4.5 m provided such patio area is not located within a sight triangle associated with the intersection of any driveway and a street or intersecting streets.

- (f) EXTERIOR SIDE YARD SETBACK
Minimum 5.0 m
- Notwithstanding the above, a ground level patio and associated perimeter fencing having a maximum height of 1.0 m may project into such yard to a maximum of 4.5 m provided such patio area is not located within a sight triangle associated with the intersection of any driveway and a street or intersecting streets.
- (g) INTERIOR SIDE OR REAR YARD SETBACK
Minimum 3.0 m
- Except where the lot line abuts lands within a commercial zone the minimum shall be 0.0 m
- Except where the lot line abuts lands within a residential zone and where the commercial building has a height of 3 stories or less the minimum shall be 10.0 m
- Except where the lot line abuts lands within a residential zone and where the commercial building has a height greater than 3 stories the minimum shall be 15 m
- (h) HEIGHT OF BUILDINGS
Minimum 2 storeys or minimum average height of 7.0m
- Maximum
Within 100 m of Taunton Road and 80 m of Thickson Road 6 storeys
- Beyond 100 m of Taunton Road and 80 m of Thickson Road 3 storeys
- (i) LOT COVERAGE
Maximum 35% for all buildings
- (6925-14) (j) PARKING AND LOADING
Repealed by By-law 6925-14

(b) No outdoor or open storage of materials shall be permitted on the subject lands, except for an outdoor garden centre if ancillary to a permitted use and provided it does not exceed 10% of the gross floor area of the permitted use

(c) For the purpose of the interpretation of the various zone provisions set forth herein, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):

- (i) **“SUPERMARKET”** means the total gross leasable space within a building or part of a building or commercial retail unit wherein various food, foodstuffs, groceries, beverages and other household supplies commonly used within the home such as, but not limited to, patent medicines, toilet preparations, personal hygiene products, kitchen ware and hardware and newspapers are offered and kept for sale and where the gross leasable area for such use exceeds 1,200 m².
- (ii) **“FOOD STORE”** means a building or part of a building having a gross leasable area of less than 1,200 m² where various food, foodstuffs, groceries and other products used within the household are sold and may include a specialty food store such as, but not limited in kind to, a health food store, a butcher shop, a delicatessen, a fruit and vegetable market, or other specialty food store.

Section 6E

(5871-06)

Garden/Taunton – Central Area Commercial

(6890-14)

(i)

NON-RESIDENTIAL USES PERMITTED in a CAC-GT-1 and CAC-GT-2 Zone

- automobile leasing office
- automobile supply parts store
- bake shop or confectionary shop
- bank, credit union or other financial institution, excluding a drive-thru
- clinic or veterinary clinic
- commercial school
- day care centre, community centre
- department store having a minimum gross floor area of 7,000 m²
- eating establishment, excluding a drive-thru window or service
- fitness centre or health club
- food store having a maximum gross floor area of 1,125 m²
- institutional use permitted in a “C-1” Zone in accordance with the provisions of By-law # 1784
- laundrette or coin operated laundry
- library
- music and/or video rental and sales outlet
- office
- outdoor or open storage: no outdoor or open storage of materials shall be permitted on the subject lands, except for an outdoor garden centre if ancillary to a permitted use
- personal service establishment
- place of amusement
- place of entertainment
- public garage, provided such use is integral and subordinate to a retail automobile parts store or retail department store
- public use
- recreation or fitness club
- retail store
- shop for pet grooming and retail sales
- supermarket to a maximum gross leasable area of 3,250 m²
- taxi establishment

(6776-13)

(6776-13)

(6776-13)

(6776-13)

(ii)

ZONE PROVISIONS within the CAC-GT-1 and CAC-GT-2 Zone

- (a) RETAIL AND PERSONAL SERVICE ESTABLISHMENT FLOOR SPACE

Maximum

42,300 m²

(7565-19)

- (b) LOT AREA
Repealed by By-law 7565-19

(7565-19)

- (c) LOT FRONTAGE
Repealed by By-law 7565-19

- (d) LANDSCAPE OPEN SPACE
Minimum

10%

- (e) FRONT YARD SETBACK

Minimum

0.0 m

Maximum

4.5 m

(f)	EXTERIOR SIDE YARD SETBACK	
	Minimum	0.0 m
	Maximum	4.5 m
(g)	Within a CAC-GT-1 Zone buildings within 20 m of a public street shall comply with the following provisions	
	the maximum length of a building measured along the block face that is parallel to the street shall be	100 m
	the minimum distance between buildings shall be	6.0 m
(h)	INTERIOR SIDE or REAR YARD SETBACK in a CAC-GT-2 Zone	
	Minimum	10.0 m
(i)	Buildings within a CAC-GT-1 or CAC-GT-2 Zone are subject to the following provision:	
	Minimum setback from internal roadway	5.0 m
(j)	HEIGHT OF BUILDINGS	
	Minimum height for all buildings within 20 m of a public street shall be	10.0 m
	Maximum height for all buildings	25 m
	Except where a building is within 20 m of a residential zone the maximum height shall be	10.0 m
(k)	LOT COVERAGE	
	Maximum in each zone category	40% of the lot area

(6925-14)

- (l) PARKING AND LOADING
Repealed by By-law 6925-14

(iii) DEFINITIONS

For the purpose of Section 6E of this By-law the following definitions are provided:

“DEPARTMENT STORE” means a retail store primarily engaged in general merchandising at retail of a wide range of commodities. At least the three main lines, namely apparel, hardware and home furnishings should be carried, and other commodities normally carried by these establishments, such as and similar to dry goods, confectionary products, home appliances, sporting goods, etc. may also be carried and shall not include a retail warehouse with or without food.

“INTERNAL ROADWAY” means a private driveway or street having a minimum width of 10 m.

(6890-14)

“SUPERMARKET” means the total gross leasable space within a building or part of a building or commercial retail unit wherein various food, foodstuffs, groceries, beverages and other household supplies commonly used within the home such as, but not limited to, patent medicines, toilet preparations, personal hygiene products, kitchen ware and hardware and newspapers are offered and kept for sale and where the gross leasable area for such use exceeds 1,200 m².

(7565-19) (iv) Exceptions**(a) Exception 1: CAC-GT-1-1****1. Defined Area**

The land located north of Taunton Road East, east of Garden Street and zoned CAC-GT-1-1 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 CAC-GT-1-1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following:

(a) Mixed Use Building containing one or more of the permitted non-residential uses, in conjunction with one or more of the following residential uses:

- apartment dwelling units
- seniors apartment dwelling units
- long term care home
- retirement home

(b) Non-Residential Uses

- all uses permitted in the CAC-GT-1 and CAC-GT-2 Zone

3. Zone Provisions – Stand Alone Non-Residential Development

The zone provisions applicable to stand alone non-residential development shall be those provisions set out in the CAC-GT-1 and CAC-GT-2 Zones.

4. Zone Provisions – Mixed Use Development

No person shall within any CAC-GT-1-1 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 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 CAC-GT-1-1 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 opposite the front lot line shall be deemed the rear lot line. The lot line abutting the internal roadway to the north shall be deemed the exterior side lot line and the southerly lot line shall be deemed the interior side lot line.

(c) Height of Building
Maximum

18 storeys

- (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 and any architectural features shall not exceed 6 metres.
- (e) **Lot Area**
Minimum 0.6 ha
- (f) **Lot Frontage**
Minimum 100 m
- (g) **Lot Coverage**
Maximum 50%
- (h) **Landscaped Open Space**
Minimum 10%
- (i) **Front Yard**
Minimum Depth 0.0 m
- (j) **Rear Yard**
Minimum Depth 20 m
- (k) **Interior Side Yard**
Minimum Width 4.0 m
- (l) **Exterior Side Yard**
Minimum Width 1.0 m
- (m) **Non-Residential Provisions**
- (i) The minimum gross floor area devoted to non-residential uses shall be 1300 m² excluding outdoor patios related to non-residential uses.
 - (ii) Non-residential uses shall only be permitted on the first and second storey or on a floor below the first storey.
 - (iii) The minimum floor to ceiling height of the first storey for all non-residential uses shall be 4.5 m.
 - (iv) Notwithstanding the minimum building yard setback provisions of this By-law to the contrary, any outdoor patio or any ornamental or architectural structure such as a canopy or a colonnade may project to within 0.3m of the property line.
 - (v) No drive through facilities are permitted.
- (n) **Parking and Loading Requirements**
Notwithstanding any provisions of Section 4A to the contrary, the following provisions shall apply:
- (i) **Number of Non-Residential Parking Spaces**
Minimum 1 space per 30m² of gross leasable area

- (ii) Any parking structure situated below finished grade may be located no closer than 0.0 m to any street line or any other lot line provided that any roof deck or finished top level of the parking structure is no greater than 1m above finished grade. This provision shall also apply to ventilation shafts, stairways and other similar facilities associated with a parking structure that projects above finished grade.
- (iii) Any parking area or parking spaces at finished grade shall be set back a minimum distance of 2.5m from any street line, 0.0m from any other lot line, 3.5m from the exterior wall of a main building other than an end wall and 1.8m from an end wall.
- (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.

5. 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 #1784, the following definitions shall apply:

- (a) **Landscaped Open Space** means the open unobstructed space on a lot 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 on the roof of a building, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area, private balcony or private terrace.
- (b) **Mixed Use Building** means a building containing residential uses and at least one other non-residential use.

6. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned CAC-GT-1-1 by this By-law:

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

(7644-20)

7. Holding Provisions Repealed by By-law Amendment 7644-20

Section 7 Highway Commercial (C2) Zone
(1028-73) Repealed by By-law 1099-73

No person shall hereafter use any land or erect or use a building or structure in a Highway Commercial (C2) Zone except in accordance with the following provisions:

(690-78) (a) USES PERMITTED

(i) COMMERCIAL

- bank
- car wash station
- drive-in theatre
- hotel
- motel
- parking lot
- places of entertainment
- public garage
- restaurant
- service shop
- used and new car lot

(b) AREA REQUIREMENTS

No person shall within any Highway Commercial (C2) Zone erect or use any buildings or structures except in accordance with the provisions set out in Schedule "A".

Section 7A (690-78)

Automobile Service Station (AS,AS-CW) Zones

1. USES PERMITTED

No person shall within any "AS" Zone use any lot or erect, alter or use any building or structure for any purpose except for one of the following uses, namely:

AS Zone	Automobile Service Station
AS-CW Zone	Automobile Service Station including Car Wash

2. ZONE PROVISIONS

No person shall within any "AS" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT FRONTAGE		
	Minimum Interior Lot	– AS – AS-CW	36.5 m 45.5 m
	Minimum Corner Lot		– AS – AS-CW
			45.5 m 53.5 m
(b)	LOT DEPTH		
	Minimum Interior Lot	– AS – AS-CW	36.5 m 53.5 m
	Minimum Corner Lot		– AS – AS-CW
			45.5 m 53.5 m
(c)	LOT COVERAGE		
	Maximum		30% of lot area
(d)	FRONT YARD		
	Minimum		15 m
(e)	EXTERIOR SIDE YARD		
	Minimum		15 m
(f)	INTERIOR SIDE YARD		
	Minimum	– AS – AS-CW	6.0 m 10.5 m
	Provided that where the interior side yard in an "AS-CW" Zone is used as a point of ingress to or egress from the car wash the minimum shall be		15 m
(g)	REAR YARD		
	Minimum	– AS – AS-CW	6.0 m 10.5 m
	Provided that where the rear yard in an "AS-CW" Zone is used as a point of ingress to or egress from the car wash the minimum shall be		15 m
(h)	LANDSCAPED OPEN SPACE		
	Minimum		15% of lot area
(i)	HEIGHT OF BUILDING		
	Maximum		9.5 m

Section 7B (690-78)

Gasoline Bar (GB, GB-CW) Zones

1. USES PERMITTED

No person shall within any "GB" Zone as hereinafter designated use any lot or erect, alter or use any building or structure for any purpose except as follows, namely:

GB Zone Gasoline Bar

GB-CW Zone Gasoline Bar including a Car Wash

2. ZONE PROVISIONS

No person shall within any "GB" Zone use any lot or erect, alter, or use any building or structure for any purpose except in accordance with the following provisions:

(a)	LOT FRONTAGE		
	Minimum Interior Lot		36.5 m
	Minimum Corner Lot		45.5 m
(b)	LOT DEPTH		
	Minimum Interior Lot	– GB	36.5 m
		– GB-CW	53.5 m
	Minimum Corner Lot	– GB	45.5 m
		– GB-CW	53.5 m
(c)	LOT COVERAGE		
	Maximum		30% of lot area
(d)	FRONT YARD		
	Minimum		15 m
(e)	EXTERIOR SIDE YARD		
	Minimum		15 m
(f)	INTERIOR SIDE YARD		
	Minimum	– GB	6.0 m
		– GB-CW	10.5 m
	Provided that where the interior side yard in a "GB-CW" Zone is used as a point of ingress to or egress from the car wash, the minimum shall be		15 m
(g)	REAR YARD		
	Minimum	– GB	6.0 m
		– GB-CW	10.5 m
	Provided that where the rear yard in a "GB-CW" Zone is used as a point of ingress to or egress from the car wash the minimum shall be		15 m
(h)	LANDSCAPED OPEN SPACE		
	Minimum		15% of lot area
(i)	HEIGHT OF BUILDING		
	Maximum		9.5 m

3. EXCEPTIONS

(5935-07)

GASOLINE BAR - EXCEPTION 1 3 BALDWIN AND 10 WINCHESTER

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as the "Subject Property" on "Schedule A-1" attached to and forming part of By-law # 5935-07. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

(i) PERMITTED USES

The following additional uses are permitted:

- (a) retail store not exceeding 90 m² of gross floor area shall be permitted within a kiosk having a maximum floor area of 160 m².

(ii) ZONE PROVISIONS

The following specific Zone Provisions apply:

- (a) LOT FRONTAGE
Minimum Corner 30 m
- (b) EXTERIOR SIDE YARD
Minimum 4.5 m
- (c) REAR YARD
Minimum 1.5 m
- (d) CANOPY LOCATION

A protective canopy may be located in any yard provided that the minimum distance between any portion of the canopy and any lot line shall be 4.0 m
- (e) PARKING

No parking area shall be located closer than 1.5 m to any lot line
- (f) PLANTING STRIPS

Shall not apply to subject property
- (g) DRIVEWAYS

Shall not apply to subject property
- (h) LOCATION OF KIOSK

A kiosk may be located within any yard provided that the minimum distance between the kiosk and any lot line shall be 1.5 m

(5995-07)

**GASOLINE BAR – EXCEPTION 2
320 THICKSON ROAD SOUTH**

Notwithstanding the provisions of Sections 7B and 7D to the contrary, the following provisions, where inconsistent with the said Sections 7B and 7D, apply to all properties zoned GB-2:

(i) ADDITIONAL PERMITTED USES

- (a) retail store not exceeding 118 m² of gross floor area shall be permitted within a kiosk having a maximum floor area of 186 m².
- (b) drive-thru restaurant

(ii) ZONE PROVISIONS

The following specific Zone Provisions apply:

- (c) EXTERIOR SIDE YARD
Minimum 7.5 m
- (d) LANDSCAPED OPEN SPACE
Minimum 13% of site area
- (e) PLANTING STRIP WIDTH
Minimum 0.9 m
- (f) LOCATION OF KIOSK
Minimum distance between the kiosk and any lot line 6.0 m
- (g) DRIVEWAY WIDTH
Maximum 11.8 m

(iii) All other provisions of By-law # 1784, as amended, shall apply.

(7056-15)

**GASOLINE BAR – EXCEPTION 3
6875 BALDWIN STREET NORTH****1. Defined Area**

The land located at the south-east corner of Baldwin Street North and Columbus Road East and zoned GB-3 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 GB-3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- gas bar
- eating establishment which is ancillary and incidental and situated within a gas bar kiosk building
- retail store which is ancillary and incidental and situated within gas bar kiosk building

3. Zone Provisions

No person shall within any GB-3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Gas Bar Kiosk Gross Floor Area Maximum	460 m ²
	Provided that the maximum gross floor area devoted to retail store functions shall not exceed 210 m ²	
(b)	Interior Side Yard Minimum	1.5 m

Section 7C
(690-78)**Car Wash (CW) Zone****1. USE PERMITTED**

No person shall within any "CW" Zone use any lot or erect, alter or use any building or structure for any purpose except for the following use, namely:

- Car Wash

2. ZONE PROVISIONS

No person shall within a "CW" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT FRONTAGE	
	Minimum Interior Lot	36.5 m
	Minimum Corner Lot	45.5 m
(b)	LOT DEPTH	
	Minimum Interior Lot	53.5 m
	Minimum Corner Lot	61 m
(c)	LOT COVERAGE	
	Maximum	30% of lot area
(d)	FRONT YARD	
	Minimum	15 m
(e)	EXTERIOR SIDE YARD	
	Minimum	15 m
(f)	INTERIOR SIDE YARD	
	Minimum	10.5 m
	Provided that where the yard is used as a point of ingress to or egress from the car wash, the minimum shall be	15 m
(g)	REAR YARD	
	Minimum	10.5 m
	Provided that where the yard is used as a point of ingress to or egress from the car wash, the minimum shall be	15 m
(h)	LANDSCAPED OPEN SPACE	
	Minimum	15% of lot area
(i)	HEIGHT OF BUILDING	
	Maximum	9.5 m

Section 7D General Provisions for (AS, GB, CW) Zones**(690-78)****(5956-07)**

In applying the aforementioned zone provisions in the "AS", "GB" and "CW" Zones, the following provisions shall also apply.

1. CANOPY LOCATION

Notwithstanding any other provisions of this By-law to the contrary, a protective canopy may be located in any yard provided that the minimum distance between any portion of the canopy and any lot line shall be 6.0 m.

2. PUMP ISLAND LOCATION

Notwithstanding any other provisions of this By-law to the contrary a pump island may be located in any yard in accordance with the following provisions:

- (a) the minimum distance between the face of the pump island and any lot line shall be 6.0 m.
- (b) where the lot is a corner lot, no portion of any pump island shall be located closer than 3.0 m to a straight line between a point in the front lot line and a point in the exterior lot line, each such point being 15 m from the intersection of the street lines.

3. PARKING

Repealed by By-law 6925-14

4. PLANTING STRIPS

Notwithstanding any provisions of this By-law to the contrary, planting strips shall be in accordance with the following provisions:

(5453-04)

- (a) the minimum width of a planting strip shall be 0.7 m;
- (b) planting strips shall be located adjacent to all lot lines except in those areas used as driveway;
- (c) planting strips shall consists of a row of trees or a continuous unpierced hedgerow or shrubs with the remainder of the planting strip treated with shrubs, flowers, sod, wood chips, or other suitable landscape material; and,
- (d) where the lot is abutting a residential or institutional zone, a decorative wall or fence having a maximum height of 2.0 m and a minimum height of 1.0 m shall be provided and maintained along the interior side lot line and the rear lot line except that where the wall or fence is located along the side lot line of the front yard of any adjoining lot the maximum height shall be 1.0 m.

For the purpose of interpretation, the planting strips shall be considered to form part of the landscaped open space.

5. DRIVEWAYS

Notwithstanding any other provisions of this By-law to the contrary the following provisions shall apply to driveways;

- (a) the maximum width of a driveway, measured along the sidewalk, where such exists, and along the street line shall be 10.5 m;

- (5453-04)
- (b) the minimum distance between driveways measured along the street line intersected by such driveways shall be 9.0 m;
 - (c) the minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 15 m;
 - (d) the minimum distance between an interior side or rear lot line and the closest point of an adjacent driveway measured along the lot line shall be 1.0 m; and,
 - (e) the minimum interior angle formed between the street line and the centre line of any driveway shall be 70 degrees.

6. LOCATION OF KIOSK

Notwithstanding any other yard provisions of this By-law to the contrary, a Kiosk may be located within any yard provided that the minimum distance between the Kiosk and any lot line shall be 10.5 m.

7. CAR WASH – AUTOMOBILE STORAGE AREAS

Every car wash whether separate and distinct or in conjunction with an Automobile Service Station or a Gasoline Bar shall provide waiting lines for the storage of vehicles in accordance with the following provisions:

- (a) for a manual car wash, a waiting line of a minimum of 3 spaces per bay shall be provided at the place of ingress to each bay;
 - (b) for a mechanical automatic car wash where the automobile remains stationary while being washed, a waiting line of a minimum of 5 spaces shall be provided at the place of ingress to each bay;
 - (c) for an automatic tunnel car wash, a waiting line of a minimum of 25 spaces per bay shall be provided at the place of ingress to each bay, with a minimum of 5 spaces being in a single line at the place of ingress to the unit; and,
 - (d) all waiting lines shall be clearly defined by painted markings or physical barriers.
-

Section 7E Special Purpose Commercial (C2-S) Zone

(1053-80)

Repealed by By-law 1077-80

(1079-80)

(i) USES PERMITTED

No person shall within any "C2-S" Zone use any lot, erect alter or use any building or structure for any purpose, except one or more of the following "C2-S" uses, namely:

(a) RESIDENTIAL USES:

- Prohibited

(3334-93)

(b) NON-RESIDENTIAL USES:

- audio visual centre
- automobile parts store
- automobile sales establishment
- boat & recreational vehicle sales establishment
- catalogue store
- equipment sales and rental – light
- family restaurant
- farm implement dealer
- home improvement centre
- home supply centre
- hotel
- major electrical supply centre
- motel
- motor vehicle rental
- pet grooming
- place of entertainment
- plumbing supply centre
- pool supply centre
- public garage
- retail nursery
- sporting goods store
- veterinary clinic
- video or computer rental establishment

(4002-97)

(2984-91)

(4002-97)

(ii) ZONE PROVISIONS

No person shall within any "C2-S" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(i)	LOT COVERAGE	
	Maximum for all buildings	40% of the lot area
(ii)	LOT FRONTAGE	
	Minimum	30.5 m
(iii)	FRONT YARD	
	Minimum Depth	7.5 m
(iv)	EXTERIOR SIDE YARD	
	Minimum Width	7.5 m
(v)	REAR YARD	
	Minimum Depth	7.5 m

(vi) INTERIOR SIDE YARD

No interior side yard is required provided that if any building or structure is to be erected, altered or used on a lot immediately adjoining a Residential or Development Zone, an interior side yard shall be provided on the side adjoining such Residential or Development Zone. Any such required side yard shall have a minimum width of 3.0 m

In the case of a hotel, or motel the required site interior yard shall have a minimum width of 7.5 m.

(vii) LANDSCAPED OPEN SPACE
Minimum

10% of the lot area

(viii) HEIGHT OF BUILDING
Maximum

10.0 m

Where the side or rear lot line abuts a Residential or Development Zone or a portion of a street the opposite side of which portion of the street abuts a Residential or Development Zone, such lot shall not be used for any of the uses permitted by this By-law unless and until a planting strip is provided and maintained adjoining such abutting lot line within the "C2-S" Zone of a row of trees or a continuous unpierced hedge of evergreens or shrubs not less than 1.5 m high.

(ix) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 4 of By-law 1784.

(x) OPEN STORAGE

The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers, nor shall it prevent the outside storage of automobiles or trucks on property used as an automobile sales establishment.

(iii) ZONE EXCEPTIONS

(4482-99)

**SPECIAL PURPOSE COMMERCIAL EXCEPTION 1 - (C2-S-1)
4100 GARDEN STREET**

(a) Notwithstanding any provisions of this By-law to the contrary, any lot within a C2-S-1 zone may be used for all of the uses within a C2-S Zone, plus the following uses:

(i) VEHICLE SERVICE AND HOUSEHOLD MERCHANDISE RETAIL STORE
which means a building or structure within which the following uses are permitted:

- (a) sale and supply of automobile parts;
- (b) public garage and an automobile rental agency which is ancillary and subordinate to a public garage;
- (c) sale of goods and wares such as household goods, home improvement products, entertainment products, hardware, gardening supplies, sports and recreation goods;
- (d) outdoor garden centre;

- (e) ancillary or accessory uses such as offices and an eating establishment wholly contained and accessed from within the main building; and
- (ii) Gas bar, wherein the zone provisions in the “GB” Zone as contained in Section 7B and 7D of By-law # 1784 shall apply to the permitted gas bar.
- (b) The zone provisions in a “C2-S-1” Zone shall apply to the lands identified as the such on Schedule A-1 attached to By-law # 4482-99, save and except for open storage, which shall be restricted to the storage and sale of gardening and outdoor household supplies within an outdoor garden centre.
- (c) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(5170-02)

SPECIAL PURPOSE COMMERCIAL EXCEPTION 2 - (C2-S-2)
4100 GARDEN STREET

- (a) Notwithstanding any provision of this By-law to the contrary, any lot within a C2-S-2 Zone may be used for all of the permitted uses within a C2-S Zone and a C2-S-1 Zone.
- (b) Notwithstanding the uses permitted in a C2-S or a C2-S-1 Zone, the following additional uses shall be permitted, provided the total gross leasable area devoted to the uses does not exceed 3250 m²:
 - (i) retail store;
 - (ii) personal service establishment use; and,
 - (iii) food store, provided the gross floor area of such establishment does not exceed 1,200 m².

(6776-13)

It being understood that the total gross leasable area limit of 3250 m² shall not apply to uses permitted within the C2-S Zone or C2-S-1 Zone.

- (c) The zone provisions in a “C2-S” Zone shall apply to the lands identified on Schedule A-1 attached to By-law 5170-02.

(5167-02)

SPECIAL PURPOSE COMMERCIAL EXCEPTION 3 - (C2-S-3)
400 GLEN HILL DRIVE

- (a) Notwithstanding any provision of this By-law to the contrary, any lot within a C2-S-3 Zone may be used for all of the uses within a C2-S Zone, plus the following use:
 - retail warehouse facility with food sales, provided that the gross floor area devoted to sale of food products that is visible and accessible to the public does not exceed 2923m².
- (b) Section 7E(2) - “Special Purpose Commercial - Zone Provisions” of By-law # 1784, as amended, shall apply to any lot within a C2-S-3 Zone.
- (c) Notwithstanding the parking provisions of Section 7E(2) “Special Purpose Commercial - Zone Provisions” of By-law # 1784, as amended, parking for a retail warehouse facility with up to a gross floor area of 2923 m² devoted to food sales shall be 161 parking spaces.

**(5634-05) C2-S-4 – SPECIAL PURPOSE COMMERCIAL – EXCEPTION 4 Zone
4110 GARDEN STREET**

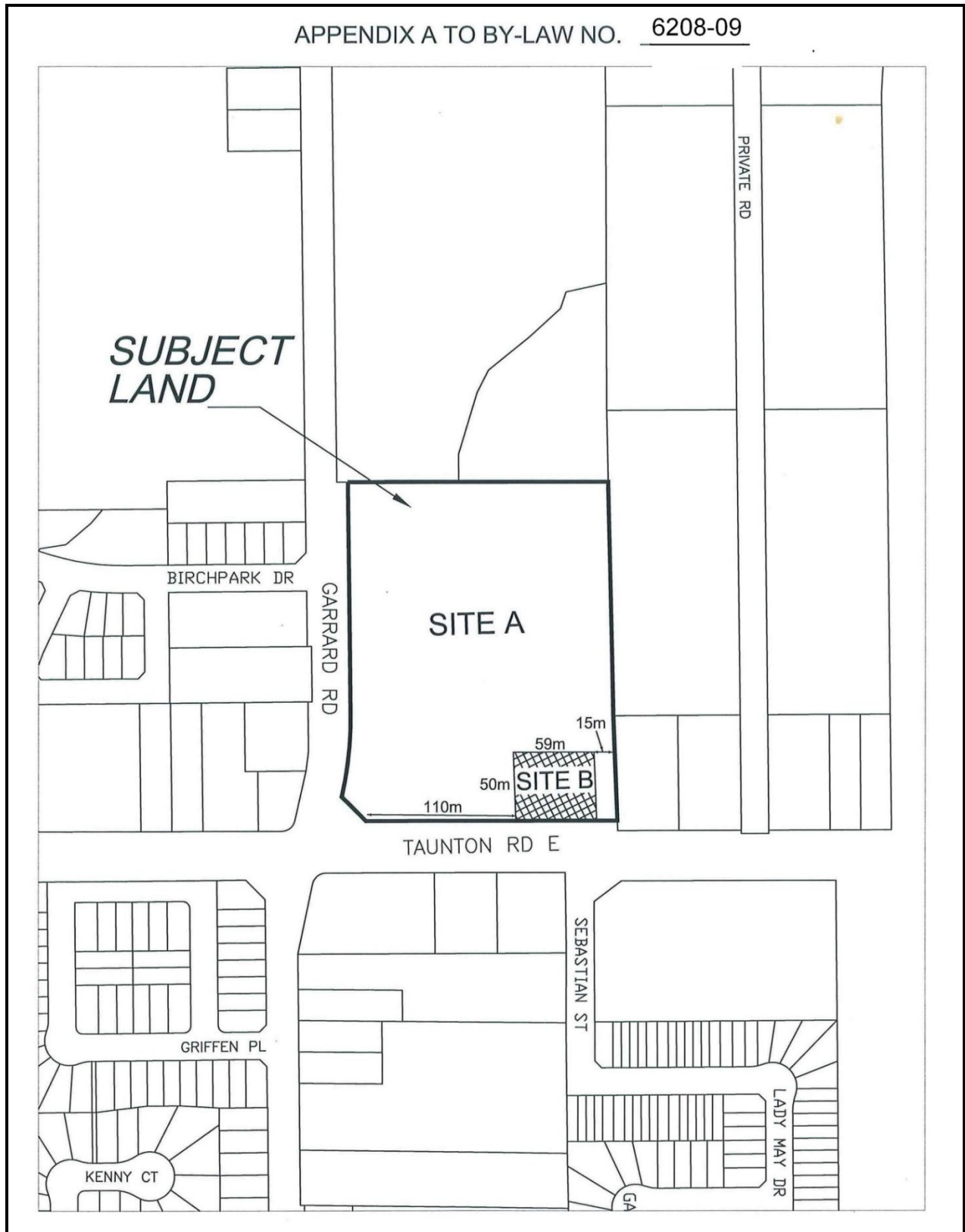
(6776-13) (i) PERMITTED USES:

- Notwithstanding the permitted uses in the C2-S Zone, the additional uses of office and personal service establishment uses shall only be permitted within a building designated by By-law under Part IV of the Ontario Heritage Act.

**(6022-08) C2-S-5 – SPECIAL PURPOSE COMMERCIAL – EXCEPTION 5 Zone
(6208-09) 4005 GARRARD ROAD**

- (a) Notwithstanding any provisions of this By-law to the contrary, any lot within a C2-S-5 Zone may be used for all of the uses within a C2-S Zone and the lands shown hatched as Site B on Appendix A to this Exception may also be used for a financial institution.
 - (b) Notwithstanding the provisions of Section 4(n)(i)(c)(x) 3, the strip of land lying along the lot line of a parking area which abuts Garrard Road and Taunton Road East on the lands shown as Site A on Appendix A to this Exception shall be a minimum width of 1.5m.
 - (c) Notwithstanding the provisions of Section 7E(2)(viii), the height of a building shall be a maximum of 15 m on the lands shown as Site A on Appendix A to this Exception.
 - (d) Notwithstanding the provisions of subsection 7E(1) Uses Permitted and subsection 7E(2) Zone Provisions, the storage, display and sale of goods shall be permitted within 6 m of the southern most portion of the front façade facing Taunton Road East for a home improvement centre only.
 - (e) Notwithstanding the zone provisions of subsection 7E(2)(vii), the minimum landscaped open space shall be 9% of the lot area on the lands shown as Site A on Appendix A to this Exception.
 - (f) Notwithstanding the parking area provisions of subsection 4(n)(i), the minimum parking requirement shall be 4.65 spaces per 100 m² of gross floor area on the lands shown as Site A and shown hatched as Site B on Appendix A to this Exception.
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APPENDIX A TO BY-LAW NO. 6208-09



(6089-08)**C2-S-5 – SPECIAL PURPOSE COMMERCIAL – EXCEPTION 5 ZONE
940 TAUNTON ROAD EAST AND 950 TAUNTON ROAD EAST**

- (1) Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-5 Zone, the following additional use shall be permitted:
 - financial institution
- (2) No person shall use any lot or erect or alter or use any building or structure in any H-C2-S-5 Zone as shown on Schedule “A-1” to this By-law except in accordance with the following uses:
 - existing uses at the date of the passing of this By-law
- (3) The Holding symbol “H” prefixed to this C2-S-5 Zone shall not be removed until:
 - Record of Site Condition has been prepared and submitted to and an acknowledgement letter from the Ministry of Environment has been received by the Town of Whitby.
 - Stormwater Management Report has been prepared to the satisfaction of the Public Works Department.
 - Site Plan Agreement has been executed with the Town of Whitby that includes, but is not limited to, securities to ensure completion of acceptable stormwater management facilities.
 - Plant inventory has been submitted for review and, where appropriate, a salvage operation of any species of interest which has been identified to the satisfaction of the Central Lake Ontario Conservation Authority.
 - Hydrogeological Report with recommendations to protect the groundwater resource has been submitted for review and approval of the Central Lake Ontario Conservation Authority.

(6822-14)**C2-S-6 – SPECIAL PURPOSE COMMERCIAL – EXCEPTION 6 ZONE
980 TAUNTON ROAD EAST****USES PERMITTED**

1. Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-6 Zone, the following additional use shall be permitted:
 - pet supply and product store
2. Notwithstanding the above permitted use, a pet supply and product store shall not include the breeding of animals, a kennel, a place for the overnight boarding of animals, or a place where animals, birds, and reptiles are kept for sale and/or sold.

(6961-15)**C2-S-7 – Special Purpose Commercial – Exception 7 Zone
1550 Dundas Street East****(1) Uses Permitted**

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-7 Zone the following additional use shall be permitted;

- office
-

(2) Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, in any C2-S-7 Zone, the following zone provisions shall apply:

(a)	LOT COVERAGE Maximum	50% of the lot area
(b)	LOT FRONTAGE Minimum	30 m
(c)	FRONT YARD Minimum depth Maximum depth	0.0 m 2.0 m
(d)	EXTERIOR SIDE YARD Minimum width Maximum width	0.0 m 2.0 m
(e)	LANDSCAPED OPEN SPACE Minimum	2% of the lot area
(f)	NUMBER OF PARKING SPACES Minimum	1 parking space per 37 m of gross floor area
(g)	LOCATION OF PARKING The minimum distance of all parking spaces and parking areas from a streetline shall be	1.0 m
(h)	DRIVEWAY AND/OR AISLE WIDTH Minimum	6.0 m
(i)	NUMBER OF LOADING SPACES Minimum	0

(7454-18)

C2-S-8 – Special Purpose Commercial – Exception 8 Zone
Part of Lot 32, Concession 1
1151 Dundas Street West

1. Defined Area

The lands located south of Dundas Street West, east of the unopened Coronation Street road right of way West and zoned C2-S-8 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

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-8 Zone only the following use shall be permitted:

- motor vehicle parking and storage area associated with an automobile sales establishment to the north situated at 1025 Dundas Street West

3. Zone Provisions

Notwithstanding any zone provisions to the contrary, in any C2-S-8 Zone, the following zone provisions shall apply:

(a) Determination of Greenbelt (G) Zone Boundary

The zone boundary of the Greenbelt Zone shall be the greater of six metres beyond the surveyed regulatory flood plain or ten metres to the adjacent woodland dripline as determined by the Central Lake Ontario Conservation Authority.

(7693-20)

C2-S-9 – Special Purpose Commercial – Exception 9 Zone
360 Columbus Road East

1. Defined Area

The lands located north of Columbus Road East and east of Thickson Road North and zoned C2-S-9 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

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-9 Zone only the following uses shall be permitted:

- clinic
- office

Provided further that the uses listed above shall only be permitted in the buildings existing at the date of the passing of this By-law amendment and any subsequent additions thereto.

3. Zone Provisions

Notwithstanding any zone provisions to the contrary, in any C2-S-9 Zone, the following zone provisions shall apply:

(a) Gross Floor Area
Maximum 1,000 m²

(b) Number of Parking Spaces

The parking requirements of an office use shall apply to the uses permitted in a C2-S-9 Zone.

(c) Driveway Width
Minimum 6.0 m

Provided that the driveway in the front yard between the street line and the parking area shall be a minimum width of 3.5 m.

(d) Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned C2-S-9 by this By-law amendment.

4(m) Ten Percent of Every Lot

4(w) Satellite Dishes

(7693-20)

**C2-S-10 – Special Purpose Commercial – Exception 10 Zone
4140 – 4150 Garden Street****1. Defined Area**

The lands located north of Taunton Road East and west of Garden Street and zoned C2-S-10 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 C2-S-10 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses permitted in the C2-S zone
- bakeshop or confectionary shop
- clinic
- commercial school
- courier shop
- eating establishment
- eating establishment – take out
- financial institution
- food store
- laundromat
- laundry
- office
- personal service establishment
- print shop
- recreational club or facility
- retail store
- service shop
- studio
- wellness centre

3. Zoning Provisions That Do Not Apply

The following zone provisions shall not apply to the lands zoned C2-S-10 by this By-law amendment:

4(m) Ten Percent % of Every Lot

4(w) Satellite Dishes

Section 7F
(3628-95)

Special Purpose Commercial – Retail Warehouse (C2-S-RW) Zone

(i) USES PERMITTED

No person shall, within any C2-S-RW Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(a) NON-RESIDENTIAL USES

- bank or financial institution
- family restaurant or restaurant
- retail warehouse facility
- **Repealed by By-law 5655-05**

(5655-05)

(ii) ZONE PROVISIONS

No person shall, within a Special Purpose Commercial - Retail Warehouse Zone (C2-S-RW), use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(i)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(ii)	FRONTAGE Minimum Except in the case where the lot abuts a 0.3 m reserve, the minimum shall be	30.5 m 10 m
(iii)	FRONT YARD Minimum Depth	7.5 m
(iv)	EXTERIOR SIDE YARD Minimum Width Except in the case of an exterior side yard abutting a provincial highway corridor, or a 0.3 m reserve abutting a provincial highway corridor, the minimum shall be	7.5 m 13.7 m
(v)	INTERIOR SIDE YARD No interior side yard is required provided that if the interior side yard is abutting a provincial highway corridor, or a 0.3 m reserve abutting a provincial highway corridor, a minimum interior side yard shall be	13.7 m
(vi)	REAR YARD Minimum Depth Except in the case of a rear yard abutting a provincial highway corridor, or a 0.3 m reserve abutting a provincial highway corridor the minimum shall be	7.5 m 13.7 m
(vii)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(viii)	HEIGHT OF BUILDING Maximum	10 m

(5655-05)	(ix) SINGLE USER UNIT SIZE Minimum - Family restaurant or restaurant and bank or financial institution shall not require a minimum single user unit size - Retail warehouse facility Repealed by By-law 5655-05	1860 m ²
(6925-14)	(x) PARKING SPACES Repealed by By-law 6925-14	
	(xi) OUTDOOR STORAGE	Not permitted

(iii) EXCEPTIONS**EXCEPTION 1 – PART OF LOT 21, BROKEN FRONT CONCESSION**

Notwithstanding the uses permitted within a "C2-S-RW" Zone, only the following uses shall be permitted on the lands outlined on Schedule "A-1" attached to By-law # 3974-97, namely:

- (i) a retail warehouse facility, subject to the zone provisions of Section 7F, subsection ii) of By-law 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 15,500 m²;
- (ii) outdoor display of goods, provided that any outdoor display of goods is ancillary and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located;
- (iii) for the purpose of this Section, in the case of a retail warehouse use solely devoted to furniture and appliance sales, the minimum required parking for the display area shall be 1 parking space per 30 m² of gross floor area;
- (iv) any uses permitted in the "M1A" Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection ii) of By-law # 1784, as amended; and,
- (v) unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(4267-98)**EXCEPTION 2 – PART OF LOT 20, CONCESSION ONE**

- (a) Notwithstanding the uses permitted within a "C2-S-RW" Zone only the following uses shall be permitted on the lands outlined on Schedule "A-1" attached to By-law # 4267-98, namely;
 - (i) a retail warehouse facility, subject to the zone provisions of Section 7F, Subsection (ii) of By-law # 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 7,000 m²;
 - (ii) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located;
 - (iii) any uses permitted in the "M1A" Prestige Industrial Zone, subject to the zone provisions of Section 8A Subsection ii) of By-law # 1784, as amended.

- (b) Notwithstanding the use permitted in the Prestige Industrial Zone, Section 8A, the additional uses of a hotel and motel shall be permitted on lands identified as "Subject Property" on Schedule "A-1" attached to and forming part of this By-law in accordance with the following zone provisions:

(i) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum	40% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
(c)	REAR YARD Minimum Depth	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(f)	LANDSCAPED OPEN SPACE Minimum	10%
(g)	HEIGHT OF BUILDING Minimum Maximum	2 Storeys 6 Storeys
(h)	NUMBER OF GUEST ROOMS Minimum	80

- (c) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(4611-00)

**EXCEPTION 3 – PART OF LOT 21, CONCESSION ONE
25 CONSUMERS DRIVE**

Notwithstanding the uses permitted within a "C2-S-RW" Zone only the following uses shall be permitted on the lands outlined on Schedule "A-1" attached to By-law # 4611-00, namely:

- (a) retail warehouse facility, subject to the zone provisions of Section 7F, subsection (ii) of By-law # 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 7,900 m².
- (b) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located.
- (c) for the purpose of this Section, in the case of a retail warehouse use solely devoted to furniture and appliance sales, the minimum required parking for the display area shall be 1 parking space per 30 m² of gross floor area.
- (d) any uses permitted in the "M1A" Prestige Industrial Zone, subject to the zone provisions of Section 8A Subsection (ii) of By-law # 1784, as amended.

- (e) Notwithstanding the uses permitted in the Prestige Industrial Zone, Section 8A, the additional uses of a hotel and motel shall be permitted on lands identified as "Subject Property" on Schedule "A-1" attached to and forming part of this By-law in accordance with the following zone provisions.

(a) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum	40% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
(c)	REAR YARD Minimum Depth	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(f)	LANDSCAPED OPEN SPACE Minimum	10%
(g)	HEIGHT OF BUILDING Minimum Maximum	2 Storeys 6 Storeys

- (f) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

- (g) Notwithstanding any other provisions of this By-law, no building, or structure shall be located on any sanitary sewer easement.

(4733-00)

EXCEPTION 4 – 75 CONSUMERS DRIVE

(i) USES PERMITTED

No person shall, within any "C2-S-RW-4" Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

NON-RESIDENTIAL USES

- retail warehouse facility – entertainment

Any uses permitted in the "M1A" Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection (ii) of By-law 1784, as amended

(ii) ZONE PROVISIONS

Notwithstanding the zone provisions outlined within a "C2-S-RW" Zone Section 7F (ii), the following shall apply to the lands outlined on Schedule "A-1" attached to By-law # 4733-00, namely:

- (a) the total gross leasable area devoted to retail warehouse - entertainment facilities shall not exceed 2,400 m²;

- (b) the minimum required parking for the retail warehouse facility - entertainment shall be 1 parking space per 19.75 m² of gross leasable area; and,
- (c) unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(iii) DEFINITION

Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definition shall apply to the subject property:

“RETAIL WAREHOUSE - ENTERTAINMENT” means a building or part of a building occupied by a single user having a minimum gross leasable floor area of 1,858 m² that would not generally locate in a traditional commercial area. The principle use of the “retail warehouse facility - entertainment” is for the sale of goods and wares such as and similar to books, periodicals, recorded audio/visual materials, games, game equipment, party supplies and sporting goods and wares.

(4722-00)

EXCEPTION 5 – 1629 AND 1635 VICTORIA STREET EAST

- (a) Notwithstanding the non-residential uses permitted within a “C2-S-RW” Zone Section 7F (i)(a), the following additional uses shall be permitted on the lands outlined on Schedule “A-1” attached to By-law # 4722-00, namely:
 - (i) retail warehouse facility, subject to the zone provisions of Section 7F, Subsection (ii) of By-law 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 11,200 m²;
 - (ii) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located; and
 - (iii) any uses permitted in the “M1A” Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection (ii) of By-law 1784, as amended;
- (b) The minimum required parking for the retail warehouse facility shall be 1 parking space per 19.75 m² of gross leasable area.
- (c) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(4729-00)

EXCEPTION 6 – 1751 VICTORIA STREET EAST

- (a) Notwithstanding the non-residential uses permitted within a “C2-S-RW” Zone Section 7F (i)(a), the following additional uses shall be permitted on the lands outlined on Schedule “A-1” attached to By-law # 4729-00, namely:
 - (i) Retail warehouse facility, subject to the zone provisions of Section 7F, Subsection (ii) of By-law 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 11,200 m²;
 - (ii) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located; and,
-

- (iii) any uses permitted in the “M1A” Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection (ii) of By-law 1784, as amended;
- (b) The minimum required parking for the retail warehouse facility shall be 1 parking space per 19.75 m² of gross leasable area.
- (c) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(5498-04)**EXCEPTION 7 – 1400 VICTORIA STREET EAST**

- (a) Notwithstanding the non-residential uses permitted within a “C2-S-RW” Zone Section 7F (i)(a), the following uses shall be permitted on the lands identified as the “Subject Property” on Schedule “A-1” attached to By-law # 5498-04, namely:
 - (i) retail warehouse facility’, subject to the zone provisions of Section 7F, Subsection (ii) of By-law 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 23,700 m²;
 - (ii) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located; and,
 - (iii) any uses permitted in the “M1A” Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection (ii) of By-law 1784, as amended.

(5879-07)**(iv) Repealed by By-law 5879-07**

- (b) The minimum required parking for the retail warehouse facility shall be one parking space per 19.75 m² of gross leasable area.
- (c) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(5498-04)**EXCEPTION 8 – 1601 HOPKINS STREET****(5844-06)**

- (a) Notwithstanding the uses permitted within a “C2-S-RW” Zone Section 7F (i)(a), only the following uses shall be permitted on the lands identified on Schedule “A-1” as ‘H-C2S-RW-8’ attached to By-law # 5498-04, namely:

(6776-13)

- bank or financial institution
- office
- restaurant, without a drive through window
- technical or commercial school

- (b) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

(5880-07)**EXCEPTION 9 – PART OF LOT 23 BROKEN FRONT CONCESSION**

- (a) Notwithstanding the uses permitted within a “C2-S-RW” Zone, the following additional uses shall be permitted on the lands outlined on Schedule A-1 attached to By-law # 5880-07, namely:
 - (i) a retail warehouse facility, located in a C2-S-RW-9 Zone category, west of Hopkins Street, subject to the zone provisions of Section 7F, Subsection (ii) of By-law # 1784, as amended, provided that the total gross leasable area devoted to retail warehouse facilities does not exceed 24,250 m²;

- (ii) one retail warehouse facility with food sales”, subject to the provisions of Section 7F, Subsection (ii) of By-law # 1784, as amended, provided that the total gross leasable area of the retail warehouse facility with food sales is a minimum of 7,500 m², wherein the gross leasable area related to food products within a retail warehouse with food sales shall be a maximum of 5,000 m², shall be permitted in a C2-S-RW-9 Zone category;
- (iii) outdoor display of goods provided that any outdoor display of goods is ancillary to the permitted retail warehouse and is not located more than 6.0 m from the main wall of the building in which the retail warehouse use is located;
- (iv) any use permitted in the “M1A” Prestige Industrial Zone, subject to the zone provisions of Section 8A, Subsection (ii) of By-law # 1784, as amended;
- (v) Notwithstanding the uses permitted in the Prestige Industrial Zone, Section 8A, the additional uses of a hotel and motel shall be permitted in an “C2-S-RW-9 Zone” in accordance with the following zone provisions:

(a) ZONE PROVISIONS

- (i) LOT COVERAGE
Maximum 40% of the lot area
- (ii) FRONT YARD
Minimum Depth 7.5 m
- (iii) REAR YARD
Minimum Depth 7.5 m
- (iv) INTERIOR SIDE YARD
Minimum Width 7.5 m
- (v) EXTERIOR SIDE YARD
Minimum Width 7.5 m
- (vi) LANDSCAPED OPEN SPACE
Minimum 10%
- (vii) HEIGHT OF BUILDING
Minimum 2 Storeys
Maximum 6 Storeys
- (viii) NUMBER OF GUEST ROOMS
Minimum 80
- (ix) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

Section 7G Special Purpose Commercial – Commercial Node (C2-S-CN) Zone

(4183-98)

(5956-07)

No person shall use any lot or erect or alter or use any building or structure in any "C2-S-CN" Zone on Schedule "A-1" annexed to By-law # 4183-98 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

(6776-13)

- personal service establishment

(ii) ZONE PROVISIONS

(i)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(ii)	FRONTAGE Minimum	20 m
(iii)	FRONT YARD Minimum Depth	6.0 m
(iv)	REAR YARD Minimum Depth	7.5 m
(v)	INTERIOR SIDE YARD No interior side yard is required provided that if any building or structure is to be erected, altered or used on a lot immediately adjoining a Residential or Development Zone, an interior side yard shall be provided on the side adjoining such Residential or Development Zone. Any such required side yard shall have a minimum width of 0.75 m.	
(vi)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(vii)	HEIGHT OF BUILDING Maximum	10.0 m
(viii)	PARKING, ACCESSORY BUILDINGS In accordance with the provisions of Section 4 of By-law # 1784.	
(ix)	OPEN STORAGE The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers.	

(iii) DEFINITIONS

Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definition shall apply to the subject property:

"PERSONAL SERVICE ESTABLISHMENT" means a building or a portion of a building used to provide direct service to the public which shall include a medical office, a bank, a trust company or similar financial institution, a drugless practitioner office, a law office, a real estate office, a travel agency, a tailor shop, a barber shop, a beauty salon, a shoe repair, a dry cleaning distribution station and a school of dance, art or music.

(iv) EXCEPTIONS**(4808-01)****"C2-S-CN-1": EXCEPTION 1 – 113 AND 117 KENDALWOOD ROAD****(5956-07)**

No person shall use any lot or erect or alter or use any building or structure in any "C2-S-CN-1" Zone on Schedule "A-1" annexed to By-law # 4808-01 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED**RESIDENTIAL USES**

- one apartment dwelling unit within each structure located at 113 and 117 Kendalwood Road.

NON-RESIDENTIAL USES

A building or a portion of a building used to provide direct service to the public which shall include:

- bank
- barber shop
- beauty salon
- dry cleaner's distribution station, and law office
- office
- school of dance, art or music
- shoe repair
- tailor shop
- travel agency
- trust company or similar financial institution

(6776-13)**(ii) ZONE PROVISIONS**

(i)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(ii)	FRONTAGE Minimum	20 m
(iii)	FRONT YARD Minimum Depth	6.0 m
(iv)	REAR YARD Minimum Depth	7.5 m
	Where a rear yard abuts a residential zone, a 3.0 m landscape strip shall be provided across the rear lot line.	
(v)	INTERIOR SIDE YARD No interior side yard is required provided that if any building or structure is to be erected, altered or used on a lot immediately adjoining a Residential or Development Zone, an interior side yard shall be provided on the side adjoining such Residential or Development Zone. Any such required side yard shall have a minimum width of	3.0 m.
(vi)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area

-
(vii)	HEIGHT OF BUILDING Maximum	10.0 m
(viii) PARKING, ACCESSORY BUILDINGS		
In accordance with the provisions of Section 4 of By-law # 1784.		
(ix) OPEN STORAGE		
The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers.		
(x) Section 4(n)(c)(x) of By-law # 1784, as amended, shall not apply to the subject properties as shown on Schedule A-1 annexed to By-law # 4808-01.		
-

Section 7H Central Commercial (C3) Zone (5956-07)

No person shall within any C3 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

RESIDENTIAL

- apartment dwellings (shall not be located on the first storey of a building or structure) in conjunction with one or more of the following permitted non-residential uses:

NON-RESIDENTIAL

- accessory uses, buildings and structures
- artist or photographic studio
- bakeshop or confectionary shop
- bakeshop
- banquet hall
- clinic
- commercial school
- crisis centre
- dry cleaners depot
- eating establishment provided such use does not contain drive-thru service
- financial institution
- music or dance studio
- office
- office of a public agency
- personal service establishment
- pet grooming
- photocopy store
- place of entertainment
- public service
- recreational fitness facility
- retail store
- service or repair shop
- uses permitted in an I* Institutional Zone
- video or computer rental establishment

(6776-13)

(6776-13)

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	500 m ²
(d)	LOT COVERAGE Maximum	100% of the lot area
(e)	FRONT YARD Minimum Maximum	2.5 m 10 m

	(f)	REAR YARD Minimum	13.5 m
	(g)	INTERIOR SIDE YARD Minimum	0 m
	(h)	EXTERIOR SIDE YARD Minimum Maximum	2.5 m 10 m
	(i)	BUILDING HEIGHT Minimum Maximum	7.0 m 20 m
(6925-14)	(j)	PARKING Repealed by By-law 6925-14	
	(iii)	EXCEPTIONS	
(6356-10) (6600-12)		C3-1: EXCEPTION 1 PART LOT 21, CONCESSION 1 WEST SIDE OF GLEN HILL DRIVE SOUTH	
	(a)	USES PERMITTED	
		No person shall within any C3-1 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:	
		- all uses permitted in the C3 Zone - apartment dwelling house - long term care facility	
(6925-14)	(b)	ZONE PROVISIONS	
		No person shall within any C3-1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:	
	(i)	LOT FRONTAGE Minimum	70 m
	(ii)	LOT COVERAGE Maximum	50% of the lot area
	(iii)	FRONT YARD Minimum Depth	1.5 m
	(iv)	INTERIOR SIDE YARD Minimum Depth	4.5 m
	(v)	REAR YARD Minimum Depth	3 m
	(vi)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
	(vii)	BUILDING HEIGHT Minimum Maximum	4 storeys 10 storeys

(6925-14)	(viii)	NUMBER OF APARTMENT DWELLING UNITS Maximum	80 units
	(ix)	NUMBER OF LONG TERM CARE FACILITY /LONG TERM CARE BEDS Maximum	160 beds
	(x)	PARKING AREA REQUIREMENTS Notwithstanding the provisions of Section 4 General Provisions, subsection (n) Parking Area Requirements of By-law # 1784, only the following parking area requirements shall apply:	
(6925-14)	(a)	NUMBER OF PARKING SPACES Apartment Dwelling House Minimum	1.25 spaces for each unit, plus 0.25 spaces per unit allocated and assigned for visitors parking.
		Long Term Care Facility Minimum	0.25 spaces per bed
	(b)	LOCATION OF PARKING SPACES All yards provided that no part of any parking area, other than a driveway, is located closer than 0.5 metres from any lot line. Provided however, and notwithstanding the above, an underground structure may be located within 0.0 meters of any lot line provided further that any roof deck or finished top level of the parking structure is completely below finished grade level.	

Section 8 **Restricted Industrial (M1) Zone**

No person shall hereafter use any land or erect or use a building or structure in a Restricted Industrial (M1) Zone except in accordance with the following provisions:

(a) USES PERMITTED

(i) INDUSTRIAL

Any building for industrial or warehousing purposes except those which from their nature or the materials used therein are under The Public Health Act or regulations thereunder, declared to be a noxious trade, business, or manufacture and any open storage use that is accessory to the industrial or warehousing use provided that such open storage is restricted to the rear of the main building and not readily visible from the front of the lot. Any use permitted under The Railway Act or any other Statute of Ontario or Canada governing railway operations, including tracks, industrial spurs and other railway facilities.

(ii) COMMERCIAL

Offices incidental to industry, banks, restaurants, parking lots, public garages, a radio or television transmission establishment.

(iii) RECREATIONAL

Auditoriums, swimming pools, golf courses, or other recreational uses which may be accessory and incidental to a commercial or manufacturing use.

(iv) RESIDENTIAL

No residential uses shall be permitted except dwellings for a caretaker, watchman or other similar person employed on the premises concerned and such person's family.

(b) AREA REQUIREMENTS

No person shall within any Restricted Industrial (M1) Zone erect or use any buildings or structures except in accordance with the provisions set out in Schedule "A".

(1981-86) (c) EXCEPTIONS

Notwithstanding the uses permitted in the Restricted Industrial Zone as referred to in Section 8 (a)(i) of By-law 1784, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely: a truck transport terminal.

(6171-09) EXCEPTION 1: M1-1 2001 VICTORIA STREET EAST

- (a) In any M1-1 Zone, the minimum distance from the Greenbelt (G) Zone boundary to any building shall be 1.0 m.
-

(7642-20)

**EXCEPTION 2: M1-2
4680 GARRARD ROAD****1. Defined Area**

The lands located south of Conlin Road and west of Garrard Road and zoned M1-2 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

Notwithstanding the uses permitted in the M1 Zone, in any M1-2 Zone, the following additional uses shall be permitted:

- warehouse distribution facility

3. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, in any M1-2 Zone, the following provisions shall apply:

- (a) Rear Yard Minimum Depth 7.5 m
- (b) Building Height Maximum 15 m
- (c) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room and any architectural features shall not exceed 6 metres.

- (d) Parking and Loading Requirements

- (i) Number of Parking Spaces

The minimum number of parking spaces shall be as follows:

Use or Purpose	Minimum Number of Parking Spaces Required
• Warehouse Distribution Facility • Warehouse Facility	1 parking space per 50 m ² of gross floor area up to 2800 m ² plus 1 additional parking space per 250 m ² of gross floor area of the building in excess of 2,800 m ²

- (ii) Location of Parking Spaces

- Any parking area and parking spaces are permitted in all yards.
- Any parking area and parking spaces shall be setback a minimum distance of 1.8 m from any main building, 3.0 m from any street line and 1.0 m from any other lot line.

(iii)	Driveway Width Maximum	12 m
(iv)	Aisle Width Serving Loading Area – Two Way Maximum	12 m
(e)	Outside Storage	

Notwithstanding the Industrial Uses Permitted in subsection 8(a)(i), accessory open storage including any outside storage of vehicles including commercial vehicles and motor vehicles and any trailers shall be permitted in the rear yard and in the interior side yard provided that such open storage and outside storage is not readily visible from the front yard.

4. Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned M1-2 by this By-law amendment:

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

(7730-21)

EXCEPTION 3: M1-3 NORTH – EAST CORNER OF CONLIN ROAD AND GARRARD ROAD

1. DEFINED AREA

The lands located north of Conlin Road and east of Garrard Road and zoned M1-3 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

Notwithstanding the uses permitted in the M1 Zone, in any M1-3 Zone, the following additional uses shall be permitted:

- warehouse distribution facility

3. ZONE PROVISIONS

Notwithstanding any zone provisions of this By-law to the contrary, in any M1-3 Zone, the following provisions shall apply to the use of warehouse distribution facility:

(a)	Building Height Maximum	35 m
(b)	Roof Top Appurtenances	

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room and any architectural features shall not exceed 6 metres.

(c) Parking and Loading Requirements

(i) Number of Parking Spaces

The minimum number of parking spaces required for a warehouse distribution facility shall be as follows:

- 1 parking space per 50 m² of gross floor area up to 2,800 m² plus;
- 1 additional parking space per 250 m² of gross floor area up to 100, 000 m², plus;
- 1 parking space per 350 m² of gross floor area of building in excess of 100,000m².

(ii) Location of Parking Spaces

- Any parking area and parking spaces are permitted in all yards.
- Any parking area and parking spaces shall be setback a minimum distance of 1.8 m from any main building, 3.0 m from any street line and 6.0 m from the east property line.

(iii) Driveway Width
Maximum

12 m

Provided however that the maximum width for a driveway intended primarily for a truck access to the site shall be 26.0 m measured at the street line.

(d) Outside Storage

Notwithstanding the Industrial Uses Permitted in subsection 8(a)(i), accessory outside storage including any outside storage of vehicles including commercial vehicles and motor vehicles and any trailers shall be permitted in the front yard, rear yard and in the interior side yard provided that such outside storage is not readily visible from any street line.

(e) Determination of Greenbelt (G) Zone Boundary

Notwithstanding the provisions of Section 3 Zones, subsection (b) Zone Boundaries provision (iii) to the contrary, the boundaries of the G Zone shall be as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.

4. Zone Provisions That Do Not Apply

The following subsections of Section 4 – General Provisions shall not apply to the lands zoned M1-3 by this By-law amendment:

4(g) Sight Triangles

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

4A 4.5 Aisle Width Serving a Parking Area of a Non-Residential Use Article (a)

4A 5.4 Location of Loading Spaces article (c)

(7730-21)

**EXCEPTION 4: M1-4
5355 & 5455 ASHBURN ROAD****1. Defined Area**

The lands generally located east of Ashburn Road, south of the future mid-block arterial and zoned M1-4 shall be subject to the provisions 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 M1-4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses referred to in subsection 8(a)(i) of By-law #1784
- ancillary retail sales
- catering service establishment
- commercial self storage warehouse
- craft brewery
- data centre
- food preparation plant
- heavy equipment sales and service
- light manufacturing
- office
- outside storage
- pharmaceutical production facility
- research and development facility
- technology industry
- transport terminal
- warehouse distribution facility
- warehouse facility
- wholesale distribution centre

3. Zone Provisions

Notwithstanding the zone provisions outlined within the M1 Zone Section 8(b), the following zone provisions shall apply to the lands zoned M1-4 and outlined on Schedule "A-1" annexed to this By-law:

(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 M1-4 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting the future east-west arterial road shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot line abutting Ashburn Road shall be deemed the exterior side lot line. All other lot lines are deemed to be interior lot lines.

**(c) Front Yard Setback
Minimum Depth**

10 m

(d)	Exterior Side Yard Setback Minimum Width	10 m
(e)	Parking	
(i)	Number of Parking Spaces Notwithstanding the parking provisions of Section 4A of By-law #1784, the following shall apply:	
	Industrial or Manufacturing Establishment	1.0 space per 250m ² of gross floor area
(ii)	Location of Parking Spaces Any parking area or parking spaces are permitted in all yards.	

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Commercial Self-Storage Facility” means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Heavy Equipment Sales and Service” means a building or part of a building where new and/or used heavy equipment are kept for display and sale, and may include as an accessory use the repair and service of heavy equipment, but shall not include a contractor’s yard.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

“Research and Development Facility” means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Transport Terminal” means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned M1-4 by this By-law amendment:

Schedule A – Lot Coverage

4A – 4.1(b) Location of Parking

4A 4.4 Driveway Width Serving Parking Area of a Non-Residential Use

4A 4.5 Aisle Width Serving a Parking Area of a Non Residential Use

Section 8A
(2235-87)

Prestige Industrial (M1A) Zone

(i) USES PERMITTED

No person shall, within any M1A Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(a) RESIDENTIAL USES

- Prohibited

(b) NON-RESIDENTIAL USES

- auditorium, swimming pool or other recreational or educational use contained within a building
- bank or financial institution
- commercial or technical school
- family restaurant or restaurant
- office building
- parking lot
- place of entertainment
- plant for the assembly and/or manufacture of products within a wholly enclosed structure
- research and development facility
- retail or wholesale outlet, including showroom and service shop, ancillary to a manufacturing or warehouse use on the same lot provided that such retail or wholesale outlet does not occupy more than 10% of the gross floor area of the manufacturing or warehouse use to a maximum of 93 m²
- warehouse for the storage of goods and materials within a wholly enclosed structure except for a biomedical waste transfer, disposal or incineration facility which includes pathological waste, infectious waste, hazardous waste and other waste generated in health care facilities and laboratories that require special handling

(6776-13)

(3525-94)

(ii) ZONE PROVISIONS

No person shall, within any Prestige Industrial Zone (M1A), use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA Minimum	0.4 ha
(b)	LOT COVERAGE Maximum	60% of the lot area
(c)	FRONT YARD Minimum Depth	9.0 m
(d)	REAR YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD Minimum Width	3.0 m
(f)	EXTERIOR SIDE YARD Minimum Width	7.5 m

- (g) **HEIGHT OF BUILDING**
Maximum 12 m

Provided that if any portion of a building is erected above a height of 12 m, such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of zero decimal three m for each zero decimal six m by which such portion of the building is erected above a height of 12 m.

- (h) **USE OF FRONT AND EXTERIOR SIDE YARD**

Maximum of 20% of the required parking for a particular lot may be permitted in the front or exterior side yard and provided no portion of the parking is no closer than 3.0 m to the front or exterior lot lines.

- (i) **OUTSIDE USES PERMITTED**

Save and except parking all permitted uses and other operations incidental thereto including storage shall be carried on within the confines of a building. A storage area with roof but without side walls may be permitted up to the ground floor area of the building, provided that such storage area shall be so located that it is not visible from any public roadway.

- (j) **PARKING, ACCESSORY BUILDINGS, ETC.**

In accordance with Section 4 of By-law 1784.

(iii) EXCEPTIONS

(6191-09)

**Exception 1: M1A-1
1505 Wentworth Street**

- (1) Notwithstanding the uses permitted in the M1A Zone, in any M1A-1 Zone, the following additional uses shall be permitted:
- animal shelter
- (2) Notwithstanding the zone provisions of subsection 8A(ii)(h), 100% of the required parking shall be permitted in the front yard and exterior side yard.

(6893-14)

**Exception 2: M1A-2
Part of Lot 19 and Part of The Road Allowance Between
Lots 18 and 19, Concession 1
Plan of Subdivision SW-2013-06**

1. Uses Permitted

No person shall within any M1A-2 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted in the M1A Zone
- hotel

2. Zone Provisions

No person shall within any M1A-2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the zone provisions of the M1A Zone.

3. Holding Provision

- (a) No person shall use any lot or erect, alter or use any building or structure within any H-M1A-2 Zone shown on Schedule “A-1” to this By-law except in accordance with the following uses:
 - (i) Existing uses at the date of the passing of this By-law
- (b) The “H” holding symbol prefixed to the M1A-2 Zone may be removed in phases but shall not be removed by amendment to this By-law until the following matters, as they pertain to any phase of development are satisfied or fulfilled:
 - (i) A Noise Impact Study prepared by a qualified acoustic engineer has been submitted to the Region of Durham for review and approval which assesses the potential impacts of the proposed land uses on the adjacent sensitive land uses and recommends noise attenuation measures in accordance with Ministry of the Environment guidelines.
 - (ii) The Consumers Drive extension has been constructed to Street ‘A’ or in the alternative, a temporary means of access to Street ‘A’ during regulatory flood conditions has been secured and constructed which is capable of supporting emergency vehicles at the time that construction of Street ‘A’ commences to the satisfaction of the Central Lake Ontario Conservation Authority.

(7164-16)

Exception 3: M1A-3 1801 Wentworth Street

1. Uses Permitted

Notwithstanding the use provisions of subsection 12 (5-Q2) of this By-law to the contrary, any lot or portion thereof located within an M1A-3 Zone may be used for all the permitted uses specified in subsection 12 (5-Q2), plus the following additional use:

- waste transfer station for the handling of dental amalgam

2. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, any waste transfer station for the handling of dental amalgam within an M1A-3 Zone, shall be established in accordance with the following provisions:

- (a) Location of Waste Transfer Station
 - (i) Any waste transfer station for the handling of dental amalgam shall only be situated in the eastern most unit of the building situated at 1801 Wentworth Street as it existed at the date of the passing of this By-law.
 - (ii) Any waste transfer station for the handling of dental amalgam shall be situated no further than 50 metres from the west street line of Forbes Street.
- (b) Gross Floor Area Restriction

Any waste transfer station for the handling of dental amalgam shall occupy no more than 840 square metres of gross floor area.

(c) Zone Provisions that Do Not Apply

The provisions of subsection 12 (5-Q2), Zone Provision (j) Noxious Trade shall not apply to any waste transfer station for the handling of dental amalgam.

(d) 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 # 1784 the following definitions shall apply.

“Waste” means a material licensed or included within a Certificate of Approval issued by Federal, Provincial, or Regional Governments which is not hazardous and not needed by the generator of that material, but does not include a by-product of a manufacturing process that is used, unaltered, in another manufacturing process.

“Waste Transfer Station” means a facility within an enclosed building whose primary purpose is the collection and storage of waste for shipment, and which may include limited sorting or preparation of that waste to facilitate its shipment for final disposal or to a waste processing station, but does not include salvage yards or scrap metal yards.

(7343-17)

Exception 4: M1A-4

Part of Lot 21, Concession 1, Now RP 40R-9151 Part 2 to 4 and RP 40R-10187 Part 1, 2

1. Defined Area

The lands located north of Consumers Drive, west of Thicksen Road South and zoned M1A-4 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 M1A-4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses permitted in the M1A Zone
- new automobile sales dealership
- automobile dealership complex

3. Zone Provisions

a) The zone provisions for any permitted prestige industrial use and any new automobile sales dealership and automobile dealership complex within the M1A-4 Zone shall be in accordance with the respective zone provisions and definitions as those set out in Section 12 – Exceptions, subsection 16-A.

b) Building and Structure Siting Prohibition

In addition to the zone provisions cited in (a) above and notwithstanding any General Provisions to the contrary, within the M1A-4 Zone, no building or structure may be located within 6 metres of the top of slope of the east bank of the Corbett Creek identified as the line between Part 2 and Part 3 of Plan 40R-29408.

(7528-19)

**Exception 5: M1A-5
5360 Thickson Road North****1. Defined Area**

The lands located north of Conlin Road and west of Thickson Road North and zoned M1A-5 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 M1A-5 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses permitted within the M1A Zone
- warehouse distribution facility

3. Zone Provisions

- (a) The zone provisions in an "M1A" Zone shall apply to the lands zoned M1A-5 save and except for 8A(ii)(h) Use of Front and Exterior Side Yard.

- (b) Parking and Loading

The Parking and Loading requirements of Section 4A shall apply to the lands zoned M1A-5 save and except 4.1(b) Location of Parking.

- (c) Determination of Greenbelt (G) Zone Boundary

Notwithstanding the provisions of subsection 3(b)(iii) to the contrary, the boundaries of the G Zone shall be as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.

- (d) Zone Provisions That Do Not Apply

The following subsections of Section 4 - General Provisions shall not apply to the lands zoned M1A-5 by this By-law.

4(g) Sight Triangles

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

(7524-19)

**Exception 6: M1A-6
Thickson Road North, South of Winchester Road East****1. Defined Area**

The lands located south of Winchester Road East and west of Thickson Road North and zoned M1A-6 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 M1A-6 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses permitted within the M1A Zone
 - automobile sales establishment
-

3. Zone Provisions

- (a) The zone provisions in an “M1A” Zone shall apply to the lands zoned M1A-6 save and except for 8A(ii)(h) Use of Front and Exterior Side Yard
- (b) The Parking and Loading requirements of Section 4A shall apply to the lands zoned M1A-6 save and except for 4.1 (b) Location of Parking

(7574-19)

**Exception 7: M1A-7
5295 Thickson Road North****1. Defined Area**

The lands located north of Conlin Road and east of Thickson Road North and zoned M1A-7 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 M1A-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:

- funeral establishment

3. Zone Provisions

- (a) The zone provisions in a “M1A” Zone shall apply to the lands zoned M1A-7

- (b) Determination of Greenbelt (G) Zone Boundary

Notwithstanding the provisions of subsection 3(b)(iii) to the contrary, the boundaries of the G Zone shall be as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.

4. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned M1A-7 by this By-law amendment:

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

(7886-22)

**Exception 8: M1A-8
5550 Baldwin Street South and portion of 145 Winchester Road West****1. Defined Area**

The land located west of Baldwin Street South and north of Highway 407 and zoned M1A-8 shall be subject to the provisions 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 M1A-8 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
 - assembly hall
 - banquet hall
-

- business services including industrial supply, printing/graphic design establishment and other similar services
- catering service establishment
- commercial school
- communication facility
- craft brewery
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- food preparation plant
- hotel
- light manufacturing
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- post-secondary educational facility
- recreational club or facility
- research and development facility
- technology industry

The following uses are prohibited within the M1A-8 Zone:

- automobile sales establishment
- automobile service station
- car wash
- commercial self storage warehouse
- elementary and secondary school
- gas bar
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- warehouse facility
- warehouse distribution centre
- wholesale distribution centre

3. Zone Provisions

No person shall within any M1A-8 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 M1A-8 by this By-law shall be considered to be one lot.
 - (b) **Lot Line Determination**
The lot line abutting Baldwin Street South shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot lines abutting Highway 407 and Finchingfield Drive shall be deemed the exterior side lot lines. All other lot lines are deemed to be interior lot lines.
-

(c)	Front Yard Minimum Depth	14m
(d)	Rear Yard Minimum Depth	3.0m
(e)	Interior Side Yard Minimum Width	3.0m
(f)	Exterior Side Yard Minimum Width	3.0m

Notwithstanding the above, the exterior side yard adjacent to Highway 407 shall be a minimum depth of 14m

(g)	Gross Floor Area Restrictions	
(i)	The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m ² per premise.	
(ii)	The maximum aggregate number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A-8.	
(iii)	Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m ² of gross floor area.	
(iv)	The maximum gross floor area for ancillary retail sales associated with all other uses shall be 250m ² per premise.	
(h)	Height of Building Maximum	8 storeys
(i)	Landscaped Open Space Minimum	15%
(j)	Location of Parking and Loading	

There shall be no parking or loading spaces in the front yard abutting Baldwin Street South or the exterior side yard abutting Finchingfield Drive. All required parking and loading shall be setback a minimum distance of 14m from both the Baldwin Street South streetline and the lot line adjacent to Highway 407.

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with a eating establishment.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

“Outside Storage” means the storage or keeping of goods, inventory, materials, machinery or equipment outside of any building or structure.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner’s distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-8 by this By-law:

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

(7891-22)

Exception 9: M1A-9 South of Hwy #407, East of Baldwin Street South

1. Defined Area

The lands generally located south of Highway #407 situated east of Baldwin Street South and zoned M1A-9 shall be subject to the provisions 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 M1A-9 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
- assembly hall
- banquet hall
- business services including industrial supply, printing/graphic design establishment and other similar services
- catering service establishment
- commercial school
- communication facility
- craft brewery
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- food preparation plant
- heavy equipment sales and service
- hotel
- light manufacturing
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- recreational club or facility
- research and development facility
- technology industry
- warehouse distribution facility
- warehouse facility
- wholesale distribution centre

The following uses are prohibited within the M1A-9 Zone:

- automobile dealership complex
- automobile sales establishment
- automobile service station
- car wash
- commercial self storage warehouse
- elementary and secondary school
- gas bar
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- transport terminal

3. Zone Provisions

No person shall within any M1A-9 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

(i)	Lot Area Minimum	0.4 ha
(ii)	Lot Coverage Maximum	60% of the lot area

(iii)	Landscaped Open Space Minimum	10% of the lot area
(iv)	Front Yard Minimum Depth Maximum Depth	6.0 m 9.0 m
	Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.	
(v)	Rear Yard Minimum Depth	7.5 m
(vi)	Interior Side Yard Minimum Width	3.0 m
(vii)	Exterior Side Yard Minimum Width	6.0 m
(viii)	Height of Building Maximum	8 storeys
(ix)	Gross Floor Area Restrictions	
	- The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m² per premise. - The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A -9. - Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m² of gross floor area. - The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m² per premise.	

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Commercial Self-Storage Facility” means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Heavy Equipment Sales and Service” means a building or part of a building where new and/or used heavy equipment are kept for display and sale, and may include as an accessory use the repair and service of heavy equipment, but shall not include a contractor’s yard.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner’s distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

“Research and Development Facility” means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Transport Terminal” means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-9 by this By-law:

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

(7891-22)

Exception 10: M1A-10 South of Hwy #407, West of Baldwin Street South

1. Defined Area

The lands generally located south of Highway #407 situated west of Baldwin Street South and zoned M1A-10 shall be subject to the provisions 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 M1A-10 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
- assembly hall
- banquet hall
- business services including industrial supply, printing/graphic design establishment and other similar services
- commercial school
- communication facility
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- hotel
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- recreational club or facility
- research and development facility
- technology industry

The following uses are prohibited within the M1A-10 Zone:

- automobile dealership complex
 - automobile sales establishment
 - automobile service station
 - car wash
 - commercial self storage warehouse
 - elementary and secondary school
 - gas bar
 - outside storage
-

- place of worship
- public garage
- retail store
- salvage yard
- transport terminal
- warehouse distribution facility
- warehouse facility
- wholesale distribution centre

3. Zone Provisions

No person shall within any M1A-10 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

(a)	Lot Area Minimum	0.4 ha
(b)	Lot Coverage Maximum	60% of the lot area
(c)	Landscaped Open Space Minimum	10% of the lot area
(d)	Front Yard Minimum Depth Maximum Depth	6.0 m 9.0 m

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

(e)	Rear Yard Minimum Depth	7.5 m
(f)	Interior Side Yard Minimum Width	3.0 m
(g)	Exterior Side Yard Minimum Width	6.0 m
(h)	Height of Building Maximum	8 storeys
(i)	Gross Floor Area Restrictions	
(i)	The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m ² per premise.	
(ii)	The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A -10.	
(iii)	The maximum gross floor area for ancillary retail sales associated with other industrial uses shall be 250m ² per premise.	

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Commercial Self-Storage Facility” means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

“Research and Development Facility” means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Transport Terminal” means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-10 by this By-law:

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

(7907-22)

**Exception 11: M1A-11
Plan of Subdivision SW-2019-01
Vista Court****1. Defined Area**

The land located south of Roybrook Avenue and north of Highway #407 and zoned M1A-11 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in the By-law amendment shall be governed by the relevant provisions of By-law #1784.

2. Uses Permitted

No person shall within any M1A-11 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
- assembly hall
- banquet hall
- business services including industrial supply, printing/graphic design establishment and other similar services
- catering service establishment
- commercial school
- communication facility
- craft brewery
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- food preparation plant
- hotel
- light manufacturing
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- post-secondary educational facility
- recreational club or facility
- research and development facility
- technology industry

The following uses are prohibited within the M1A-11 Zone:

- automobile dealership complex
 - automobile sales establishment
 - automobile service station
 - car wash
 - commercial self storage warehouse
 - elementary and secondary school
 - gas bar
 - outside storage
 - place of worship
 - private school
 - public garage
 - retail store
 - salvage yard
 - warehouse facility
 - warehouse distribution centre
 - wholesale distribution centre
-

3. Zone Provisions

No person shall within any M1A-11 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 M1A-11 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Roybrook Avenue shall be deemed the front lot line and the lot line opposite the front lot line shall be deemed the rear lot line. The lot lines abutting Baldwin Street South and Vista Court shall be deemed exterior side lot lines. All other lot lines are deemed to be interior side lot lines.

(c) Landscaped Open Space
Minimum 15% of the lot area

(d) Front Yard
Minimum Depth 3.0 m
Maximum Depth 6.0 m

(e) Rear Yard
Minimum Depth 14.0 m

(f) Interior Side Yard
Minimum Width 3.0 m

(g) Exterior Side Yard
Minimum Width 3.0 m

Notwithstanding the above yard provisions, the minimum side yard width adjacent to Baldwin Street South shall be 14 m

(h) Height of Buildings
Maximum 8 storeys

(i) Location of Parking

There shall be no parking or loading in the front yard or exterior side yards. All required parking and loading shall be setback a minimum distance of 14 m from both the Baldwin Street South street line and the lot line adjacent to Highway # 407.

(j) Gross Floor Area Restrictions

(i) The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m² per premise.

- (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A-11.
- (iii) Ancillary retail sales associated with light manufacturing shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m² of gross floor area.
- (iv) The maximum gross floor area for ancillary retail sales associated with all other uses shall be 250m² per premise.

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-11 by this By-law amendment:

4(g) Sight Triangles

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

(7989-23)

**Exception 12: M1A-12
1621 McEwen Drive**

1. Defined Area

The lands located on the south side of McEwen Drive and west of Forbes Street and zoned M1A-12 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

Notwithstanding the uses permitted in the M1A Zone, in any M1A-12 Zone, the following additional use shall also be permitted:

- Hydrolysis Facility

3. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, any Hydrolysis Facility within an M1A-12 Zone, shall be established in accordance with the following provisions:

- a) Any Hydrolysis Facility shall only be situated within Unit No. 1 of Building A being the most north easterly unit in Building A as it existed at the date of the passing of this By-law amendment.
- b) The Hydrolysis Facility shall not include a funeral home or funeral home services.

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definition shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784 the following definition shall apply:

“Hydrolysis Facility” means a building or part of a building used for the cremation of human remains by an aquamation process that uses heated water and alkali for the decomposition process instead of a flame-based process and includes everything incidental or ancillary thereto.

(8151-25)

Exception 13: M1A-13
Part of Lots 18 and 19, Concession 1
Plan of Subdivision SW-2013-06

1. Defined Area

The land located north of Stellar Drive, east of Thickson Road South and zoned M1A-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 M1A-13 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted in the M1A Zone
- automobile sales establishment
- warehouse distribution facility
- hotel

Provided that no more than one automobile sales establishment shall be permitted situated no further than 220m from the westerly limit of the subject land.

3. Zone Provisions

Notwithstanding any zone provisions of the By-law to the contrary, in any M1A-13 Zone, the following provisions shall apply:

(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 M1A-13 by this By-law shall be considered to be one lot.

(b) Building Height
Maximum 15 m

(c) Parking Requirements

(i) Number of Parking Spaces

The minimum number of parking spaces shall be as follows:

Use or Purpose	Minimum Number of Parking Spaces Required
• Warehouse Distribution Facility • Warehouse Facility	1 parking space per 50m ² of gross floor area up to 2,800m ² plus 1 additional parking space per 250m ² of gross floor area in excess of 2,800m ²

(ii) Location of Parking Spaces

- Any parking area and parking spaces are permitted in all yards.
- Any parking area and parking spaces shall be setback a minimum of 3.0m from the Stellar Drive Street line.

(iii) Driveway Width

- Maximum 12 m
- Provided however that the maximum width for a driveway intended primarily for a truck access to the site shall be 26.0 m measured at the street line.

(d) Outside Storage

Notwithstanding any zone provisions to the contrary, the parking and storing of commercial vehicles, motor vehicles and any trailers associated with a permitted use shall be permitted in the rear yard provided that such outside storage is not readily visible from any street line.

4. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned M1A-13 by this By-law amendment:

4(m) Ten Percent (%) of Every Lot

4(w) Satellite Dishes

4A(4.4) Driveway Width Serving a Parking Area of a Non-Residential Use

4A(4.5) Aisle Width Serving a Parking Area of a Non-Residential Use

Section 8A1 Brooklin Secondary Plan – Industrial (M1-BP) Zone
Repealed by By-law Amendment 7884-22

Section 8B
(5956-07)**Prestige Industrial – Business Park (M1A-LS) Zone****(a) USES PERMITTED**

No person shall, within any 'M1A-LS' Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(1) RESIDENTIAL USES

- Prohibited

(2) NON-RESIDENTIAL USES

- assembly, processing, office or research and development facility, located within the same lot
- commercial or technical school
- light manufacturing, assembly or processing of goods within a wholly enclosed building
- office ancillary to a permitted non-residential use
- office building
- parking lot
- public use in accordance with Section 4(a) of By-law # 1784
- research and development facility
- retail or wholesale outlet, including showroom and service shop, ancillary to a manufacturing or warehouse use on the same lot provided that such retail or wholesale outlet does not occupy more than 10% of the ground floor area of the manufacturing or warehouse use to a maximum of 93 m²
- warehouse for the storage of goods and materials within a wholly enclosed structure and incidental to a permitted manufacturing

Permitted uses listed herein shall not include a facility for the purpose of processing, warehousing, transfer, disposal or incineration of biomedical, pathological, infectious, hazardous, toxic, industrial, commercial, institutional or domestic waste.

(b) ZONE PROVISIONS

No person shall, within any Prestige Industrial Zone 'M1A-LS', use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(1)	LOT AREA	
	Minimum	1.0 ha
(2)	LOT COVERAGE	
	Maximum	50% of the lot area
(3)	LANDSCAPED OPEN SPACE	
	Minimum	20% of the lot area
(4)	FRONT YARD	
	Minimum Depth	9.0 m
(5)	REAR YARD	
	Minimum Depth	7.5 m
(6)	INTERIOR SIDE YARD	
	Minimum Width	3.0 m

(7)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(8)	HEIGHT OF BUILDING Maximum	12 m

Provided that if any portion of a building is erected above a height of 12 m, such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above a height of 12 m.

(6925-14)	(9)	PARKING Repealed by By-law 6925-14
(4864-01)	(10)	ADDITIONAL SETBACK Repealed by By-law 4864-01
-

Section 8C Prestige Industrial – Automobile Complex (M1A-AC) Zone (5956-07)

EXCEPTIONS

(4528-99) M1A-AC-1: EXCEPTION 1
(5956-07) PART OF LOT 18, CONCESSION 1
(6600-12) 2000 CHAMPLAIN AVENUE

(a) Prestige Industrial - Auto Complex 'M1A-AC-1' Zone

(i) USES PERMITTED

- (a) Any use permitted within the Prestige Industrial 'M1A' Zone provided that where automobile dealership has been located within a 'Block' in the 'M1A-AC-1' Zone, the lands shall only be used for the purpose of automobile dealerships.
- (b) automobile complex.

(ii) ZONE PROVISIONS

PRESTIGE INDUSTRIAL USES

The zone provisions for any permitted industrial use shall be in accordance with the zone provisions of the M1A Zone, Section 8A of By-law # 1784.

AUTOMOBILE COMPLEX

- (a) BLOCK AREA
Minimum 3.0 Hectares
- (b) LOT AREA
Minimum For Each Automobile Dealership 0.8 Hectares
- (c) YARDS

Interior or Rear Yards
Minimum 7.5 m

Front Yards
Minimum 5.0 m
Maximum 40 m
- (d) GROSS FLOOR AREA PER AUTOMOBILE DEALERSHIP
Minimum 1,000 m²
- (e) LOT COVERAGE
Maximum 35%
- (f) LANDSCAPED OPEN SPACE
Minimum 10%

(g) AUTOMOBILE DEALERSHIP PER LOT

The minimum number of automobile dealerships per lot shall be three (3). However, notwithstanding this provision, the minimum number of automobile dealerships that can be provided at any one time shall be two (2) provided that a minimum area within the lot of at least 0.8 hectares is maintained without any building, structure or parking lot.

(h) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

(iii) Notwithstanding the permitted uses in Section 8C(a), the following additional uses shall be permitted:

- automobile service centre;
- automobile service compound that is subordinate and directly related to a permitted use in an automobile service centre and provided that such compound is set back 3.0 m from any lot line, is screened by an acoustical fence on any side of the compound area adjacent to a property occupied by a hotel or motel.

(6600-12) (iv) **Repealed by By-law 6600-12**(6600-12) (v) **Repealed by By-law 6600-12**

(6600-12) (vi) Notwithstanding the zone and use provision for an Automobile Dealership Complex, the minimum lot area associated with each dealership may be reduced to 0.5 hectares where an on-site common vehicle compound is provided for the dealership.

(6600-12) (vii) **DEFINITIONS**

In applying the provisions of Zoning By-law #4528-99, the following definitions set forth shall apply and where there is a conflict between such definitions and definitions set forth elsewhere in By-law # 1784, as amended, the following shall govern:

- (a) **“AUTOMOBILE DEALERSHIP COMPLEX”** shall be composed of a minimum of three (3) building sites on a lot for the development and use of new automobile or motor vehicle sales establishments. Each dealership shall have a minimum lot area of 0.8 hectares and/or three (3) contiguous lots served by a common internal roadway and where each lot has a minimum lot area of 0.8 hectares.
- (b) **“BLOCK”** means a lot, or a portion of a lot, having minimum area of 3.0 hectares which can accommodate at least three (3) new automobile or motor vehicle sales establishments having a minimum area of 0.8 hectares per dealership and/or three (3) contiguous lots served by common internal roadways and where each lot has a minimum area of 0.8 hectares.
- (c) **“AUTOMOBILE SERVICE CENTRE”** means a building or structure comprised of one or more of the following uses: a public garage; automobile service shop; an automobile collision centre; and a motor vehicle rental agency.
- (d) **“AUTOMOBILE SERVICE COMPOUND”** means a vehicle storage area associated with a public garage, where each vehicle is temporarily parked on the ground. Such use shall, notwithstanding any other provision of this By-law, be located any closer than 100 m from the front yard or 3.0 m from any other property or greenbelt zone and shall not have an area exceeding 4,000 m².

(5956-07)

**M1A-AC-2: EXCEPTION 2
NORTHEAST CORNER OF CONSUMERS DRIVE AND SUNRAY STREET
5 SUNRAY STREET**

(i) USES PERMITTED

- any use permitted within the Prestige Industrial 'M1A' Zone.
- automobile dealership complex.

(ii) ZONE PROVISIONS

PRESTIGE INDUSTRIAL USES

The zone provisions for any permitted industrial use shall be in accordance with the zone provisions of the M1A Zone, Section 8A of By-law # 1784.

AUTOMOBILE DEALERSHIP COMPLEX

(a)	LOT AREA Minimum	3.0 ha
(b)	LOT AREA PER NEW AUTOMOBILE SALES DEALERSHIP Minimum	0.8 ha
(c)	YARDS Minimum	
	Interior Side Yard	7.5 m
	Exterior Side Yard	7.5 m
	Rear Yard	7.5 m
	Front Yard	
	Minimum	5.0 m
	Maximum	40 m
(d)	GROSS FLOOR AREA PER NEW AUTOMOBILE SALES DEALERSHIP	
	Minimum	1,000 m ²
(e)	LOT COVERAGE	35%
(f)	LANDSCAPED OPEN SPACE Minimum	10%
(g)	NEW AUTOMOBILE SALES DEALERSHIPS PER LOT	
	The minimum number of new automobile sales dealerships per lot shall be two (2). However, notwithstanding this provision, the minimum number of new automobile sales dealerships that can be provided at any one time shall be one (1) provided that a minimum area within the lot of at least 0.8 hectares is maintained for a future new automobile sales dealership.	
(h)	PARKING	
	In accordance with the provisions of Section 4 of By-law # 1784.	

- (iii) Notwithstanding any other provisions for an Automobile Dealership Complex, the minimum lot area associated with each dealership may be reduced to 0.5 hectares where an on-site common vehicle compound is provided for the dealership.

(7891-22) M1A-AC-3: EXCEPTION 3
SOUTH OF HWY #407, EAST OF BALDWIN STREET SOUTH

1. Defined Area

The lands generally located south of Highway #407 and east of Baldwin Street South and zoned M1A-AC-3 shall be subject to the provisions 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 M1A-AC-3 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with one or more of the following uses:

- all uses permitted are as per the M1A-9 Zone
- automobile sales establishment

3. Zone Provisions

No person shall within any M1A-AC-3 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

(a)	Lot Area Minimum	0.4 ha
(b)	Lot Coverage Maximum	60% of the lot area
(c)	Landscaped Open Space Minimum	10% of the lot area
(d)	Front Yard Minimum Depth Maximum Depth	6.0 m 9.0 m

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

(e)	Rear Yard Minimum Depth	7.5 m

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

(f)	Interior Side Yard Minimum Width	3.0 m

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- (g) Exterior Side Yard
Minimum Width 6.0 m
- Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.
- (h) Height of Building
Maximum 8 storeys
- (i) Gross Floor Area Restrictions
- (i) The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m² per premise.
 - (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A –AC -3.
 - (iii) Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m² of gross floor area.
 - (iv) The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m² per premise.

4. Definitions

For the purpose of the interpretation of the various 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 #1784, the following definitions shall apply:

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Commercial Self-Storage Facility” means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

“Research and Development Facility” means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

“Transport Terminal” means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

“Wholesale Distribution Centre” means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

5. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-AC-3 by this By-law:

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

(7891-22)

Section 8D Prestige Industrial/Health Precinct (M1A/HP) Zone**1. Defined Area**

The land located west of Baldwin Street South, north of the Hydro One hydro corridor and south of the new east – west Type B arterial road and zoned M1A/HP shall be subject to the provisions 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 M1A/HP Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with one or more of the following uses:

(a) Prestige Industrial Uses

- All uses either permitted or prohibited are as per the M1A-9 Zone.

(b) Health Precinct Uses

- clinic
- commercial parking lot or structure
- education training, meeting or conference facility related to health care
- health care complex
- laboratory
- hospital
- research and development facility

(c) Accessory Uses

The following uses are permitted within a building that contains one or more of the permitted uses in the Health Precinct.

- accommodation facility related to healthcare
- eating establishment
- financial institution
- personal service establishment
- pharmacy
- retail store

3. Zone Provisions

No person shall within any M1A/HP Zone use any lot or erect, alter, or use any building or structure for any purpose except in accordance with the following provisions:

(a) Prestige Industrial Uses

(i)	Lot Area Minimum	0.4 ha
(ii)	Lot Coverage Maximum	60% of the lot area
(iii)	Landscaped Open Space Minimum	10% of the lot area

(iv)	Front Yard	
	Minimum Depth	6.0 m
	Maximum Depth	9.0 m
	Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.	
(v)	Rear Yard	
	Minimum Depth	7.5 m
(vi)	Interior Side Yard	
	Minimum Width	3.0 m
(vii)	Exterior Side Yard	
	Minimum Width	6.0 m
(viii)	Height of Building	
	Maximum	8 storeys
(ix)	Gross Floor Area Restrictions	
	(a)	The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m ² per premise.
	(b)	The maximum aggregate number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A/HP.
	(c)	Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m ² of gross floor area.
	(d)	The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m ² per premise.
(b)	Health Precinct Uses	
	(i)	Front Yard
		Minimum Depth
		7.5 m
	(ii)	Rear Yard
		Minimum Depth
		7.5 m
	(iii)	Interior Side Yard
		Minimum Width
		7.5 m
	(iv)	Exterior Side Yard
		Minimum Width
		7.5 m
	(v)	Landscaped Open Space
		15% of the lot area

(vi)	Height of Building Maximum	8 storeys
	Provided however that the maximum building height for a public hospital shall be 12 storeys	
(vii)	Roof Top Appurtenances	
	The maximum height of any roof top appurtenance such as an elevator penthouse, mechanical room/equipment, stair tower, roof top access room and any architectural features shall not exceed 7 metres.	
(viii)	Green Roof	
	• A green roof shall be required on any building greater than 4 storeys in height. • The minimum coverage of available roof spaces covered by the green roof shall be 25% of the total available roof space excluding roof top appurtenances such as an elevator penthouse, mechanical room/equipment, stair tower, roof top access room, and any architectural feature.	
(ix)	Gross Floor Area Restrictions	
	• The maximum gross floor area permitted for an eating establishment, financial institution, personal service establishment and a retail store shall be 250 m² per premise. • The maximum aggregate number of eating establishment, financial institution, personal service establishment and retail store uses shall be 4 such uses for lands zoned M1A/HP.	
(x)	Parking Restrictions	
	• The minimum parking requirements for a public hospital shall be provided in accordance with the results of a Parking Study as required by Section 4A of By-law #1784. • There shall be no parking or loading spaces in the front or exterior side yards.	

4. Definitions

For the purpose of the interpretation of the various 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 and subsection 14.1 of By-law #1784, the following definitions shall apply:

“Accommodation Facility Related to Healthcare” means a room or suite of rooms for non-profit, designed to provide temporary accommodation to person(s) attending health care related uses.

“Commercial Parking Lot or Structure” means a building, part of a building or area of land other than a street or lane, used for the temporary parking of motor vehicles for compensation, but shall not include the storing of impounded, damaged or unlicensed motor vehicles or a salvage yard. A commercial parking lot shall include ten or more parking spaces with parking aisles and with principle access to a street.

“Education Training, Meeting or Conference Facility Related to Healthcare” means a building or part of a building used for instruction, training, workshops, seminars, meetings, or other similar activities related to healthcare and may include accessory food preparation areas.

“Hospital” means any institution, building or other premises established and operated for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved in accordance with Provincial legislation and may include educational research, laboratory and similar facilities related to health care and may also include eating establishment, take-out eating establishment, personal service establishment, retail store and similar uses associated with a hospital.

“Laboratory” means a building used for scientific research, medication testing or experimentation but not facilities for the manufacture or sale of products.

“Pharmacy” means a retail store in which prescription drugs are dispensed and in which non-prescription medicines, health and beauty products, and associated sundry items may be sold.

“Research and Development Facility” means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

5. Zone Provisions That Do Not Apply

The following subsections of Section #4 General Provisions shall not apply to the lands zoned M1A-9, M1A/HP and OS by this By-law amendment.

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

Section 9 Open Storage Industrial (M2) Zone

No person shall hereafter use any land or erect or use a building or structure in an Open Storage Industrial (M2) Zone except in accordance with the following provisions:

(a) USES PERMITTED

(i) OPEN STORAGE

Open Storage uses including salvage yards, wrecking yards and bulk storage yards.

(ii) INDUSTRIAL

Any building for industrial or warehousing purposes except those which from their nature or the materials used therein are under The Public Health Act or regulations thereunder, declared to be a noxious trade, business, or manufacture. Any use permitted under The Railway Act or any other Statute of Ontario or Canada governing railway operations, including tracks, industrial spurs and other railway facilities.

(b) AREA REQUIREMENTS

No person shall within an Open Storage Industrial (M2) Zone erect or use any buildings or structures or use any land for open storage except in accordance with the provisions set out in Schedule "A".

(5996-07)

(c) EXCEPTIONS

1. 4875 THICKSON ROAD NORTH, PART OF LOT 20, CONCESSION 4: EXCEPTION 1

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as the "Subject Property" on "Schedule A-1" attached to and forming part of By-Law # 5996-07. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section

(i) PERMITTED USES

The following additional uses are permitted:

- industrial processing of brick/concrete products
- landscape contractors yard and accessory sales, service, office and showroom
- storage of brick, concrete products, and related aggregates
- storage of trucks, equipment and machinery related to a permitted use

(ii) ZONE PROVISIONS

Open Storage Industrial 'M2-1' uses

Notwithstanding Schedule 'A' Zone Requirements Table of By-law 1784, as amended, the following zone provisions shall apply to the lands shown as the "Subject Property" attached to Schedule A-1 of By-law 5996-07.

(a) NORTHERLY INTERIOR SIDE YARD SETBACK

For any Building or Structure, Open
Storage and/or Industrial Processing
Operation

Minimum

10 m

(b)	SOUTHERLY INTERIOR SIDE YARD Minimum	7.5 m
(c) FRONT YARD SETBACK		
	For any Open Storage of Finished Products Minimum	3.0 m
	For any Open Storage of Brick, Concrete Products and Related Aggregates Minimum	 24 m

All other provisions of By-law # 1784, as amended, shall apply.

Section 10 Greenbelt (G) Zone

(3333-93)
(3454-94)

Repealed by By-law 3454-94

No person shall use any land or erect or alter or use any building or structure in a Greenbelt (G) Zone except in accordance with the following uses and zone provisions:

(a) USES PERMITTED

- (i) conservation area within the jurisdiction of the Central Lake Ontario Conservation Authority;
- (ii) farming;
- (iii) bird rehabilitation centre;
- (iv) any non-residential uses permitted in an Agricultural (A) Zone as outlined under Section 11(a)(ii) subject to Section 10(c) and provided the use is in conformity with Section 11(a)(ii);

(b) ZONE PROVISIONS

No person shall erect or alter or use any building or structure within any Greenbelt (G) Zone except in accordance with the provisions set out in Schedule "A" of this By-law.

(c) FLOOD LAND OR LANDS WITHIN REGIONAL FLOOD

No goods or materials shall be stored and no buildings or structures other than for conservation or flood control projects shall be permitted within the flood plain of any river, stream or watercourse.

(d) EXCEPTIONS

(2633-89)

- (a) Notwithstanding the provisions of Section 10 of By-law 1784, the provisions of By-law 1784, as amended by the By-laws specified hereunder, shall continue to apply to the lands designated in such by-laws, namely By-laws 1510-83 and 2621-89.

(2805-90)
(6507-11)

- (b) **1 WAY STREET**
Repealed by By-law 6507-11

(2805-90)

- (c) Notwithstanding Section 10 of By-law # 1784, the following uses and zone provisions shall apply as an exception to the Greenbelt Zone for the lands identified as "Subject Property" on Schedule "A-2" annexed to By-law # 2805-90:

(i) USES PERMITTED

- one single family dwelling
- accessory buildings

(ii) ZONE PROVISIONS

- (a) No person shall use any portion of the "Subject Property" identified on Schedule "A-2" annexed to By-law # 2805-90 for a single-family dwelling and / or accessory building except within that area delineated as "Building Envelope" on the said Schedule;
- (b) No person shall construct a new habitable structure within the area delineated as "Building Envelope" on Schedule "A-2" annexed to By-law # 2805-90, such that any opening of any kind is located below the elevation of 158.9 metres Canadian Geodetic Datum.

- (c) The respective zone provisions and other requirements of By-law # 1784 shall apply to any development or use of the "Subject Property" shown on Schedule "A-2" annexed to By-law # 2805-90 and without limited the generality of the forgoing, the 'R2' Residential provisions of Schedule "A" to By-law # 1784 shall apply.

(2633-89)

- (d) Notwithstanding Section 10 of By-law 1784 and Section III of By-law # 2633-89 the following shall be permitted as an Exception to the Greenbelt Zone on the property as is specified on Schedule "A-10" annexed to By-law # 2633-89.

(1) **USES PERMITTED**

(a) **NON-RESIDENTIAL USES**

- bank
- custom workshop
- office
- place of entertainment
- restaurant
- retail store
- service shop
- shopping centre
- studio
- undertaking establishment

(b) **RESIDENTAIL USES**

Dwellings in business buildings over stores or offices, of which each dwelling unit shall have a minimum floor area of seventy square metres (70 square metres) exclusive of public or common hallways or stairways and the thickness of the outside walls.

(2) **ZONE PROVISIONS**

In accordance with Section 6 and Schedule "A" to By-law 1784,

- (a) The maximum gross floor area for commercial use in the Greenbelt Zone shall be 375 m².
- (b) The maximum gross floor area for residential use in the Greenbelt Zone shall be 410 m².
- (c) Parking and loading requirements shall be provided in accordance with Sections 4 (n) and (o) of By-law 1784.

(5934-07)

**EXCEPTION 1: (G-1)
5 WAY STREET**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 5934-07.

(i) **ADDITIONAL PERMITTED USES**

The following additional uses are permitted:

(6776-13)

- home based business
- maximum of two accessory buildings to the residential use
- single detached dwelling

(ii) ZONE PROVISIONS

The following zone provisions shall apply:

- (a) No person shall use any portion of the “Subject Property” on Schedule A-1 annexed to By-law number 5934-07, for a single detached dwelling except within that area delineated as “Building Envelope” on the said Schedule A-1;
- (b) No person shall construct a new habitable structure within the area delineated as “Building Envelope” on Schedule “A-1” annexed to By-law 5934-07, such that any opening of any kind is located below the elevation of 162 metres Canadian Geodetic Datum;
- (c) The General Provisions of By-law # 1784, as amended, shall apply to any development or use of the “Subject Property” shown on schedule “A-1” annexed to By-law # 5934-07 and without limiting the generality of the foregoing, the ‘R1-VB’ residential provisions of By-law # 1784 shall apply;
- (d) For the purposes of determining the provisions of this By-law in a “G-1” Zone, the yards shall be measured from the existing lot lines.

(5956-07)

**EXCEPTION 1: (G-1)
PART OF LOTS 21 & 22, CONCESSION 4
GARRARD ROAD**

Notwithstanding the provisions of Section 10, ‘G’ Greenbelt Zone of By-law # 1784, the following shall not be permitted on the lands identified as ‘G-1’ on Schedule A-1 annexed to By-law # 4867-01.

- farming

(5956-07)

**EXCEPTION 2: (G-2)
PART OF LOT 21, CONCESSION 4
4750 AND 4830 THICKSON ROAD NORTH**

- (a) Notwithstanding the provisions of Section 10 ‘G’ Greenbelt Zone of By-law # 1784, only the following shall be permitted within the existing structures on the lands identified as ‘H-G-2’ on Schedule A-1 annexed to By-law # 5411-04.

- contractor’s yard
- public garage (no gas)
- service shop
- motor vehicle rental
- office
- pet grooming
- pool supply centre (no outside storage of chlorine)
- any of the above permitted uses shall be limited to 20% of the building area for outside storage
- veterinary clinic

(6776-13)

No loading spaces are required for any of the uses above

- (b) No person shall use any lot or erect or alter or use any building or structure in any H-G-2 Zone as shown on Schedule A-1 annexed to By-law # 5411-04 except in accordance with the following uses, namely:
 - 4750 Thickson Road North - a single detached dwelling and accessory building having a gross floor area of 310 m²;
 - 4830 Thickson Road North - a single detached dwelling and accessory building having a gross floor area of 385 m².

- (c) The holding zone symbol “H” prefixed to the aforementioned zone designation shall be removed once the following matters have been satisfied or fulfilled, namely:
- That the existing structures, as required, be connected to the municipal water supply prior to a change of use as listed in paragraph (a) above being approved,
 - That prior to a change of use for any of the structures located on the subject lands, a site plan application under Section 41 of the Planning Act shall be approved by the Town.
- (d) Section 4, General Provisions, of By-law # 1784, as amended, shall apply to the subject property except as provided below:
- The parking area for the uses found in Section 2(a) above shall be located to the rear of the main building located at 4750 and 4830 Thickson Road North.

(5312-03)
(5956-07)

EXCEPTION 3: (G-3)
PART OF LOT 21, CONCESSION 4
4700 THICKSON ROAD NORTH

- (a) Notwithstanding the provisions of Section 10, ‘G’ Greenbelt Zone of By-law # 1784, only the following shall be permitted on the lands identified as ‘G-3’ on Schedule A-1 annexed to By-law # 5312-03;
- (i) Contractor’s yard with associated office space, and outdoor storage of associated vehicles, and an existing single detached dwelling, provided that such uses shall be in accordance with the following provisions.
- | | | |
|-----|--|--------------------|
| (a) | Gross Floor Area of Office/Storage Building
Maximum | 400 m ² |
| (b) | Distance of Open Storage Area From
Any Residential Dwelling Unit

Minimum | 45 m |
| (c) | Distance of Open Storage Area from Any Tree Line | 10.0 m |
- (b) Notwithstanding the provisions of Section 10 ‘G’ Greenbelt of By-law # 1784, the following uses shall not be permitted on the lands identified as ‘G’ Greenbelt on Schedule A-1 annexed to By-law # 5312-03.
- (i) any farming and non-residential uses referred to in Section 10(a)(ii) and (iv).
- (c) All other provisions of the by-law shall apply.

(6203-09)

EXCEPTION 4: (G-4)
PART OF LOTS 31-35, BROKEN FRONT CONCESSION & CONCESSION 1

- (1) Notwithstanding the uses permitted in the G Zone, in any G-4 Zone only the following uses shall be permitted;
- conservation area
 - field crops
 - flood and erosion control structures
 - structures and/or facilities for education and interpretive purposes
 - accessory uses including trails, parking facilities, accessory storage and maintenance structures for the sole use of the conservation authority.

(6374-10)**EXCEPTION 5: (G-5)
PART OF LOT 28, CONCESSION 4**

- (1) Notwithstanding the uses permitted in the G Zone, in any G-5 Zone only the following uses shall be permitted:
- flood and erosion control structures
 - garden plots
 - public uses in accordance with the provisions of Section 4(a) of By-law # 1784
 - structures and facilities for education and interpretive purposes
- (2) Provided further that the existing building shown with hatching and labelled “Cullen Cabin” on Schedule “A-1” to this By-law may also be used for the following uses:
- artist and/or photographic studio
 - centre for education and interpretative studies related to cultural activities, arts and or natural heritage
 - museum
 - office
 - retail store
 - tourist establishment

(6356-10)**EXCEPTION 6: (G-6)
PART LOT 21, CONCESSION 1
HYDRO CORRIDOR****(6926-14)**

- (1) Notwithstanding the uses permitted in a G Zone, in any G-6 Zone, the following additional uses shall be permitted:
- parking area associated with and servicing the apartment dwelling house and/or long term care facility situated and abutting immediately to the east.

(6507-11)**EXCEPTION 7: (G-7)
1 WAY STREET****(1) USES PERMITTED**

No person shall within any G-7 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- eating establishment situated on the first and/or second storey of the building existing at the date of the passing of this By-law.
- one dwelling unit situated within the building existing at the date of the passing of this By-law.
- single detached dwelling situated within the building existing at the date of the passing of this By-law.
- single detached dwelling

(2) ZONE RESTRICTIONS

Notwithstanding any provisions of this By-law to the contrary, in any G-7 Zone, the following provisions shall apply:

(a) DEPTH OF G-7 ZONE

The maximum depth of the G-7 Zone measured from the Way
Street streetline shall be

30.5 m

(b) FLOOR AREA RESTRICTION

The maximum floor area devoted to an eating establishment shall be 195 m²

provided however, that the maximum ground floor area devoted to such use shall be 100m²

(c) PARKING SPACES REQUIRED

Minimum 6 spaces

(d) MAIN BUILDING ELEVATION RESTRICTION

No new main building or structure shall be constructed within the G-7 Zone such that any opening of any kind is located below the elevation of 161.6 metres Canadian Geodetic Datum.

(e) APPLICABLE ZONE REQUIREMENTS

The Residential (R-3) Zone provisions and related Schedule "A" zone requirements shall be applicable to the lands within the G-7 Zone.

(6684-12)

**EXCEPTION 8: (G-8)
PART OF LOT 27, CONCESSION 3
PLAN OF SUBDIVISION SW-2007-02**

(1) USES PERMITTED

- passive recreational use that does not involve the erection of any buildings or structures but that preserves and conserves the natural environment, soil, topography and wildlife of the land

(2) ZONE RESTRICTIONS

Notwithstanding any provisions of this By-law to the contrary, in any G-8 Zone, the following provisions apply:

(a) PROHIBITIONS

No accessory building, structure, swimming pool or similar use nor the placing or removal of fill shall be permitted.

(7745-21)

**EXCEPTION 9: (G-9)
PART OF LOTS 31 AND 32, CONCESSION 5
745 WINCHESTER ROAD WEST AND 5515 CORONATION ROAD**

1. DEFINED AREA

The lands located south of Winchester Road West and east of Coronation Road and zoned G-9 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

Notwithstanding the uses permitted in the G Zone, in any G-9 Zone only the following uses shall be permitted:

- conservation area
- flood and erosion control structures
- forest, wildlife and fisheries management

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any G-9 Zone the following provisions shall apply:

- (a) The zone provisions applicable within any G-9 Zone shall be the same as those set out in the G Zone.

- (b) Determination of Greenbelt (G) Zone Boundary

Notwithstanding the provisions of subsection 3(b)(iii) to the contrary, the boundaries of the G-9 Zone shall be as determined by the Central Lake Ontario Conservation Authority.

- (c) Vegetation Protection Zone

A Vegetation Protection Zone shall extend a minimum of 30 metres in width beyond the G-9 Zone Boundary that is beyond the boundary of the Key Natural Heritage Feature provided however and notwithstanding the foregoing, the minimum width of the Vegetation Protection Zone may be reduced to a minimum of 10 metres as determined by the Central Lake Ontario Conservation Authority.

Section 10A Open Space (OS) Zone

(1) USES PERMITTED

No person shall within an OS Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following OS uses; namely:

(a) RESIDENTIAL USES

- prohibited

(b) NON-RESIDENTIAL USES

- private park
- public park
- public use in accordance with the provisions of Section 4(a) of By-law 1784

(2) ZONE PROVISIONS

No person shall within any OS Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

- Such uses prohibited

(b) NON-RESIDENTIAL USES

(i)	LOT COVERAGE Maximum for all buildings	35% of lot area
(ii)	FRONT YARD Minimum Depth	7.5 m
(iii)	REAR YARD Minimum Depth	7.5 m
(iv)	INTERIOR SIDE YARD Minimum Width	7.5 m
(v)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(vi)	LANDSCAPED OPEN SPACE Minimum	30% of lot area
(vii)	HEIGHT OF BUILDING Maximum	13.5 m
(viii)	PARKING, ACCESSORY BUILDING, ETC.	

In accordance with provisions of Section 4 of By-law 1784.

(3) EXCEPTIONS**(4622-00)
(5956-07)****OS-1: EXCEPTION 1
250 CACHET BOULEVARD**

Notwithstanding the provisions of Section 10A(2)(b) of By-law # 1784 to the contrary, the lands zoned "OS-1", as identified on Schedule "A-1" to By-law # 4622-00 shall have the following exception:

- (i) All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.

(6203-09)**EXCEPTION 1: (OS-1)
PART OF LOTS 31-35, BROKEN FRONT CONCESSION & CONCESSION 1**

- (1) Notwithstanding the uses permitted in the OS Zone, in any OS-1 Zone only the following uses shall be permitted:
 - conservation area
 - field crops
 - flood and erosion control structures
 - structures and/or facilities for education and interpretive purposes
 - accessory uses including trails, parking facilities, accessory storage and maintenance structures for the sole use of the conservation authority

(6374-10)**EXCEPTION 2: (OS-2)
PART OF LOT 28, CONCESSION 4**

- (1) Notwithstanding the uses permitted in the OS Zone, in any OS-2 Zone only the following uses shall be permitted:
 - garden plots
 - public uses in accordance with the provisions of Section 4(a) of By-law #1784
 - structures and facilities for education and interpretive purposes

(6876-14)**EXCEPTION 3: (OS-3)
2000 DUNDAS STREET EAST AND 21 GARRARD ROAD****USED PERMITTED**

Notwithstanding the uses permitted in the OS Zone, in any OS-3 Zone the following additional uses shall be permitted:

- cemetery
- cemetery administrative office
- cemetery chapel
- cemetery maintenance building
- columbarium
- crematorium
- funeral establishment
- funeral services
- mausoleum

ZONE PROVISIONS

Notwithstanding any zone provisions of this By-law to the contrary, in any OS-3 Zone the following zone provisions shall apply:

- a) Any new above grade buildings or structures shall be set back from any property line abutting a residential use a minimum of 15 metres.
- b) Any building or structure used for the purpose of a crematorium shall be set back from any property line a minimum of 80 metres.
- c) Any in ground burial plots shall be set back from any property line abutting a residential use a minimum of 4.6 metres.
- d) Any funeral establishment shall be set back from any property line a minimum of 27 metres.
- e) Any funeral establishment shall not exceed a gross floor area of 2,375 square metres.
- f) Notwithstanding Section 4(n)(i) of By-law # 1784, any funeral establishment shall maintain a maximum of 129 parking spaces.

For the purpose of 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 #1784, the following definitions shall apply:

“Funeral Establishment” means premises established for the purpose of providing funeral services and temporarily placing dead human bodies, and in prescribed circumstances cremated human remains, so that persons may attend and pay their respects.

“Funeral Services” means the care and preparation of dead human bodies, the co-ordination and provision of rites and ceremonies with respect to dead human bodies and the provision of such other services as may be prescribed.

Section 10A1 Brooklin Secondary Plan –Development (D) Zone

(2633-89)

(5956-07) (a) Those portions of the zones designated “R1, R2, R3, C1” and “A” on Schedule “B” to By-law 1784 as are specified on Schedule “A-4” annexed to By-law # 2633-89, are hereby changed to Development Zone “D(R)” and “D(NR)”, respectively as shown on Schedule “A-4”, annexed to By-law # 2633-89.

(b) No person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions:

(1) USES PERMITTED

No person shall within any "D" Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following "D" uses, namely;

(a) In a "D" Zone where the Symbol "D" on Schedule "A-4" annexed to By-law # 2633-89 is followed by the Symbol "(R)",

(i) RESIDENTIAL USES

- single detached dwelling

(b) INTERIM USES

- apiary
- aviary
- berry or bush crop
- field crop
- flower garden
- greenhouse
- horticultural nursery
- market garden
- orchard
- public use in accordance with the provisions of Section 4(a) of this By-law 1784, and
- tree crop

(c) In a "D" Zone where the Symbol "D" on Schedule "A-4" annexed to By-law # 2633-89 is followed by the Symbol "(NR)", interim uses,

(ii) INTERIM USES

- apiary
 - aviary
 - berry or bush crop
 - field crop
 - flower garden
 - greenhouse
 - horticultural nursery
 - market garden
 - orchard
 - public use in accordance with the provisions of Section 4(a) of this By-law 1784, and
 - tree crop
-

(2) ZONE PROVISIONS

No person shall within any "D" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

In accordance with Sections 5 of By-law 1784 and I. of By-law # 2633-89, as are applicable, the zone provisions of the "R1" Zone of Schedule "A" to By-law 1784 shall apply except for minimum lot area which shall be 10 hectares; and,

(b) INTERIM USES

(i)	LOT AREA Minimum	10.0 ha
(ii)	LOT COVERAGE For all buildings	maximum 5%
(iii)	FRONT YARD DEPTH Minimum	10.0 m
(iv)	REAR YARD DEPTH Minimum	10.0 m
(v)	INTERIOR SIDE YARD WIDTH Minimum	10.0 m
(vi)	EXTERIOR SIDE YARD WIDTH Minimum	10.0 m
(vii)	BUILDING HEIGHT Maximum	10.0 m
(viii)	PARKING AND LOADING REQUIREMENTS	

In accordance with Sections 4(n) and (o) of By-law 1784.

(3) EXCEPTIONS

(6065-08)
(7383-18)

- (1) **D(R) – DEVELOPMENT (RESIDENTIAL)**
SOUTHWEST CORNER OF BIRCHPARK DRIVE AND GARRARD ROAD
Repealed by By-law Amendment 7383-18

(6892-14)

- (2) **D(R)-2-DEVELOPMENT RESIDENTIAL**
PART OF LOTS 4 AND 5 REGISTERED PLAN # 166
PLAN OF SUBDIVISION SW-2012-04

No person shall use any lot or erect, alter or use any building or structure in the D(R)-2 Zone shown on Schedule A-1 attached to this By-law except in accordance with the uses permitted and zone provisions of subsections 10A1 (1) and (2) respectively of the Brooklin Secondary Plan Development Zone (D).

(6985-15)

- (3) **D(R)-3 – DEVELOPMENT RESIDENTIAL**
PLAN OF SUBDIVISION SW-2008-03

No person shall use any lot or erect, alter or use any building or structure on the lands zoned D(R)-3 by this By-law except in accordance with the uses permitted and zone provisions of subsections 10A1 (1) and (2) respectively of the Brooklin Secondary Plan Development Zone (D).

Section 10B Institutional (I*) Zone (3337-93)

No person shall use any lot, or erect or alter or use any building or structure in any (I*) Zone except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

(6925-14)

- church
- community centre
- daycare centre
- fraternal lodge or institutional hall
- hospital
- jail
- long term care facility
- municipal arena
- school

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	50%
(b)	FRONT YARD Minimum Depth	15 m
(c)	REAR YARD Minimum Depth	10.0 m
(d)	INTERIOR SIDE YARD Minimum Width	10.0 m
(e)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(f)	HEIGHT OF BUILDINGS Maximum	15 m

(iii) EXCEPTIONS

(4622-00)

(5956-07)

I*-1: EXCEPTION 1 340 CARNWITH DRIVE EAST

Notwithstanding the provisions of Section 10B(ii) of By-law # 1784 to the contrary, the lands zoned "I*-1", as identified on Schedule "A-1" to By-law # 4622-00 shall have the following exception:

- (i) All permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.

(5093-02)

(5956-07)

I*-2: EXCEPTION 2 PART OF LOTS 25 AND 26, CONCESSION 4 4101 BALDWIN STREET SOUTH 333 MCKINNEY DRIVE

- (i) Notwithstanding Section 10B(ii)(f) I* Institutional Zone of By-law # 1784, a three storey maximum building height shall apply.

- (ii) With the exception of the above, all other provisions of Section 10B of By-law # 1784 shall apply.

(5093-02)
(6600-12)

**I*-2: EXCEPTION 2
100 TAUNTON ROAD EAST**

- (a) Notwithstanding Section 10B(ii)(f) I* Institutional Zone of By-law # 1784, a three storey maximum building height shall apply.
- (b) Notwithstanding Section 10(B)(i) I* Institutional Zone of By-law # 1784, the following uses shall also be permitted:

(6776-13)

- (i) offices
- (c) With the exception of the above, all other provisions of Section 10B of By-law # 1784 shall apply.

(6043-08)
(6600-12)

**I*-3: EXCEPTION 3
PART OF LOT 24, CONCESSION 5,
PLAN OF SUBDIVISION SW-2004-05, BLOCK 5
Repealed by By-law 7907-22**

Section 10C Brooklin Secondary Plan – Institutional (I-BP) Zone

(2633-89)

(3337-93)

- (a) Those portions of the Zones designated "R1, R2, R3" on Schedule "B" to By-law 1784 as are specified on Schedule "A-9" annexed to By-law # 2633-89 are hereby changed to Institutional Zone "I-BP" as shown on Schedule "A-9" annexed to By-law # 2633-89.
- (b) No person shall use any land or erect or use a building or structure in any zone designated "I-BP" unless such land is serviced by municipal water and sanitary sewer facilities operated by The Regional Municipality of Durham and such building or other structure is connected thereto.
- (c) Notwithstanding the provisions of subsection (b) of this Section 10C, the following shall be permitted in the zones designated "I-BP" respectively, as aforesaid:
 - (i) The continuation, alteration or reconstruction of any institutional building or structure that was in existence as of the 1st day of January, 1989, provided that such alteration or reconstruction is carried out in accordance with all other provisions of this By-law 1784; and,
 - (ii) The erection and use of an accessory building or structure provided that such building or structure is accessory to an institutional use permitted hereunder.
- (d) No persons shall use any land or erect, alter or use any building or structure except in accordance with the following provisions:

(1) USES PERMITTED

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

(a) RESIDENTIAL USES

Any Residential use described in Section 5 hereof which is accessory to a permitted Non-Residential use.

(b) NON-RESIDENTIAL USES

- arena
- boy scouts association use
- church
- community centre
- county jail
- fraternal lodge, association or institutional hall
- girl guides association use
- long term care facility
- nursery school
- office of the Corporation, the Region, the Province of Ontario or the Dominion of Canada
- private school
- public or private hospital
- public use in accordance with the provisions of Section 4(a) hereof
- school
- school under the jurisdiction of the Department of Reform Institutions
- sewage treatment plant
- water supply plant
- YMCA or YWCA

(6925-14)

(6776-13)

(2) ZONE PROVISIONS

No person shall within any "I-BP" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

In accordance with the provisions of Section 5 of By-law 1784 and 5A of By-law # 2633-89.

(b) NON-RESIDENTIAL USES

(i)	LOT COVERAGE Maximum for all buildings	30% of the lot area

(ii)	FRONT YARD Minimum depth	7.5 m

(iii)	REAR YARD Minimum depth	7.5 m

(iv)	INTERIOR SIDE YARD Minimum width	6.0 m

(v)	EXTERIOR SIDE YARD Minimum width	7.5 m

(vi)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area

(vii)	HEIGHT OF BUILDING Maximum	8 storeys

Provided that if any portion of a building is erected above a height of 12 m, such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law a further distance of zero decimal three m for each zero decimal three m by which such portion of the building is erected above a height of

12 m

(viii) PARKING, ACCESSORY BUILDINGS, ETC

In accordance with the provisions of Section 4 of By-law 1784

Section 10D Cemetery (CE) Zone
(5141-02)**(i) USES PERMITTED**

No person shall use any land or erect or alter or use any building or structure in a Cemetery (CE) Zone except in accordance with the following uses and zone provisions:

(a) RESIDENTIAL USES

- prohibited

(b) NON-RESIDENTIAL USES

- cemetery
- mausoleum
- crematorium
- Columbarium
- cemetery office
- cemetery maintenance building
- cemetery chapel

(6776-13)**(ii) ZONE PROVISIONS**

No person shall within any CE Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA Minimum	2.0 ha
(b)	LOT FRONTAGE Minimum	100 m
(c)	FRONT YARD Minimum	9.0 m
(d)	REAR YARD Minimum	9.0 m
(e)	INTERIOR SIDE YARD Minimum	9.0 m
(f)	EXTERIOR SIDE YARD Minimum	9.0 m

Section 11 Agricultural (A) Zone

(3454-94)

No person shall use any land or erect or alter or use any building or structure in any Agricultural (A) Zone except in accordance with the following uses and zone provisions:

(a) USES PERMITTED

(i) RESIDENTIAL USES

- one single detached dwelling provided that such dwelling is owned by a person actively engaged in a full time farm operation on the lot in which such dwelling is to be erected and used;
- one additional single detached farm dwelling provided that such dwelling is used by persons employed on the farm lot on a full time basis who are either full time employees of the farm or members of the farmer's immediate family;
- one single detached dwelling unrelated to farming provided the dwelling is contained on a lot held under distinct and separate ownership from abutting lands as a lot of record as shown by a registered conveyance in the records of the Registry Office or the Land Titles Office as of March 14, 1994, and such single detached dwelling shall only be permitted on a lot of record subject to the lot having a minimum area of 2,785 m², being on private services, having a minimum frontage of 45 m and subject to compliance with the zone provisions set out in Schedule "A" of this By-law and provided further that such lot was on March 14, 1994, vacant of all buildings except where such buildings were accessory buildings or structures considered appropriate and incidental to the use of the lot for a single detached dwelling use.

(ii) FARMING / NON-RESIDENTIAL USES

- farm which shall include but not be limited to farm buildings, field crops, allotment gardens, market gardening, apiaries, nurseries, orchards and greenhouse structures associated with the farm, provided that no new barn, stable, shelter, pen, cage or other building or structure used to house animals or domestic fowl, and no new feed lot or manure storage area associated with the farm, as herein defined, shall be located or erected, after March 14, 1994 closer to a single detached dwelling unit or dwelling house than that distance provided in the Agriculture Code of Practice, as revised or amended from time to time, except for a single detached dwelling unit or dwelling house occupied by a farmer or persons employed at the livestock facility on a full time basis;
 - farm produce retail sales outlet operated on a seasonal basis provided that the majority of such produce offered or kept for sale is the produce of the farm on which such retail sales outlet is located, such retail use is accessory to the producing farm and any independent structures or buildings for the farm produce sales outlet do not exceed 45 m²;
 - conservation area within the jurisdiction of the Central Lake Ontario Conservation Authority;
 - forestry (excluding a lumber planning and saw mill), reforestation;
 - public use in accordance with the provisions of Section 4(a) of this By-law.
 - any golf course which existed on a lot as of March 14, 1994 and as delineated on Schedule "A-1" attached to and forming part of By-law # 3454-94.
-

(6776-13) (iii) HOME OCCUPATION
Repealed by By-law 6776-13

(b) ZONE PROVISIONS

No person shall within any Agricultural (A) Zone erect or use any building or structure except in accordance with the provisions set out in Schedule "A" attached hereto.

(c) SIDE YARDS

Notwithstanding Schedule "A" in respect to a minimum interior side yard for residential uses (other than for persons employed on the same lot), the minimum interior side yard shall not be less than 4.5 m.

(d) PROXIMITY TO LIVESTOCK FACILITIES

No single detached dwelling shall be permitted to locate closer to a livestock facility, as defined herein, except for a single detached dwelling located on the same lot as the livestock facility unless such dwelling is located at a distance in conformity with the Agricultural Code of Practice, as revised or amended from time to time.

(e) DRILLED WELLS

All single detached dwellings shall be served by a drilled well.

(f) OPEN STORAGE

Open storage of goods or materials shall be permitted if accessory to the principal or main use on the lot subject to the open storage being located to the rear of the lot or to the rear of the main buildings or structures located on the lot.

(g) SEWAGE DISPOSAL SYSTEMS

No private sewage disposal system shall be permitted within the flood lands or lands within the regional flood of any river, stream or watercourse.

(h) EXCEPTIONS

(6254-09) EXCEPTION 1: A-1
(6663-12) 360 COLUMBUS ROAD EAST
(7076-15) Temporary Use Expired

(6313-10) EXCEPTION 2: A-2
(6712-13) 7725 CEDARBROOK TRIAL
(7117-16) Temporary Use Expired

(6327-10) EXCEPTION 3: A-3
(6722-13) 3825 CORONATION ROAD
(7124-16) Temporary Use Expired
(7498-19)

(6399-10) EXCEPTION 4: A-4
4655 CORONATION ROAD
Temporary Use Expired

(6448-11) EXCEPTION 5: A-5
29 SHEPHERD ROAD
Temporary Use Expired

(6561-11)
(7835-21)

**EXCEPTION 6: A-6
PART OF LOT 30, CONCESSION 7
870 COLUMBUS ROAD WEST**

1. Notwithstanding the uses permitted in subsection 11(a)(i), the temporary use of a garden suite not exceeding 93m² shall be permitted on the Subject Land municipally known as 870 Columbus Road West but only on a portion of the Subject Lands municipally known as 7045 Country Lane.
2. The zone requirements set out on Schedule “A” to By-law #1784 for the Agricultural – Residential (Other Than Farming) Zone and the General Provisions of Section 4 of By-law #1784 shall apply to the temporary use of a garden suite as provided for in provision (1) above.
3. The temporary use of a garden suite shall cease to be in effect as of December 12, 2024

(5228-03)
(5754-06)
(6103-09)
(6592-12)
(6963-15)

**EXCEPTION 7: A-7
745 WINCHESTER ROAD WEST
Temporary Use Expired**

(6618-12)
(7002-15)
(7397-18)

**EXCEPTION 8: A-8
5295 THICKSON ROAD NORTH
Repealed by By-law 7574-19**

(7162-16)

**EXCEPTION 9: A-9
900 ROSSLAND ROAD WEST
Temporary Use Expired**

(7163-16)
(7527-19)

**EXCEPTION 10: A-10
4120 CORONATION ROAD
Temporary use Expired**

(7497-19)

**EXCEPTION 11: (A-11)
7725 Cedarbrook Trail**

1. Defined Area

The lands located east of Cedarbrook Trail and south of Brawley Road West and zoned A-11 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

Notwithstanding the uses permitted in subsection 11(a)(i) the temporary use of a garden suite situated within the existing dwelling unit shall be permitted on the property municipally known as 7725 Cedarbrook Trail but only on the Subject Land situated in the north-west corner of the lot and shown dotted on Schedule “A-1” to this By-law.

3. Expiry Date

The authorization of the temporary use of a garden suite within the existing dwelling on the Subject Land shall cease to be in effect as of the 15th day of April 2039.

(7510-19)

EXCEPTION 12: A-12
3775 Brock Street North
Temporary use Expired

(7531-19)

(7890-22)

EXCEPTION 13: A-13
Northeast Corner of Thicksen Road North and Columbus Road East
Temporary Use

1. Notwithstanding the uses permitted in subsection 11(a)(ii), the temporary use of a residential sales office shall be permitted on the lands at the northeast corner of Thicksen Road North and Columbus Road East.
2. The temporary use of the residential sales office shall cease to be in effect as of June 24, 2025.

(7713-21)

(8182-25)

EXCEPTION 14: A-14
4618 Country Lane
Repealed by By-law Amendment 8182-25

(8182-25)

EXCEPTION 14: A-14
4618 Country Lane
Temporary Use

1. Notwithstanding the uses permitted in subsection 11(a)(ii), the temporary use of a place of worship shall be granted on land municipally known as 4618 Country Lane.
2. The temporary use of a place of worship shall cease to be in effect as of June 28, 2028.

(7745-21)

EXCEPTION 16: A-16
Part of Lots 31 and 32, Concession 5
745 Winchester Road West and 5515 Coronation Road

1. Defined Area

The lands located south of Winchester Road West and east of Coronation Road and zoned A-16 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

Notwithstanding the uses permitted in the A Zone, in any A-16 Zone only the following uses shall be permitted:

- golf course
- golf driving range

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any A-16 Zone, the following provisions shall apply:

(a) Clubhouse – Gross Floor Area

Maximum excluding any floor area used for golf cart storage and maintenance activities

1858 m²

(b) Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned A-16 by this By-law:

4 m Ten Percent (%) of Every Lot

4(w) Satellite Dishes

Section 11A Agricultural Service (A1) Zone

(1912)

No person shall hereafter use any land or erect or use any building or structure in an Agricultural Service (A1) Zone, except in accordance with the following provisions:

(a) USES PERMITTED

(i) FARMING

In accordance with Section 4, Subsection (i) and Section 11.

(690-78)

(ii) COMMERCIAL (SERVICE)

- agricultural implement sales and service outlet
- motel
- restaurant
- sales outlet for nursery and gardening accessory supplies excepting the sale of barbecues, power tools and equipment, lawn chairs and household fencing materials, providing that such sales outlet is permitted only when associated with an operating nursery on the same premises.

(2072)

(61-74)

(iii) (a) Horse racetrack providing that the lot area is at least 4.0 hectares.

(b) The provisions of Section 4(d) of By-law # 1784 shall not apply to Section 3 of this By-law (Section (iii)(a) above).

(b) AREA REQUIREMENTS

No person shall erect or use any building or structure except in accordance with the provisions set out in Schedule "A".

(c) Notwithstanding the provisions of Schedule "A", no building or structure shall be erected, and no land used, except in accordance with a site plan agreement approved by the Planning Board and the Council, subject to provincial and municipal licensing regulations in effect.

(d) Schedule "A" shall include the following:

ZONE A1

USE

- agricultural implement sales and service outlets
- motels
- restaurants

LOT FRONTAGE (WITHOUT SERVICES)

Minimum

45.5 m

LOT FRONTAGE (WITH PUBLIC WATER SUPPLY OR PUBLIC SANITARY SEWERS)

Minimum

45.5 m

LOT COVERAGE

Maximum

30%

YARD MINIMUM

front (subject to section 4(l) regarding roads)	21.5 m
interior side	10.5 m
exterior side	15 m
rear	7.5 m

MAXIMUM BUILDING HEIGHT

11 m

Section 12 Exceptions

(1826) (A) PART OF LOT 22, CONCESSION 7

Notwithstanding any provisions of this By-law to the contrary, that part of Lot 22, Concession 7, shown on the map annexed to this By-law as Schedule B-22-7a, may be used for the purpose of a golf driving range as shown thereon provided that such use shall comply with the provisions of this By-law for a Highway Commercial (C2) Zone.

(316-70) (B) PART OF LOT 21, CONCESSION 4 - SMITH GRAVEL PIT Repealed by By-law Amendment 5740-06

(317-70) (C) PART OF LOTS 29 & 30, CONCESSION 9 - ANDREW ANTENNA Repealed by By-law Amendment 1967-86

Notwithstanding the provisions of Section 11 of By-law 1784, the following additional uses shall be permitted on the subject property as shown on the attached Schedule "A-1".

- (a) plant for the manufacture of telecommunication frequency cables, antennas, and ancillary devices, including metal and plastic fabricating plants for any such uses.
- (b) test range and towers for telecommunication devices.
- (c) offices incidental to the permitted use as referred to in paragraph 1(a).
- (d) open storage provided that:
 - (i) such open storage is accessory to the permitted use in paragraph 1(a) above;
 - (ii) such open storage shall not be visible from the street on which the lot fronts;
 - (iii) such open storage shall not be permitted to the rear of the main building.
 - (iv) such open storage shall not exceed the permitted gross floor area of the use
 - (v) described by Section 12 (c)(a).

The following zone provisions shall apply to the permitted use as provided for in paragraph 1 above.

(a)	LOT FRONTAGE Minimum	329.18 m
(b)	LOT AREA Minimum	39 ha
(c)	FRONT YARD Minimum Depth	15 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
	Except where any lot or portion thereof abuts a railway right-of-way, no interior side yard shall be required.	
(e)	EXTERIOR SIDE YARD Minimum Width	15 m

- (f) REAR YARD
Minimum Depth 13.5 m
- (g) The maximum gross floor area of the permitted use as referred to in paragraph 1 above shall be 4,134 m²

(474-70) (D) **EAST SIDE OF HIGHWAY NUMBER 12
PART OF LOT 22, CONCESSION 7
Repealed by By-law Amendment 1541-83**

(3321-93) (E) **PART OF LOT 20, CONCESSION 9
9620 BALDWIN STREET NORTH
Repealed by By-law Amendment 6600-12**

(569-71) (F) **RETAIL FURNITURE STORE, NORTH SIDE DUNDAS STREET EAST, 200.72 M
EAST OF THICKSON ROAD, Lot 20, CONCESSION 2**

- (a) Notwithstanding any provisions of By-law 1784, the maximum total storage floor area accessible to the public or otherwise shall not exceed 25% of the total ground floor area on the lands described in paragraph (d) below.
- (b) Notwithstanding the provisions of Section 4 Subsection (n) of By-law 1784, the minimum parking requirements for the lands described in paragraph (d) below shall be one space per 74 m² of floor area.
- (c) Notwithstanding the provisions of Schedule "A" of By-law 1784, the interior side yard provision shall not apply to the west interior side yard of the lands described in paragraph (d) below.
- (d) The lands referred to in paragraphs (a), (b) and (c) above are designated "C1" as shown on Schedule "A" attached hereto.

(603-71) (G) **SOUTH-WEST CORNER OF LOT 23, CONCESSION 5**

Notwithstanding the provisions of Subsection (a) (vii) of Section 11, one single family detached dwelling may be erected and used on the lands described in paragraph 2 hereunder provided that such lot was vacant as of the 14th day of May, 1970 and was held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at such date.

- (2) ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby in the County and Province of Ontario and being composed of that part of the South half of Lot 23 in Concession 5 of the said Town of Whitby, formerly in the Township of Whitby, described as follows:

PREMISING the Southerly limit of said lot to have a bearing of North 72 degrees 33 minutes and 30 seconds East and relating all bearings herein thereto:

COMMENCING at the South-West angle of said Lot 23;

THENCE North 17 degrees 42 minutes and 30 seconds West along a fence, defining the existing Westerly limit of said Lot 23, and its Northerly production, a distance of 60.96 m;

THENCE North 72 degrees 33 minutes and 30 seconds East, 45.72 m;

THENCE South 17 degrees 42 minutes and 10 seconds East, 60.96 m to a point in the Southerly limit of said lot, distance 45.72 m Easterly thereon from the Point of Commencement;

THENCE South 72 degrees 33 minutes and 30 seconds West along said Southerly limit, 45.72 m to the Point of Commencement.

(724-72)	(H)	PART OF THE NORTH-WEST QUARTER, LOT 18, CONCESSION 3 Repealed by By-law Amendment 4320-99	
(823-72)	(I)	6760 BALDWIN STREET NORTH Repealed by By-law Amendment 2633-89	
(220-75)	(J)	NORTH SIDE DUNDAS STREET EAST (HIGHWAY 2) PART OF LOT 20, CONCESSION 2 Repealed by By-law Amendment 1850-85	
(1931-85)	(K)	1540 DUNDAS STREET EAST	
	(a)	Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the following additional use of retail stores shall be permitted on the Subject Property as shown on Schedule "A-1" to a maximum of 1350 m ² of gross floor area.	
	(b)	That Section 4(l) and 4(n) of By-law 1784 shall not apply to the Subject Property as shown on Schedule "A-1" annexed to this By-law.	
	(c)	Notwithstanding the zone provisions of Section 7E (2)(iv) of By-law 1784, it is hereby replaced by the following:	
	(d)	EXTERIOR SIDE YARD Minimum Width	3.0 m
	(e)	Notwithstanding the zone provision of Section 7E(2)(v) of By-law 1784, it is hereby replaced by the following: REAR YARD Minimum Depth	0.0 m
	(f)	Notwithstanding Section 4(n) of By-law 1784 the minimum number of parking spaces to be provided on the Subject Property as shown on Schedule "A-1" shall be	228 spaces
(871-72)	(L)	14 CHURCH STREET, BROOKLIN Repealed by By-law Amendment 6600-12	
(1074-73)	(M)	PART OF LOT 32, CONCESSION 5 Repealed by By-law Amendment 7143-16	
(1087-73)	(N)	PART OF LOTS 29, 30, 31 and 32, CONCESSION 2	
	(a)	Notwithstanding Section 3(i), (ii), (iii) and Schedules "A" and "B" referred to in said Section 3 to By-law 1784 (as amended), the following provisions shall apply to the lands outlined on Schedule "B" to this By-law. All other sections of By-law 1784 shall apply.	
	(b)	The lands outlined on Schedule "B" to this By-law have been divided into various use zones as follows:	
		"R-1-A"	Single Family Detached Housing
		"R-2-A"	Single Family Detached Housing
		"R-3-B"	Single Family Semi-Detached Housing
		"R-4-A"	Group Housing
(540-77)		"R-4-B"	Single Family Town House Dwelling
		"C-1"	Neighbourhood Commercial
		"I"	Institutional

"G" Greenbelt

The extent and boundary of these zones are shown on Schedule "B" to this By-law, which hereby amends Schedule "B" to By-law 1784.

- (c) The permissible uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, gross floor area, the minimum landscaped open space, the maximum height of buildings and all other zone provisions are set out herein for the respective zones.

(d) **"R-1-A" – SINGLE FAMILY DETACHED HOUSING**

(i) USE PERMITTED

No person shall, within any "R-1-A" Zone use any lot, or erect, alter or use any building or structure for any purpose except for a single family detached dwelling house and in accordance with the following provisions:

(ii) ZONE PROVISIONS

(645-78)	(a)	LOT FRONTAGE Minimum	18.5 m
	(b)	LOT DEPTH Minimum	30.5 m
	(c)	LOT AREA Minimum	558 m ²
	(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area
	(e)	FLOOR SPACE INDEX Maximum	0.35
	(f)	FRONT YARD Minimum	4.5 m
		except in the case of an entrance to a garage or carport, the minimum is	6.0 m
	(g)	REAR YARD Minimum	10.5 m
		except in the case of a rear yard abutting a street of 29 m or more in width the minimum is	20 m
	(h)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first
(477-77)		except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m

(i)	EXTERIOR SIDE YARD	
	Minimum	4.5 m
	except in the case of an entrance to a garage or carport the minimum is	6.0 m
	except in the case of a yard abutting a street of 29.0m or more in width, the minimum is	9.0 m
(j)	LANDSCAPED OPEN SPACE	
	Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING	
	Maximum	8.0 m
(l)	PARKING	
	Minimum	2 spaces per dwelling unit

(e) R-2-A – SINGLE FAMILY DETACHED HOUSING

(i) USE PERMITTED

No person shall within any "R-2-A" Zone use any lot, or erect, alter or use any building or structure for any purpose except for a single family detached dwelling house in accordance with the following provisions:

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE	
	Minimum	13.5 m
(b)	LOT DEPTH	
	Minimum	30.5 m
(c)	LOT AREA	
	Minimum	465 m ²
(d)	LOT COVERAGE	
	Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX	
	Maximum	0.35
(f)	FRONT YARD	
	Minimum	4.5 m
	except in the case of an entrance to a garage or carport, the minimum is	6.0 m
(g)	REAR YARD	
	Minimum	10.5 m
	except in the case of a rear yard abutting a street of 29 m or more in width, the minimum is	20 m

(645-78)

(477-77)	(h)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first
		Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m
	(i)	EXTERIOR SIDE YARD Minimum	4.5 m
		Except in the case of an entrance to a garage or carport the minimum is	6.0 m
		Except in the case of a yard abutting a street of 29 m or more in width, the minimum is	9.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
	(k)	HEIGHT OF BUILDING Maximum	8.0 m
(f)	(l)	PARKING Minimum	2 spaces per dwelling unit
	"R-3-B" – SINGLE FAMILY SEMI-DETACHED HOUSING		
	(i)	USE PERMITTED	
	(a)	No person shall within any "R-3-B" Zone use any lot, or erect, alter or use any building, or structure for any purpose except for a single family semi-detached dwelling house and in accordance with the following provisions:	
	(ii)	ZONE PROVISIONS	
	(a)	LOT FRONTAGE Minimum	9.0 m
	(b)	LOT DEPTH Minimum	30.5 m
	(c)	LOT AREA Minimum	279 m ²
	(d)	LOT COVERAGE Maximum for all buildings	30% of the lot area
	(e)	FLOOR SPACE INDEX Maximum	0.40
(645-78)	(f)	FRONT YARD Minimum	4.5 m
		Except in the case of an entrance to a garage or carport, the minimum is	6.0 m

(477-77)	(g)	REAR YARD Minimum	10.5 m
		Except in the case of a rear yard abutting a street of 9 m or more in width, the minimum is	20 m
	(h)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first
		Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m
	(i)	EXTERIOR SIDE YARD Minimum	4.5 m
		Except in the case of an entrance to a garage or carport, the minimum is	6.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
	(k)	HEIGHT OF BUILDING Maximum	8.0 m
	(l)	PARKING Minimum	2 spaces per dwelling unit
	(g)	"R-4-A" – GROUP HOUSING	
(645-78)	(i)	USE PERMITTED	
		No person shall within any "R-4-A" Zone use any lot, or erect, alter or use any structure for any purpose except for group housing and in accordance with the following provisions:	
	(ii)	ZONE PROVISIONS	
	(a)	LOT FRONTAGE Minimum	61 m
	(b)	LOT AREA Minimum	0.6 ha
	(c)	LOT COVERAGE Maximum for all buildings	30% of the lot area
	(d)	FLOOR SPACE INDEX Maximum	0.45
	(e)	YARDS	
	(i)	from any street line, minimum	10.5 m
	(ii)	from any interior side or rear lot line, minimum	7.5 m
	(iii)	except in the case of a yard abutting a 0.3 m reserve, the minimum is	12 m

(iv)	except where this 0.3 m reserve abuts a street of 29m or more in width, the minimum is	20 m
(f)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(g)	HEIGHT OF BUILDINGS Maximum	9.5 m
(h)	DISTANCE BETWEEN BUILDINGS	
	Minimum distance between two exterior walls facing and parallel to each other where both walls contain a living room window	21.5 m
	Minimum distance between two exterior walls where one wall contains a living room window and the other wall a habitable room window	15 m
	Minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows	12 m
	Minimum distance between two exterior walls facing and parallel to each other where both walls contain habitable room windows	10.5 m
	Minimum distance between two exterior walls facing and parallel to each other where one wall contains a habitable room window and the other wall contains no habitable room windows	6.0 m
	Minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room windows	3.0 m
	Notwithstanding the foregoing provisions of this paragraph the following distances shall apply for courtyards:	
	The minimum distance shall not be less than the combined height of facing and parallel walls, however, an overlap of 1.5 m or less shall be deemed not to constitute a facing and parallel wall.	
(i)	NUMBER OF DWELLING UNITS	
	The maximum number of dwelling units shall be determined by Lot area requirements for individual dwelling units as follows: for each dwelling unit 186 m ² plus 42 m ² for each bedroom	
(j)	PARKING Minimum	2 spaces per dwelling unit of which 75% be covered
(k)	DISTANCE OF COMMON PARKING FROM	
	(1) a wall with a living room window	10.5 m
	(2) a wall with a habitable room window	10.5 m

(3)	a wall with no windows to habitable or living rooms	3.0 m
(4)	from any street line	6.0 m
(5)	from any interior or rear yard	3.0 m

(I) SITE PLANS

No group housing may be established in an "R-4-A" Zone except in accordance with a site plan approved by the Town of Whitby relating to the exterior architectural design and location of the building and landscaping of the lot.

(540-77)

(ga) **"R-4-B" – SINGLE FAMILY TOWN HOUSE DWELLING**

No person shall use any lot or erect or alter or use any building or structure in any "R-4-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(i) **USES PERMITTED**

- (a) single family town house dwelling

(ii) **ZONE PROVISIONS**

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT AREA Minimum	186 m ²
(c)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(d)	FLOOR SPACE INDEX Maximum	0.65
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except in the case of a rear yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more the minimum depth is	20 m

(g) INTERIOR SIDE YARD

There is no interior side yard requirement except in the case of the unattached wall of the end dwelling unit, in which case, the interior side yard shall be a minimum width of

1.2 m plus 0.6 m for each storey or partial storey above the first storey

(h) EXTERIOR SIDE YARD

Minimum Depth

4.5 m

Provided, however and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line a minimum distance of

6.0 m

(i) LANDSCAPED OPEN SPACE

Minimum

45% of the lot area

(j) HEIGHT OF BUILDINGS

Maximum

9.5 m

(k) SITE PLAN

No dwellings or other buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design and location of such dwellings or other buildings on the lot.

(l) PARKING

(i) Notwithstanding the provisions of Section 4(n) of By-law 1784, there shall be provided and maintained for each Town House Dwelling Unit upon the lot upon which such Dwelling Unit is situated, two parking spaces;

(ii) The distance from the intersection of any street lines and the nearest driveway shall be at least

7.5 m;

(iii) No person shall store or park any commercial vehicle in an "R-4-B" Zone if such vehicle has a capacity in excess of 0.46 tonnes

(gb) DEFINITIONS

For the purpose of the interpretation of the various zone provisions set forth aforesaid, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784 then the definitions hereinafter set forth shall take precedence.)

(i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, basement and cellar) to the total lot area.

- (ii) **"LOT FRONTAGE"** means a horizontal distance between the side lot lines. Where such lot lines are not parallel the lot frontage shall be the distance between the side lot lines measured on a line parallel to the front lot line and 7.5 m distance therefrom.
- (iii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of zero decimal three m in width owned by The Corporation of the Town of Whitby or owned by The Regional Municipality of Durham.
- (iv) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m.
- (v) **"PARKING SPACE"** means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles, and may be located in a private garage, private driveway or carport.
- (vi) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side each of which dwelling unit;
 - has a separate front and rear entrances or separate front and side entrances; and
 - is attached to one or both sides by a common party wall to another dwelling unit in the same row; and
 - contains a private garage within each unit.
- (vii) **"SEMI-DETACHED DWELLING HOUSE"** means one or pair of two attached single family dwelling houses with a common party wall (either above or below grade) dividing the pair of family dwelling houses vertically, each of which has an independent entrance from the outside.
- (viii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(h) C-1 – NEIGHBOURHOOD COMMERCIAL

No person shall, within any "C-1" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with By-law 1784 and Section 6 thereof. Notwithstanding the foregoing provisions of this paragraph, the permitted uses shall exclude undertaking establishments, custom workshops, parking lots and residential dwellings.

(i) I – INSTITUTIONAL

(i) USES PERMITTED

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

- Arena
- Church
- community Centre
- day care centre

(6925-14)

- long term care facility
- nursery school
- private school
- school
- swimming pool

and in accordance with the following provisions:

(ii) **ZONE PROVISIONS**

(a)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(b)	FRONT YARD Minimum	15 m
(c)	REAR YARD Minimum	10.5 m
(d)	INTERIOR SIDE YARD Minimum	10.5 m
(e)	EXTERIOR SIDE YARD Minimum	10.5 m
(f)	HEIGHT OF BUILDING Maximum	12 m

(J) **G – Greenbelt**

No person shall, within any "G" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of Section 10 of By-law 1784.

- (k) Notwithstanding the provisions of Section 2 (Parking Space Definition) of the By-law 1784, as amended.

For the purpose of this By-law,

"PARKING SPACE" may be located in a private garage or carport or as a private driveway providing same has a minimum area of 18 m² and having a minimum dimension of 3.0 m by 6.0 m.

- (l) For the purposes of this By-law

"HABITABLE ROOM" means a room designed for sleeping, eating or food preparation including a den, library, sewing room or enclosed sun room.

- (l) For the purpose of this By-law

"LIVING ROOM" shall mean a parlour or sitting room.

- (m) For the purpose of this By-law

"FLOOR SPACE INDEX" means the ratio of the gross floor area (excluding garage and cellar) to the total lot area.

- (n) For the purpose of this By-law

"CELLAR" means that portion of a building between two floor levels which is partly or wholly underground which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.

- (o) For the purpose of this By-law

"REQUIRED LIVING ROOM WINDOWS" means in accordance with the requirements of the National Building Code.

- (p) For the purpose of this By-law, such exterior walls having an angle of divergence of not more than 85 degrees shall be deemed to face and be parallel to each other.

In this clause,

"ANGLE OF DIVERGENCE" means the interior acute angle formed by and lying between such two exterior walls or their projection.

- (q) For the purpose of this By-law

"COURTYARD" means a private courtyard, access to which is only through the building containing the dwelling unit.

- (r) Notwithstanding the provisions of Section 2 (Definitions) of By-law 1784, for the purposes of this By-law

"HEIGHT" and **"HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,

- (a) in the case of a flat roof the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and
- (c) in the case of a gable, hip or gambrel roof the mean heights between the eaves and the ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

- (s) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land zero decimal three m in width owned by the Municipality and immediately adjoining a public highway. For the purposes of yard setback provisions and frontage requirements of this By-law a 0.3 m reserve shall be deemed not to exist.

- (t) **"GROUP HOUSING"** means one or more structures of three or more attached single family dwelling units or court houses located on the same lot, which lot is retained under one ownership provided, however, that this definition shall not exclude the sale of any such attached single family dwelling units or court houses under the provisions of The Condominium Act.

(50-74)

(P)

PART OF LOT 20, CONCESSION 1
Repealed by By-law Amendment 6600-12

(67-74) (Q) PART OF LOT 18, CONCESSION 1**(344-76)**

(a) Notwithstanding Section 3 (a) (i), (ii) and (iii) and Schedules "A" and "B" referred to in said Section 3 (a) to By-law # 1784 (as amended) the following provisions shall apply to the lands outlined on Schedule "A" to this By-law. (All other sections of By-law 1784 apply.)

(b) The lands outlined on Schedule "A", to this By-law have been divided into the following zone categories:

R-2-A Single Family Detached Housing

G Greenbelt

The extent and boundary of these zones are shown on Schedule "A" to this By-law which here by amends Schedule "B" to By-law # 1784.

(c) The permissible uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, gross floor area, the minimum landscaped open space, the maximum height of buildings and all other zone provisions are set out herein for the respective zones.

(d) R-2-A – SINGLE FAMILY DETACHED HOUSING**(i) USE PERMITTED**

No person shall within any "R-2-A" Zone use any lot or erect, alter or use any building or structure for any purpose except for a single family detached dwelling house and in accordance with the following provisions:

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.35

(672-78)

(f) FRONT YARD
Minimum
4.5 m except in the case of an entrance to a garage carport or the minimum is 6.0 m

(723-78)	(g)	REAR YARD Minimum	10.5 m
		Except in the case of a rear yard abutting a 0.3 m reserve the minimum is	15 m
		Except where this 0.3 m reserve abuts a street of 29 m or more in width the minimum is	20 m
	(h)	INTERIOR SIDE YARD Minimum width	1.5 m
		Provided, however and notwithstanding the above	
	(a)	The exterior wall of the second storey of any building shall be set back a distance of at least 2.0 m from the side lot line.	
	(b)	The exterior wall of the third storey of any building shall be set back a distance of at least 2.5 m from the side lot line.	
	(c)	Where no garage or carport is provided on the lot the minimum width of one of the interior side yards shall be 4.3 m	
	(i)	EXTERIOR SIDE YARD Minimum	4.5 m
		Except in the case of an entrance to a garage or carport the minimum is	6.0 m
		Except in the case of a yard abutting a street of 29 m or more the minimum is	9.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
	(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
	(l)	PARKING Minimum	2 spaces per dwelling unit

(e) G GREENBELT

No person shall within any "G" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of Section 10 of By-law 1784.

- (f) Notwithstanding the provisions of Section 2 (Parking Space Definition) of By-law # 1784 as amended, for the purpose of this By-law a "PARKING SPACE" may be located in a private garage or carport or as a private driveway provided the same has a minimum area of 18 m² and having a minimum dimension of 3.0 m by 6.0 m.

- (g) For the purpose of this By-law

"HABITABLE ROOM" means a room designed for sleeping, eating or food preparation including a den, library, sewing room or enclosed sun room.

- (h) For the purpose of this By-law

"LIVING ROOM" shall mean a parlour or sitting room.

- (i) For the purpose of this By-law
- "FLOOR SPACE INDEX"** means the ratio of the gross floor area (excluding garage and cellar) to the total lot area.
- (j) For the purpose of this By-law
- "REQUIRED LIVING ROOM WINDOWS"** means in accordance with the requirements of the National Building Code.
- (k) Notwithstanding the provisions of Section 2 (Height, Building definition) of By-law # 1784, for the purposes of this By-law
- "HEIGHT"** and **"HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and
- (c) in the case of a gable, hip or gambrel roof the mean heights between the eaves and the ridge, exclusive of any accessory roof construction such as a chimney, tower steeple or television antenna.
- (l) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land zero decimal three metres in width owned by the Municipality and immediately adjoining a public highway. For the purposes of yard setback provisions and frontage requirements of this By-law, a 0.3 m reserve shall be deemed not to exist.

(408-76) (R) PART OF LOT 19, CONCESSION 2

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A" and "G" of the lands so marked "R-2-A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-A – SINGLE FAMILY DETACHED DWELLING

(i) USE PERMITTED

- single family detached dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area

(e)	FLOOR SPACE INDEX Maximum	0.35
(f)	FRONT YARD Minimum depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum width	1.2 m plus 0.6 m for each storey or partial storey above the first.
	Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	Provided, however and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	9.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING In accordance with provisions of Section (c) of this By-law.	

(c) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m.

(iv) THE USE OF PARKING SPACES AND AREAS

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonnes capacity.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land 0.3 m in width owned by The Corporation of the Town of Whitby or owned by The Regional Municipality of Durham.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (iv) **"HEIGHT" and "HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
- (b) in the case of a mansard roof, the deck roof line and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (vii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**
sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**
drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**
unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.0 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.
- (viii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(641-78) (S) PART OF LOT 20, CONCESSION 1

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A" and "G" of the lands so marked "R-2-A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

R-2-A – SINGLE FAMILY DETACHED DWELLING

(i) USE PERMITTED

- single family detached dwelling

(ii) ZONE PROVISIONS

- (a) **LOT FRONTAGE**
Minimum

15 m

(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.35
(f)	FRONT YARD Minimum depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 6 m	
(g)	REAR YARD Minimum Depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m, the minimum depth is	15 m
	Except where this zero decimal three reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum width	1.2 m plus 0.5 m for each storey or partial storey above the first
	Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	9 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING In accordance with provisions of Section (c) of this By-law.	

(c) **PARKING AREA REQUIREMENTS**

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.

(iii) **LOCATION OF PARKING SPACES**

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m.

(iv) **THE USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonnes.

- (d) For the purpose of the interpretation of this By-law the various zone provisions set forth in the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (iv) **"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
- (b) in the case of a mansard roof, the deck roof line and,
- (c) in the case of gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple, or television antenna.

- (v) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
- (vi) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (vii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (viii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**
sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**
drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**
Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.

(242-75)

**(T) NORTH-EAST CORNER - MANNING AND HAZELWOOD DRIVE
LOT 1, REGISTERED PLAN NUMBER M-60
139 AND 141 HAZELWOOD DRIVE**

- (a) Notwithstanding the provisions of Section 5(f)(a) of By-law 1784 relating to Residential Zone (R2), the following minimum lot area requirements shall apply to the lands referred to in paragraph (b) to this By-law, namely:

Interior Lot	650 m ²
Corner Lot	929 m ²
- (b) The lands referred to in paragraph (a) are composed of all of Lot 1, according to Registered Plan Number M-60 and are more particularly shown on Schedule "A" annexed hereto and designated as "Subject Property"

(399-76) (U) PART OF LOTS 19 and 20, CONCESSION 1

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A", "R-3-A", "R-3-B", "R-4-A", "R-4-B", "C-1", "I" and "G" of the lands designated as "R-2-A", "R-3-A", "R-3-B", "R-4-A", "R-4-B", "C-1", "I" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-2-A – SINGLE FAMILY DETACHED DWELLING**(I) USE PERMITTED**

- single family detached dwelling

(II) ZONE PROVISIONS

	(a)	LOT FRONTAGE Minimum	15 m
	(b)	LOT DEPTH Minimum	30.5 m
	(c)	LOT AREA Minimum	465 m ²
(1170-81)	(d)	LOT COVERAGE Maximum for all buildings Maximum for all buildings	25% of the lot area 33% of the lot area (1170-81, Lots 247, 252, 262-539, M-1180)
(1643-84)	(e)	FLOOR SPACE INDEX Maximum	0.35
		However and notwithstanding, the above floor space index shall not apply to lots 247 to 539 inclusive on Registered Plan M-1180.	
	(f)	FRONT YARD Minimum	4.5 m
		Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(1494-83) (1496-83)	(g)	REAR YARD Minimum Depth Minimum Depth	10.5 m 10 m (1496-83, Lots 247-389, 397-416, 431-539, M-1180)
		Except in the case of a rear yard abutting a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	20 m

(h)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first storey.
	Except where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards is	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	9.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING	
	In accordance with Section (h) of this By-law.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-3-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-3-A – SINGLE FAMILY LINK DWELLINGS

(i) USE PERMITTED

- single family link dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	279 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
	Maximum for all buildings	40% of the lot area for Lots 247-252, 262-539, M-1180)

(1170-81)

(1643-84)	(e)	FLOOR SPACE INDEX Maximum	0.45
		However and notwithstanding, the above floor space index, shall not apply to lots 247 to 539 inclusive on Registered Plan M-1180.	
(1496-83)	(f)	FRONT YARD Minimum Depth	4.5 m
		Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
	(g)	REAR YARD Minimum Depth	10.5 m
		Minimum Depth (Lots 247-389, 397-416, 431-539, M-1180)	10.0 m
		Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more the minimum depth is	20 m
	(h)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of the unattached wall of the end dwelling unit, in which case the minimum width of such Interior side yard is	1.2 m plus 0.6 m for each storey or partial storey above the first storey
	(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
		Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6.0 m
		Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	9.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(k)	HEIGHT OF BUILDING Maximum	8.0 m

(l) SITE PLANS

No dwellings or other buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design and location of such dwellings or other buildings on the lot.

(m) PARKING

In accordance with the provisions of Section (h) of this By-law.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R-3-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions.

R-3-B – SINGLE FAMILY SEMI-DETACHED DWELLINGS

(i) USE PERMITTED

- single family semi-detached dwellings

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0m for each dwelling unit
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	279 m ²
(d)	LOT COVERAGE Maximum	25% of the lot area (1054-80, M 1179)
	Maximum for each dwelling unit, including any accessory buildings relating thereto	86.65 m ² (1054-80, Lots 142, 153, 154, 158, 161, 162, 163, 167, 170, 173, 174, 180, 192, 208, 216, 217, 220, 241 & 246, M-1179) (1170-81, M-1180)
		Maximum 40% of the lot area (for Lots 247-252, 262-539, M-1180)
(e)	FLOOR SPACE INDEX Maximum	0.40
	However and notwithstanding, the above floor space index shall not apply to lots 247 to 539 inclusive on Registered Plan M-1180.	

(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.5 m (1496-83, M-1180)
	Minimum Depth	10 m (1496-83 Lots 47-389, 397-416, 431-539M-1180)
	Except in the case of a rear yard abutting a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	20 m
(h)	INTERIOR SIDE YARD Minimum width for the side that is not attached to the other dwelling	1.2 m plus 0.6 m for each additional or partial storey above the first
	Except where no garage or carport facilities are provided on the lot then the minimum width	4.3 m
(i)	EXTERIOR SIDE YARD	
	(i) Minimum Width	4.5 m
	(ii) Provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING In accordance with the provisions of Section (h) of this By-law.	
- (e) No person shall use any lot or erect or alter or use any building or structure in any "R-4-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-4-A – GROUP HOUSING

- (i) USE PERMITTED
- Group Housing

(ii)	ZONE PROVISIONS	
(a)	LOT FRONTAGE Minimum	61 m
(b)	LOT AREA Minimum	0.4 ha
(c)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(d)	FLOOR SPACE INDEX Maximum	0.50
(e)	YARD Minimum depth	
(i)	from any street line except in the case of a street having a planned width of 29 m or more the minimum depth is	10.5 m 20 m
(ii)	from any interior or rear lot line except in the case of a yard abutting a 0.3 m reserve, the minimum depth is except in the case where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	7.5 m 12 m 20 m
(f)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(g)	HEIGHT OF BUILDINGS Maximum	9.5 m
(h)	DISTANCE BETWEEN BUILDINGS Minimum distance between two exterior walls facing and parallel to each other where both walls contain a living room window Minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows Minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows Minimum distance between two exterior walls facing and parallel to each other where both walls contain habitable room windows Minimum distance between two exterior walls facing and parallel to each other where one wall contains a habitable room window and the other wall contains no habitable room windows	21.5 m 15 m 12 m 10.5 m 6.0 m

	Minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room windows	3.0 m
(i)	NUMBER OF DWELLING UNITS	
	The maximum number of dwelling units on a lot shall be determined by lot area requirements for individual dwelling units as follows:	
	for each dwelling unit	311 m ²
(j)	PARKING	
	In accordance with the provisions of Section (h) of this By-law.	
(k)	SITE PLANS	
	No buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design of such buildings and the location of such buildings on the lot and the landscaping of the lot including location of parking area.	
- (f) No person shall use any lot or erect or alter or use any building or structure in any "R-4-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-4-B – SINGLE FAMILY TOWN HOUSE DWELLINGS

(i) USE PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	186 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.65
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	
		6.0 m

(g)	REAR YARD Minimum Depth 7.5 m Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is 15 m Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is 20 m
(h)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of the unattached wall of the end dwelling unit, in which case the minimum width of such interior side yard is 1.2 m plus 0.6 m for each storey or partial storey above the first storey
(i)	EXTERIOR SIDE YARD Minimum Depth 4.5 m Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of 6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum 45% of the lot area
(k)	HEIGHT OF BUILDING Maximum 9.5 m
(l)	SITE PLANS No dwellings or other buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design and location of such dwellings or other buildings on the lot.
(m)	PARKING In accordance with the provisions of Section (h) of this By-law.
- (g) No person shall use any lot or erect or alter or use any building or structure in any "I" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

I – INSTITUTIONAL

(i) USES PERMITTED

- Arena
- Church
- long term care facility
- nursery school
- private tennis or squash club
- school

(ii) ZONE PROVISIONS

- (a) LOT COVERAGE
Maximum for all buildings 50% of the lot area
- (b) FRONT YARD
Minimum Depth 15 m
- (c) REAR YARD
Minimum Depth 10.5 m
- (d) INTERIOR SIDE YARD
Minimum Width 10.5 m
- (e) EXTERIOR SIDE YARD
Minimum Width 10.5 m
- (f) HEIGHT OF BUILDINGS
Maximum 15 m
- (g) PARKING PROVISIONS
In accordance with Section 4(n) of By-law 1784.
- (h) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and area as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses except group housing	2 spaces for each dwelling unit
Group housing	2 spaces for each dwelling unit, 25% of which shall be allocated and set apart for visitors

- (ii) **"PARKING SPACE"** means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

- (a) Parking space for all residential uses except group housing may be located in a private garage, private driveway, or private carport.

- (b) Parking spaces for group housing may be located in a private garage within or contiguous to each dwelling unit, or on a private driveway leading to such garage providing however that at least 25% of the parking area requirements shall be located in common parking areas, which areas shall a minimum distance from:

(1) A living room window	10.5 m
(2) A habitable room window other than a living room window	7.5 m
(3) The exterior wall of any building	2.1 m
(4) From any street line or 0.3 m reserve	6.0 m
(5) From any lot line other than a street line or 0.3 m reserve	3.0 m

(iv) **THE USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonne capacity.

- (v) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.

- (i) Notwithstanding the provisions of Section 6(a) of By-law 1784, the following uses shall not be permitted in any of the "C-1" Zones referred to in this By-law, namely undertaking establishments, custom workshops, parking lots and residential dwellings.

- (j) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"EXTERIOR WALL"** shall mean a main and supporting exterior wall of the building running from the foundation footings to the roof of the building but shall exclude unenclosed porches, balconies, steps and patios.

- (ii) **"EXTERIOR WALLS FACING AND PARALLEL TO EACH OTHER"** shall mean any exterior wall of a building having an angle of divergence of not more than 85 degrees. **"ANGLE OF DIVERGENCE"** means the interior acute angle formed by and lying between two exterior walls of their projections.

- (iii) **"HABITABLE ROOM"** means a room designed for living, sleeping, eating or food preparation including a den, library, sewing room or enclosed sun room.

- (iv) **"LIVING ROOM"** means a habitable room used for the common social activities of the occupants of the dwelling house, but shall not include a recreation or family room located in the basement or cellar of the dwelling house.

- (v) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, basement and cellar) to the total lot area.
- (vi) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (vii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (viii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:

(a) **ORNAMENTAL STRUCTURES**

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.

(b) **ACCESSORY STRUCTURES**

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.

(c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.

- (ix) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and

- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower steeple or television antenna.

- (x) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
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- (xi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (xii) **"GROUP HOUSING"** means one or more buildings each of which contain three or more single family dwelling units, and also containing a private garage for each dwelling unit which is located within or contiguous to each unit, and which building or buildings are located on the same lot which lot is retained under one ownership, provided however that this definition shall not exclude the sale of any such single family dwelling unit under the provisions of The Condominium Act.
 - (xiii) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has separate front and rear entrances or separate front and side entrances; and
 - (b) is attached to one or both sides by a common party wall to another dwelling unit in the same row; and
 - (c) contains a private garage within each unit.
 - (xiv) **"SINGLE FAMILY SEMI-DETACHED DWELLING"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.
 - (xv) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance; and
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row;
 - (c) contains a private garage within or contiguous to each unit.
 - (xvi) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
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(xvii) **"NURSERY SCHOOL"** means a day nursery within the meaning of The Day Nurseries Act.

(6925-14)

(xviii) **"LONG TERM CARE FACILITY"** means a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified herein.

(535-77)

(V) PART OF LOTS 19 and 20, CONCESSION 2

- (a) That Schedule "B" to By-law No. 1784 is hereby amended by changing the zone designations to "R-2-A" I "R-3-B" I "R-3-c" I "R-5", "C-1", "D" I "I", and "G" of the lands designated as "R-2-A" "R-3-B", "R-3-c", "R-5", "C-1", "D", "I" and "G11 on Schedule "A-1 11 annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2A – SINGLE FAMILY DETACHED DWELLING

(i) USES PERMITTED

- single family dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.45
(f)	FRONT YARD Minimum	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m

(1244-81)

(1244-81)

(g)	REAR YARD Minimum Depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first storey.
	Except where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards is	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	9.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING In accordance with Section (h) of this By-law.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-3-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

R-3-B – SINGLE FAMILY SEMI-DETACHED DWELLINGS

(i)	USE PERMITTED	
	single family semi-detached dwellings	
(ii)	ZONE PROVISIONS	
(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30.5 m

(1244-81)	(c)	LOT AREA Minimum	279 m ²
	(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(1244-81)	(e)	FLOOR SPACE INDEX Maximum	0.50
	(f)	FRONT YARD Minimum Depth	4.5 m
		Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
	(g)	REAR YARD Minimum Depth	10.5 m
		Except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is	15 m
		Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
	(h)	INTERIOR SIDE YARD Minimum width for the side that is not attached to the other dwelling	1.2 m plus 0.6 m for each additional or partial storey above the first
		Except where no garage or carport facilities are provided on the lot then the minimum width is	4.3 m
	(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
		Provided, however, and notwithstanding the above provisions, a garage or carport the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
	(k)	HEIGHT OF BUILDING Maximum	8.0 m
	(l)	PARKING	
		In accordance with the provisions of Section (h) of this By-law.	

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R-3-C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

R-3-C – CLUSTER HOUSING

(i) USE PERMITTED

- cluster housing

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	61 m
(b)	LOT AREA Minimum	0.8 ha
(c)	LOT COVERAGE Maximum for all buildings	30% of the lot area
(d)	FLOOR SPACE INDEX Maximum	0.35
(e)	YARDS – minimum depth	
(i)	from any street line	10.5 m
	except in the case of a street having a planned width of 29 m or more the minimum depth is	20 m
(ii)	from any interior or rear lot line	7.5 m
	except in the case of a yard abutting a 0.3 m reserve the minimum depth is	12 m
	except in the case where this 0.3 m reserve abuts a street having a planned width of 29 m or more the minimum depth is	20 m
(f)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(g)	HEIGHT OF BUILDINGS Maximum	9.5 m
(h)	NUMBER OF DWELLING UNITS PER LOT	
	The maximum number of dwelling units on a lot shall be determined by lot area requirements for individual dwelling units as follows:	
	for each dwelling unit	372 m ²
(i)	PARKING	
	In accordance with Section (h) of this By-law.	

(j) SITE PLANS

No buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design of such buildings and the location of such buildings on the lot and the landscaping of the lot including location of parking areas.

- (e) No person shall use any lot or alter or erect or use any building or structure in any "R-5" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

R-5 – APARTMENT DWELLING

(i) USE PERMITTED

- apartment dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	61 m
(b)	LOT AREA Minimum	0.8 ha
(c)	LOT COVERAGE Maximum for all buildings	30% of the lot area
(d)	FLOOR SPACE INDEX Maximum	1.0
(e)	YARDS Minimum Depth	
	(i) from any street line	10.5 m
	except in the case of a street having a planned width of 29 m or more the minimum depth is	20 m
	(ii) from any interior or rear lot line	7.5 m
	except in the case of a yard abutting a 0.3 m reserve, the minimum depth is	12 m
	except in the case where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(f)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(g)	HEIGHT OF BUILDINGS Maximum	18.5 m

- (h) NUMBER OF DWELLING UNITS PER LOT
The maximum number of dwelling units on a lot shall not exceed 99 units per ha

Provided, however, and notwithstanding the above, the maximum number of dwelling units on the lands zoned R-5 on Schedule "A-1" annexed to this By-law shall not exceed 120 units

- (i) PARKING

In accordance with Section (h) of this By-law.

- (j) SITE PLANS

No buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design of such buildings and the location of such buildings on the lot and the landscaping of the lot including location of parking areas.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "I" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

I – INSTITUTIONAL

- (i) USES PERMITTED

- arena
- church
- community centre
- long term care facility
- nursery school
- school swimming pool

(6925-14)

- (ii) ZONE PROVISIONS

- (a) LOT COVERAGE
Maximum for all buildings 50% of the lot area

- (b) FRONT YARD
Minimum Depth 15 m

- (c) REAR YARD
Minimum depth 10.5 m

- (d) INTERIOR SIDE YARD
Minimum width 10.5 m

- (e) EXTERIOR SIDE YARD
Minimum width 10.5 m

- (f) HEIGHT OF BUILDINGS
Maximum 15 m

- (g) PARKING PROVISIONS

In accordance with Section 4(n) of By-law 1784.

- (g) No person shall use any lot or erect or alter or use any building or structure in any "D" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

DEVELOPMENT

(i) USES PERMITTED

- berry or bush crop
- field crop
- flower garden
- green house
- horticulture nursery
- market garden

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	10% of the lot area
(b)	FRONT YARD Minimum depth	7.5 m
	Except in the case of a front yard abutting the street having a planned width of 29 m or more the minimum depth is	15 m
(c)	REAR YARD Minimum depth	7.5 m
(d)	INTERIOR SIDE YARD Minimum width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum width	7.5 m
(f)	HEIGHT OF BUILDINGS Maximum	11 m

(g) PARKING PROVISIONS

In accordance with Section 4(n) of By-law 1784.

(h) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses except Cluster Housing and Apartment Dwelling Houses	2 spaces for each dwelling unit
Cluster Housing	2 spaces for each dwelling unit with 0.20 spaces per unit allocated and set apart for visitors
Apartment Dwelling House	1.5 spaces for each dwelling unit with 0.20 spaces per unit allocated and set apart for visitors
(ii) "PARKING SPACE" means an area of not less than 18 m ² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.	
(iii) LOCATION OF PARKING SPACES	
(a) Parking space for all residential uses except cluster housing and an apartment dwelling house may be located in a private garage, private driveway, or private carport.	
(b) Subject to the provisions of paragraph (c) parking spaces for cluster housing may be located in a private garage within or contiguous to each dwelling unit, or on a private driveway leading to such garage or in a common garage or carport providing however that at least 0.20 spaces per unit shall be located in common parking areas for visitors, which areas shall have a minimum distance from	
1) A living room window	10.5 m
2) A habitable room window other than a living room window	7.5 m
3) The exterior wall of any building	2.1 m
4) From any street line or 0.3 m reserve	6.0 m
5) From any lot line other than a street line or 0.3 m reserve	3.0 m
(c) Where any of the dwelling units for Cluster Housing do not contain a private garage located within or contiguous to said dwelling units then at least 85% of the required parking spaces shall be located underground within the building or otherwise enclosed. The remaining parking spaces shall be located in common parking areas, which areas shall have a minimum distance from	
1) A living room window	10.5 m
2) A habitable room window other than a living room window	7.5 m
3) The exterior wall of any building	2.1 m

4) From any street line or 0.3 m reserve	6.0 m
5) From any lot line other than a street line or 0.3 m reserve	3.0 m

Provided further that 0.20 parking spaces per unit shall be allocated and set apart for visitors.

- (d) At least 85% of the required parking spaces for an Apartment Dwelling House shall be located underground within the building or otherwise enclosed. The remaining parking spaces shall be located in common parking areas which areas shall have a minimum distance from

1) A living room window	10.5 m
2) A habitable room window other than a living room window	7.5 m
3) The exterior wall of any building	2.1 m
4) From any street line or 0.3 m reserve	6.0 m
5) From any lot line other than a street line or 0.3 m reserve	3.0 m

Provided further that 0.20 parking spaces per unit shall be allocated and set apart for visitors.

- (iv) The Use of Parking Spaces and Areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonne capacity.

- (v) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.

- (g) Notwithstanding the provisions of Section 6(a) of By-law 1784, the following uses shall not be permitted in any of the "C-1" Zones referred to in this By-law, namely, undertaking establishments, custom workshops, parking lots and residential dwellings.

- (h) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).

- (i) **"EXTERIOR WALL"** shall mean a main and supporting exterior wall of the building running from the foundation footings to the roof of the building but shall exclude unenclosed porches, balconies, steps and patios.
- (ii) **"HABITABLE ROOM"** means a room designed for living, sleeping, eating or food preparation including a den, library, sewing room or enclosed sun room.
- (iii) **"LIVING ROOM"** means a habitable room used for the common social activities of the occupants of the dwelling house, but shall not include a recreation or family room located in the basement or cellar of the dwelling house.

- (iv) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, carport, basement and cellar) to the total lot area.
- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade
- (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (vii) **"CLUSTER HOUSING"** means a group or an arrangement of dwelling units contained within one or more buildings (each of which building has at least 3 dwelling units) or an arrangement of 3 or more dwelling units attached (either above or below grade) to each other side by side, either by a common party wall or a garage, and are all located on the same lot which lot is retained under one ownership; provided however that this definition shall not exclude or prohibit the sale of any of the dwelling units under the provisions of the Condominium Act.
- (viii) **"SINGLE FAMILY SEMI-DETACHED DWELLING"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.
- (ix) **"APARTMENT DWELLING"** means the whole of a building that contains four or more dwelling units which units have a common entrance from the street level and are served by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them.
- (x) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth.
 - (a) **ORNAMENTAL STRUCTURES**

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.

- (xi) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower, steeple or television antenna.
- (xii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (xiii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (xiv) **"LANDSCAPE OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
- (xv) **"NURSERY SCHOOL"** means a day nursery within the meaning of The Day Nurseries Act.
- (xvi) **"LONG TERM CARE FACILITY"** means a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified herein.

(414-76) (W) PART OF LOT 18, CONCESSION 1

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A", "R-3-B" and "G" of the lands designated as "R-2-A", "R-3-B" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-2-A – SINGLE FAMILY DETACHED DWELLING

- (i) **USE PERMITTED**
 - single family detached dwelling
- (ii) **ZONE PROVISIONS**
 - (a) **LOT FRONTAGE**
Minimum 15 m
 - (b) **LOT AREA**
Minimum 465 m²

(c)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(d)	FLOOR SPACE INDEX Maximum	0.35
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(g)	INTERIOR SIDE YARD Minimum Width	1.2 m plus 0.6 m for each storey or partial storey above the first
	Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is	4.3 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of	6.0 m
	Except in the case of an exterior side yard abutting a street or abutting a 0.3 m reserve where the adjoining street has a planned width of 29 m or more, the minimum width is	15 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	
	In accordance with Section (d) of this By-law.	

- (c) No person shall use any lot or erect or use any building or structure in any "R-3-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-3-B – SINGLE FAMILY SEMI-DETACHED DWELLINGS

(i) **USES PERMITTED**

- single Family semi-detached dwellings

(ii) **ZONE PROVISIONS**

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	279 m ²
(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.40
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD	
	Minimum width for the side that is not attached to the other dwelling	1.2 m plus 0.6 m for Each additional or partial storey above the first
	Except where no garage or carport facilities are provided on the lot for such dwelling unit then the minimum width is	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	15 m

(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING" Maximum	8.0 m
(l)	PARKING	

In accordance with provisions of Section (d) of this By-law.

(d) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All Residential Uses	2 spaces for each dwelling unit

- (ii) "PARKING SPACE" means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m.

(iv) THE USE OF PARKING SPACES AND AREAS

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonne capacity.

- (e) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

- (iv) **"HEIGHT"** and **"HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
 - (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
 - (b) in the case of a mansard roof, the deck roof line, and
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple, or television antenna.
 - (v) **"SINGLE FAMILY SEMI-DETACHED DWELLING"** means one of a pair of two attached single family dwellings with a common party wall either above or below grade dividing the pair of single family dwellings vertically, each of which has an independent entrance directly from the outside.
 - (vi) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
 - (vii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (viii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (ix) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and occupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.
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**(358-76) (X) LOT 20, REGISTERED PLAN 534
1913 DUNDAS STREET EAST**

- (6776-13)**
- (a) Section 5(a)(iv) of By-law Number 1784 is hereby amended insofar as it relates to the lands referred to in Subsection (b) of this By-law by adding thereto the additional use of "Service Shop" as a home based business in the private residence located on said lands providing such use is confined solely to the basement area of such private residence.
- (b) The lands referred to in Subsection (a) are described as Lot 20 according to Registered Plan 534 of the Town of Whitby and are outlined on Schedule "A-1" annexed to this By-law and referred to as the "Subject Property".

(414-76) (Y) LOTS 2, 3, 4, and 5, REGISTERED PLAN 591

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A" of the lands so marked "R-2-A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-2-A – SINGLE FAMILY DETACHED DWELLING

(i) USE PERMITTED

- single family detached dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	14.5 m
(b)	LOT DEPTH Minimum	55 m
(c)	LOT AREA Minimum	740 m ²
(d)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.35
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or car port, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.5 m

- (h) INTERIOR SIDE YARD
Minimum Width 1.2 m plus 0.6 m for each storey partial storey above the first
- Except where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards is 4.3 m
- (i) EXTERIOR SIDE YARD
Minimum Width 4.5 m
- Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line of 6.0 m
- (j) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (k) HEIGHT OF BUILDING
Maximum 8.0 m
- (l) PARKING

In accordance with provisions of Section (c) of this By-law.

(c) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18 m² with a minimum perpendicular width of 2.7 m and a minimum perpendicular length of 6.0 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m.

(iv) THE USE OF PARKING SPACES AND AREAS

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonne capacity.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
 - (ii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (iii) **"HEIGHT" and "HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
 - (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
 - (b) in the case of a mansard roof, the deck roof line, and
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (vi) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.
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- (vii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

**(373-76) (Z) PART OF LOT 28, CONCESSION 7
7961 COCHRANE STREET**

Notwithstanding the provisions of Schedule "A" of By-law 1784 the minimum lot frontage requirements for residential use of the lands referred to in Schedule "A-1" annexed to this By-law shall be

30.5 m.

**(422-76) (2-A) PART OF LOT 35, CONCESSION 1
545 AND 575 LAKERIDGE ROAD SOUTH**

- (a) That notwithstanding the provisions of Section 11(a) of By-law 1784 the lands referred to in subsection (b) of this By-law may be used for single family detached dwellings and the restrictive provisions of Section 11(a)(i) and 11(a)(vii) of said By-law 1784 shall not apply to such lands.
- (b) The lands referred to in subsection (a) are described as that Part of Lot 35, Concession 1, of the Town of Whitby as outlined on Schedule "A-1" annexed to this By-law.

**(454-77) (2-C) DUNDAS STREET EAST - PART OF LOT 21, CONCESSION 1
Repealed by By-Law Amendment 4610-00**

**(474-77) (2-D) PART OF LOT 25, CONCESSION 9
590 MYRTLE ROAD WEST
Repealed by By-law Amendment 6600-12**

**(574-77) (2-E) PART OF LOT 21, CONCESSION 4
(5312-03) 4700 THICKSON ROAD NORTH
Repealed by By-law Amendment 5312-03
Repealed by By-law Amendment 5956-07**

**(794-79) (2-F) PART OF LOTS 19 and 20, CONCESSION 5
5290 GARRARD ROAD**

- (a)
- (i) For the purpose of this subsection
- "FAIRGROUND"** shall mean a place used for exhibiting, displaying, selling or buying agricultural animals, agricultural produce or agricultural machinery and the racing of horses and agricultural animals and the holding of contests involving the use of agricultural machinery.
- (ii) For the purpose of this subsection
- "TRACK"** shall mean a place for the exhibiting, displaying or racing of horses or agricultural animals and the holding of contests involving the use of agricultural machinery.

- (iii) For the purpose of this subsection

"BUILDING" or "STRUCTURE" shall mean anything that is erected, built or constructed of parts joined together and shall include a grandstand, a midway, a trailer parking area, a staging area and a track.

- (b) In addition to the provisions of Subsection (a) of Section 11 of By-law 1784 and notwithstanding the provisions thereof, the lands outlined and hatched in black on Schedule "A-1" annexed to this By-law may be used for the purpose of a Fairground provided that no building or other structure may be used, erected, altered, located or otherwise placed on the said lands unless such building or structure is to be used for a purpose ancillary to the operation of the Fairground and in particular for any one or more of the following ancillary purposes, namely;

- (i) Administrative Building
- (ii) Facilities to show agricultural animals, including; exercise and show ring or track and ancillary spectator facilities;
- (iii) Display Buildings for showing agricultural implements and ancillary commercial displays;
- (iv) Entertainment and food dispensing facilities;
- (v) Midway,

PROVIDED THAT the fairground, including entertainment and midway facilities will not operate more than 14 days during a calendar year, except for those uses now permitted under Section 11(a) of By-law 1784.

- (c) No person shall use, erect, alter, locate or otherwise place any building or structure on the said lands outlined and hatched in black on Schedule "A-1" annexed to this By-law except in accordance with the zone requirements set forth for "Farming" in an Agricultural Zone in Schedule "A" to By-law 1784.

(597-77)

(2-G) NORTHEAST CORNER OF DUNDAS STREET AND THICKSON ROAD

- (a) For the purposes of this subsection the zone designation "AS-CW" is hereby established to define a zone wherein the permitted use of the lands and premises within such is an Automobile Service Station operated in conjunction with a Car Wash.
- (b) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designation to "AS-CW" of the lands designated as "AS-CW" on Schedule "A-1" annexed to this -law.(c)No person shall use the property or erect or alter or use any building or structure in the "AS-CW" Zone designated on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

(i) USE PERMITTED

- automobile service station including a car wash.

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	36.5 m
(b)	LOT DEPTH Minimum	53.5 m

(c)	LOT COVERAGE Maximum	30%
(d)	FRONT YARD Minimum	15 m
(e)	EXTERIOR SIDE YARD Minimum	15 m
(f)	INTERIOR SIDE YARD Minimum	10.5 m
(g)	REAR YARD Minimum	10.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	15% of the lot area
(i)	HEIGHT OF BUILDING Maximum	9.5 m
(j)	CANOPY LOCATION Notwithstanding any other provisions of this By-law to the contrary, a canopy may be located in any yard provided that the minimum distance between any portion of the canopy and any lot line shall be	6.0 m
(k)	PUMP ISLAND LOCATION Notwithstanding any of the provisions of this By-law to the contrary, a pump island may be located in any yard provided that the minimum distance between any portion of a pump island and any lot line shall be	6.0 m
(l)	PARKING Notwithstanding any other provisions of this By-law to the contrary, the minimum number of parking spaces provided shall be	10
(m)	PLANTING STRIPS Notwithstanding any other provisions of this By-law to the contrary, planting strips shall be provided in accordance with the following provisions:	
	(i) the minimum width shall be	3.0 m
	(ii) planting strips shall be located adjacent to all property lines except in those areas used as driveways	
(n)	DRIVEWAYS Notwithstanding any other provisions of the By-law to the contrary the following provisions shall apply	

- (i) the maximum width of the driveway measured along the property line shall be 10.5 m
 - (ii) the minimum distance between the closest points of adjacent driveways measured along the property line shall be 9.0 m
 - the minimum distance between an intersection and the closest point of a driveway measured along the intersection of the street lines shall be 15 m
 - (iii) the minimum distance between an interior side or rear lot line and the closest point of an adjacent driveway measured along the property line shall be 3.0 m
- (o) LOCATION OF KIOSK

Notwithstanding any other provisions of the By-law to the contrary the minimum distance between the kiosk and any lot line shall be 10.5 m
- (p) CAR WASH – AUTOMOBILE STORAGE AREAS

For an automatic tunnel car wash, the number of spaces required at the point of ingress to the car wash shall be 25 spaces
- (q) For the purpose of interpretation the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those contained in Section 2 of By-law 1784, the definitions contained herein shall take precedence).
 - (i) **"AUTOMOBILE SERVICE STATION"** means a building or place where motor vehicle fuel, oil, grease or other related products are kept for sale, where minor repairs may be performed and where motor vehicles may be greased and oiled.
 - (ii) **"CANOPY"** means an unenclosed structure designed and located in a manner so as to provide shelter and protection over a pump island or a group of pump islands.
 - (iii) **"KIOSK"** means a building or structure having a gross floor area not in excess of 37 m² and used for the housing of recording and supervising equipment related to the operation of a gas bar, for the storing of products kept for sale relating to a gas bar and for washroom facilities to be used in conjunction with a gas bar.
 - (iv) **"WAITING SPACE"** means an area of not less than 15 m², exclusive of any aisles or ingress or egress lanes having a perpendicular width of 2.5 m and a perpendicular length of 6.0 m, to be used by motor vehicles awaiting access to a car wash.

**(2670-89) (2-H) PART OF LOT 22, CONCESSION 7
7805 DUFFS ROAD**

(a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2670-89 and designated thereon as the "Subject Property" may be used for a single family dwelling, provided that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 11.2.6(a) of the Official Plan of the Region of Durham.

(b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above except where inconsistent with the following:

REAR YARD
Minimum

4.5 m

(c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(722-78) (2-I) PART OF LOT 21, CONCESSION 8
8080 BALDWIN STREET NORTH**

(a) Notwithstanding the provisions of subsection (a) of Section 11A of By-law 1784, no person shall hereafter use the lands designated as the "Subject Property" on Schedule "A-1" annexed to this By-law or erect or use any building or structure thereon except for the restoration and sale of antique and classic automobiles and specialized auto tuning provided that:

(i) No building or other structure may be used, erected, altered, located or otherwise placed on the said lands unless such building or other structure is located as shown on Schedule "A-1" annexed to this By-law;

(ii) Sixteen single parking spaces, 3 m x 6 m and ten double parking spaces, 3 m x 12 m shall be provided; and,

(iii) No storage of goods or materials, including motor vehicles in any state of repair, shall be permitted outside any building except that motor vehicles in good running order may be parked in the parking spaces provided in accordance with subsection (ii) hereof for the purposes of displaying them for sale.

(iv) The minimum lot area shall be 1.70 ha.

Where there is any inconsistency between the aforesaid provisions and the provisions of Subsection (b) and (d) of Section 11A of the said By-law 1784, the aforesaid provisions shall govern.

(b) Notwithstanding the provisions of Section 12(a)(3)(B) of By-law 1784, any development or redevelopment of the lands designated as the "Subject Property" on Schedule "A-1" annexed to this By-law shall be in accordance with such development agreements as are required by the provisions of Section 12(a) (1) and (2) of By-law 1784.

(721-78) (2-J) PART OF LOT 26, CONCESSION 5

- (a) The residential node as outlined on Schedule "A-1" annexed to this By-law is hereby identified as the residential node of "Robmar".
- (b) Schedule "B" to By-law Number 1784 is amended by changing the zone designation to "G" of the lands so marked on Schedule "B-1" annexed to this By-law.
- (c) Notwithstanding the provisions of Section 11(a) of By-law Number 1784, no person shall use any lot within the area designated as the "Subject Property" on Schedule "B-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (d) The "Area Requirements" enacted by Section 11(b) of the said By-law Number 1784 shall apply to the said "Subject Property" except where inconsistent with the requirements set forth hereunder in which case the requirements set forth hereunder shall govern, namely:
 - (i) Minimum lot area 0.2 ha
 - (ii) Minimum lot frontage 30.5 m
- (e) The Provisions of Section 4(s) insofar as they relate to "lot frontage" do not apply to the said "Subject Property".
- (f) The aforesaid non-farm residential use shall be serviced with a private drilled well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise and shall comply with the Agricultural Code of Practice as amended from time to time.

(896-79) (2-L) PART OF LOT 21, CONCESSION 2

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations of that portion of the "Subject Lands" as shown on Schedule "A-1" attached hereto and hatched diagonally thereon to "C-2".
- (b) That Zone Requirements of Schedule "A" to By-law Number 1784 designated as "C-2" and the general provisions of Section 4 of the said By-law Number 1784 shall apply to any Development on the "Subject Lands" except where inconsistent with the following, in which case the following shall govern:
 - (i) Minimum Exterior Side Yard 8.0 m
 - (ii) Minimum Landscaped Open Space 5.5% of the lot area
 - (iii) The provisions of Section 4(n)(x) Paragraph One shall not apply.

**(919-79) (2-M) PART OF LOT 28, CONCESSION 4
Repealed by By-Law Amendment 2906-90****(1024-80) (2-N) PART OF LOT 22, CONCESSION 1
Repealed by By-Law Amendment 2235-87****(952-80) (2-O) FORMER K-MART PLAZA
(1018-80) 1801 DUNDAS STREET EAST
(1357-82) Repealed by By-law Amendment 2265-87
(2170-87)**

That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation of the "Subject Property" as shown on Schedule "A-1" annexed to this By-law to "C1".

- (a) No person shall use any lot, erect, alter or use any building or structure on the lands shown on Schedule "A-1" annexed to this By-law as "Subject Property" and designated thereon "C1" except in accordance with the following provisions:

(i) USES PERMITTED

A shopping centre containing one or more or all of the uses hereinafter specified, provided that such uses are carried on wholly within an enclosed building or buildings.

- automobile service shop if ancillary to the existing department store located on the subject property
- motor vehicle rental
- Offices
- places of entertainment and assembly
- retail stores and personal service establishment

(1980-86)

(6776-13)

(ii) ZONE PROVISIONS

- (a) Gross Leasable Area 16,722 m²
- (b) No open storage of goods or materials shall be permitted on the "Subject Property" designated as "C1" on Schedule "A-1" annexed to this By-law provided that nothing herein shall preclude the operation of an outdoor garden centre on the subject property if it is ancillary to a permitted use.
- (c) Notwithstanding anything to the contrary of By-law 1784, an eating establishment shall have a minimum setback from Kendalwood Road of 37 m

- (iii) In applying the provision of (i) aforesaid, the following definitions shall apply and where there is a conflict between such definitions set forth elsewhere in By-law 1784, the following shall govern:

- (a) **"GROSS LEASABLE AREA"** means the aggregate of the horizontal areas of each floor within a building or structure whether any such floor is above or below grade, calculated by measuring from centre line to centre line of all interior dividing walls and from the exterior face of store fronts and other perimeter walls, including outer building walls and walls adjoining corridors or other common areas excluding, however, a basement area and mezzanine space used exclusively for storage, mechanical, electrical and elevator machine rooms, exterior truck loading facilities, common walkways/stairways and interior pedestrian mall spaces.

(6776-13)

- (b) **"OFFICES"** means one or more of the following uses namely, office but does not include such uses as an art studio, medical office, dental office, drugless practitioner's office, law office, real estate office and a travel agency.

(6776-13)

- (c) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provide direct service to the public which shall include: a medical office, a clinic, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, a dry cleaning establishment, an eating establishment, a family restaurant and a school of dance, art or music.

- (d) **"PLACES OF ENTERTAINMENT AND ASSEMBLY"** means one or more of the following uses, namely, a motion-picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.

(1980-86)

- (e) **"MOTOR VEHICLE RENTAL"** means a building or part of a building utilized for the purpose of providing an office in conjunction with the rental of motor vehicles. The maximum number of motor vehicles kept for rent shall not exceed 15 with 5 of the total being comprised of trucks. The storage of said rental motor vehicles shall be restricted to either the interior side or rear yards. A motor vehicle rental shall not include the sale of motor vehicles.

(932-79)

(2-P) PART OF LOT 21, CONCESSION 8

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Lands" may be used for the following additional use, namely, a custom meat cutting service PROVIDED THAT and notwithstanding anything herein or in By-law 1784 to the contrary all meat cut on the subject lands shall be and remain the property of the customer and shall be returned to the same customer once cut and no sale of meat or other goods or products is permitted on the subject lands either directly or indirectly.
- (b) The Zone Requirements of Schedule "A" to By-law 1784 and the general provisions of Section 4 of the said By-law 1784 shall apply to any Development on the "Subject Lands" pursuant to Subsection (a) hereof except where inconsistent with the following, in which case the following shall govern:
- | | | |
|-------|---|--------------------|
| (i) | Maximum Floor Space Area | 149 m ² |
| (ii) | Minimum Interior Side Yard | 27.5 m |
| (iii) | Distance from centre line of Highways 7 and 12 to building line | 46 m |

(959-80)

(2-Q) PART OF LOT 20, CONCESSION 4

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Lands" may be used for the following additional use namely, a single family detached residence, PROVIDED THAT such residence is used and occupied as a single family residence in accordance with the provisions of Section (12.2.3c) of the Official Plan of the Regional Municipality of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Lands" pursuant to Subsection (a) hereof, except where inconsistent with the following in which case the following shall govern:
- (i) Notwithstanding the provisions of By-law 1784 to the contrary, there shall be no direct access to or from the "Subject Lands" from and to Thickson Road and access to and from the said lands shall be by way of Easement or Right-of-Way over the abutting property to the north of the "Subject Lands" from and to the existing access point thereon to Thickson Road.

(1014-80)

(2-R) MANNING MEWS

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 5(a) (i) of By-law 1784, the lands shown on Schedule "A-1" annexed to this

By-law and designated thereon as the "Subject Lands" may be used for the following additional use, namely a multi-unit residential development comprising not more than 5 detached residential buildings, each of which contain not more than 8 dwelling units, provided that the total number of dwelling units thereon shall not exceed 24 in all.

- (b) The zone requirements of Schedule "A" to By-law 1784 and the general provisions of Section 4 of said By-law 1784 shall not apply to any development on the "Subject Lands" pursuant to Subsection (a) hereof and in their stead the following zone requirements shall govern:

(i)	LOT FRONTAGE Minimum	61 m
(ii)	LOT AREA Minimum	4000 m ²
(iii)	LOT COVERAGE Maximum for all buildings	20% of the lot area
(iv)	FLOOR SPACE INDEX Maximum	0.35
(v)	FRONT YARD Minimum	13 m
(vi)	REAR YARD Minimum	6.0 m
(vii)	INTERIOR SIDE YARD Minimum	1.5 m
(viii)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(ix)	HEIGHT OF BUILDINGS Maximum	9.0 m
(x)	PARKING Minimum	16 spaces

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply:

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, carport, basement, and cellar) to the total lot area.
- (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;

- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

- (v) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(994-80)

**(2-S) PART OF LOT 26, CONCESSION 4
FORMER FAMILY KARTWAY
Repealed by By-law Amendment 6600-12**

(1016-80)

**(2-T) PART OF LOT 29, CONCESSION 2
Repealed by By-law Amendment 6600-12**

(1040-80)

**(2-U) LOT 54, CAMPBELL AND WAY PLAN
53 BALDWIN STREET
Repealed by By-law Amendment 6600-12**

(1063-80)

**(2-V) PART OF LOT 23, CONCESSION 8
8490 DUFFS ROAD**

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Lands" may be used for the following additional use; namely: a single family detached residence.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A-Residential (other than farming)" and the general provisions of Section 4 shall apply to the said "Subject Lands" pursuant to Subsection (a) hereof, except where inconsistent with the following, in which case the following shall govern:
 - (i) Minimum Lot Frontage 73.05 m
 - (ii) Minimum Lot Area 0.6 ha

(1072-80)

**(2-W) PART OF LOT 23, CONCESSION 8
8170 DUFFS ROAD**

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Lands" may be used for the following additional use, namely: a single family detached residence, PROVIDED THAT such residence is used and occupied as a single family residence in accordance with the provisions of Section 11.2.6(a) of the Official Plan of the Regional Municipality of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "subject lands" pursuant to Subsection (a) hereof, except where inconsistent with the following in which case the following shall govern:
 - (i) Minimum Lot Frontage 46.4 m
 - (ii) Minimum Lot Area 0.28 ha

**(1095-80) (2-X) WHITBY MALL
1615 DUNDAS STREET EAST**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations of the "Subject Lands" as shown on Schedule "A-1" annexed to this By-law from "C-1", "R-2" and "G" to "C-1-B".
- (b) No person shall use any lot, erect, alter or use any building or structure on the lands shown on Schedule "A-1" annexed to this By-law as the "Subject Lands" and designated thereon "C-1-B" except in accordance with the following provisions:

(i) USES PERMITTED

A shopping centre containing one or more or all of the uses hereinafter specified, provided that such uses are carried on wholly within an enclosed building or buildings:

- Offices
- one automobile service shop if ancillary to the existing department store situate on the said lands
- places of entertainment and assembly
- retail stores and personal service establishment

(6776-13)

(5391-04)

(ii) ZONE PROVISIONS

(6776-13)

(a)	Floor space for retail stores and personal service establishment Maximum	16,165 m ²

(6776-13)

(b)	Floor space for retail stores personal service establishment, offices and places of entertainment and assembly combined Maximum	21,835 m ²

(c)	GROSS FLOOR AREA Maximum	32,985 m ²

(d)	LOT COVERAGE Maximum	25% of lot area

(e)	LANDSCAPED AREA Minimum	10% of lot area

(f)	PARKING SPACES Minimum	1,490 spaces

(g)	LOT AREA Minimum	8 ha

(h)	Floor space for automobile service shop Maximum	280 m ²

- (iii) No open storage of goods or materials shall be permitted on the "Subject Lands" designated as "C-1-B" on Schedule "A-1" annexed to this By-law, provided that nothing herein shall preclude the operation of an outdoor garden centre on the subject lands if it is ancillary to the existing department store situate on the said lands and the space allocated thereto does not exceed 500 m².

(iv) DEFINITIONS

In applying the provisions of Section (i), (ii) and (iii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, the following shall govern:

- (a) **"AUTOMOBILE SERVICE SHOP"** means a part of a building used for the repair and servicing of motor vehicles and shall include the sale of oil, parts or accessories for such motor vehicles but shall not include the sale of gasoline or a motor vehicle paint and body shop.
 - (b) **"PLACES OF ENTERTAINMENT AND ASSEMBLY"** means one or more of the following uses, namely, a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club, or community hall.
 - (c) **"FLOOR SPACE"** means the total area of all floor levels of a building which is used for a purpose permitted herein but does not include that portion of any building which is used for an interior pedestrian walkway, or used for the sole purpose of the storage of goods, wares and merchandise, or those areas used for the provision of heat, air conditioning, washrooms, parking areas, exterior perimeter walls, stairways and elevators or other similar facilities required to service the building.
 - (d) **"GROSS FLOOR AREA"** means the aggregate of the horizontal areas of each floor, whether such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or the level of each floor except that in the case of a multiple storey building the area of the exterior walls shall only be included once.
 - (6776-13) (e) **"OFFICES"** means one or more of the following uses namely, office but does not include such uses as an art studio, medical office, dental office, drugless practitioner's office, law office, real estate office and a travel agency.
 - (f) **"PARKING SPACE"** means an area for the parking of vehicles with a minimum width of 2.75 m, a minimum length of 6 m and a minimum area of 16.5 m².
 - (1601-83)
(6776-13) (g) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.
 - (h) **"SHOPPING CENTRE"** means a group of permitted non-residential uses designed, developed and managed as a unit by a single owner or tenant or group of owners or tenants as opposed to a business area comprising unrelated individual uses and may include pedestrian walkways, storage areas, areas for the provision of heat, air conditioning, washrooms, parking areas, stairways, elevators and other similar uses required to service the building or buildings and permitted uses.
 - (i) **"SUPERMARKET"** means a food store having Floor Space in excess of 745 m².
-

(1096-80) (2-Y) **PART OF LOT 26, CONCESSION 3 (WHITBY AUTO WRECKERS)**
 Repealed by By-law Amendment 6600-12

(1114-81) (2-Z) **PART OF LOT 18, CONCESSION 2**
1912 DUNDAS STREET EAST
 Repealed by By-law Amendment 6600-12

(1117-81) (3-A) **PART OF LOT 20, CONCESSION 4 (MILLER PAVING)**
 (3872-96) **4615 THICKSON ROAD NORTH**

- (a) No person shall use any lot or erect or alter or use any building or structure on the lands zoned "M-AC" and marked the "Subject Lands" on Schedule "A-1" annexed to By-law # 3872-96 to except in accordance with the following permitted uses and zone provisions.

M-AC – ASPHALT AND READY-MIX CONCRETE PLANT

(i) **USES PERMITTED**

(a) **BUFFER AREA:**

The "Buffer Area" as indicated on Schedule "A-1" to By-law # 3872-96 shall be used for no purpose other than landscaping, including land conservation, drainage facilities and driveway access;

(b) **RELATED USE AREA:**

The "Related Use Area" as indicated on Schedule "A-1" to By-law # 3872-96 shall be used for no purpose other than any one or more of the following:

- aggregate stockpiling
- any use permitted in the "Buffer Area"
- bituminous material storage tanks and fuel oil storage tanks used directly for the operation of a contractor's yard provided that such tanks are constructed or otherwise located on a specially prepared pad contained around the perimeter by berms as required under the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, or such other statute, regulation, or by-law as may relate thereto and provided further that no oil storage tank or bituminous material storage tank for the storage of materials used directly for the operation of an asphalt plant shall be located within the Related Use Area, such tanks being permitted only in the Asphalt Ready-Mix Concrete Plant Area as hereinafter defined
- dwelling for a caretaker, watchman or other similar person employed on the property
- employee and visitor parking area
- heating and power plant
- office
- road contractor's yard
- service and repair shop
- weigh scale

It being understood that none of the aforesaid uses, save and except a road contractor's yard, shall be permitted on the said lands unless such use is accessory to the operation of an asphalt plant, or a road contractor's yard.

(c) ASPHALT AND READY-MIX-CONCRETE PLANT AREA

The "Asphalt and Ready-Mix Concrete Plant Area" as indicated on Schedule "A-1" to By-law # 3872-96 shall be used for no purpose other than,

- any use permitted in the "Related Use Area"
- asphalt plant
- oil storage tanks and bituminous material storage tanks for the storage of materials used directly for the operation of an asphalt plant, provided that such tanks are constructed or otherwise located on a specially prepared pad contained around the perimeter by berms as required under the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended or such other statute, regulation, or by-law as may relate thereto
- ready-mix concrete plant which shall include, but not be limited to, aggregate storage bins, conveyor belt systems, water storage, an aggregate hopper, storage for concrete additives, a cement powder pump room, an office/staff facilities structure and a truck wash station

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	280 m
(b)	LOT AREA Minimum	7.0 ha
(c)	FRONT YARD Minimum Depth	15 m
(d)	REAR YARD Minimum Depth	75 m
(e)	INTERIOR SIDE YARD Minimum Width	10.0 m
(f)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area

(iii) DEFINITIONS

In applying the provisions of Subsections (i) and (ii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law # 1784, as amended, the following shall govern:

- (a) **"AGGREGATE STOCKPILING"** means the outside storage of aggregates that require no further processing, including reclaimed asphalt pavement and material handling equipment used to transport such products.
- (b) **"ASPHALT PLANT"** means equipment designed to dry aggregate material and to mix the aggregate material with bituminous material and includes such structures as storage tanks as permitted in clause (i)c) hereof and stackers and conveyors.

- (c) **"READY-MIX CONCRETE PLANT"** means equipment designed to mix together to produce concrete, sand, stone and water which includes the storage of the aggregate material, storage of water and powdered cement as permitted in clause (i)c) hereof.
- (d) **"ROAD CONTRACTOR'S YARD"** means an area used for the parking and storage of trucks, rollers, graders, paving equipment, road sprayers, service vehicles and other equipment used in the construction and repair of roads.
- (e) **"SERVICE AND REPAIR SHOP"** means a building or buildings or any portion thereof used as a shop for the service, repair and storage of equipment used in the operation of an asphalt and ready-mix concrete plant and road contractor's yard.
- (f) **"LANDSCAPING"** means grading and planting and shall include fencing, berming and other forms of screening.
- (g) **"OFFICE"** means a building or part of a building used as an office directly related to the operation of an asphalt plant and ready-mix concrete plant and road contractor's yard and shall include a sales outlet for material stored or produced on the site of such asphalt plant.

(1158-81) (3-B) PART OF LOT 21, CONCESSION 2

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R-2-A", "R-3-B", "R-4-B", "D", and "G" on the lands so marked "R-2-A", "R-3-B", "R-4-B", "D", and "G" on Schedule A-1 annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R-2-A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
 - (b) LOT DEPTH
Minimum 29 m
 - (c) LOT AREA
Minimum 435 m²
 - (d) LOT COVERAGE
Maximum for all buildings 33% of the lot area
 - (e) FRONT YARD
Minimum 4.5 m
- Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 6 m

(f)	REAR YARD Minimum	7.6 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	10.0 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above:	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	
	In accordance with Section (f) of this By-law.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-3-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R-3-B" – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USE PERMITTED

- semi-detached dwelling houses

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30 m

(c)	LOT AREA Minimum	280 m ² each dwelling unit
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	9.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	12 m
	except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD (On the side of the dwelling house that is not attached to the adjoining dwelling house)	
	Minimum width	1.0 m
	Provided, however, and notwithstanding the above:	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of the interior side yard shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING In accordance with Section (f) of this By-law.	

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R-4-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

"R-4-B" – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USE PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	190 m ²
(d)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.65
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	7.6 m
	Except in the case of the rear yard abutting a 0.3 m reserve, the minimum depth is	10.0 m
(h)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the interior side yard shall be a minimum width of	1.0 m
	Provided, however, and notwithstanding the above:	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(i)	EXTERIOR SIDE YARD Minimum Depth	4.0 m

Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line a minimum distance of 5.5 m

(j) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

(k) HEIGHT OF BUILDINGS
Maximum 9.5 m

(l) SITE PLANS

No buildings shall be erected on any lot except in accordance with a site plan prepared by an architect and approved by the Town of Whitby showing the exterior architectural design and location of such dwellings or other buildings on the lot.

(m) PARKING

In accordance with Section (f) of this By-law.

(e) **Repealed by By-law Amendment 6600-12**

(f) PARKING AREA REQUIREMENTS

The provisions of Section 4 (n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

(i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses	2 spaces for each dwelling unit

(ii) **"PARKING SPACE"** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 6 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

(a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.

(iv) THE USE OF PARKING SPACES AND AREAS

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of .46 tonne capacity.

(v) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.

- (g) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, carport, basement and cellar) to the total lot area.
 - (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"SINGLE FAMILY SEMI DETACHED DWELLING"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.
 - (v) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling house
 - (a) has separate front and rear entrances or separate front and side entrances; and
 - (b) contains a private garage within each dwelling house.
 - (vi) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 0.9 m provided that in the case of porches, steps or patios such uses are not more than 1 m above grade.
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(d) PRIVATE GARAGES

In a Residential Zone an attached or detached private garage, carport or other accessory building may be erected and used in the interior side or rear yard provided that (1) when such accessory building is located in an interior side yard, it shall be no closer than 1.0 m to the interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required, (2) when such accessory building is located in the rear yard no yard is required except in the case where the rear lot line would be the side lot line of the adjoining lot in which case such accessory building shall be no closer than 1.0 m to that portion of the rear lot line which adjoins the interior side yard of the adjoining lot if such lot is built upon or which adjoins the required interior side yard of the adjoining lot if such lot is vacant, and (3) in no case shall an accessory building be located closer than 6 m to any street line.

(vii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,

- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower steeple or television antenna.

(viii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(ix) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(x) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1169-81)
(1863-85)

(3-C) 35 BRAWLEY ROAD WEST

Notwithstanding paragraph (vii) of Section 11, Subsection (a) of By-law 1784, one single family residential dwelling shall be permitted on those lands outlined and marked as "Subject Property" on Schedule "A-1" annexed to this By-law in accordance with the provisions of schedule "A", Residential (other than farming) to By-law 1784.

- (2) Notwithstanding the front yard setback provisions of Schedule "A" Residential (other than farming) for the "Subject Property" as referred to in the paragraph (1) above, the minimum front yard set back for a single family dwelling shall be

23.2 m

(1170-81) (3-D) LOTS 247-252, 262-539, REGISTERED PLAN M-1180

- (i) Notwithstanding the provisions of By-law 1784 as amended to the contrary, the lot coverage and floor space index for the 'R2A' Zone as outlined on Schedule "A-1" annexed to this By-law is as follows:
- (a) LOT COVERAGE
Maximum for all buildings 33% of the lot area
- (b) FLOOR SPACE INDEX
Repealed by By-law Amendment 1643-84
- (ii) Notwithstanding the provisions of By-law 1784 as amended to the contrary, the lot coverage and floor space index for the 'R3B' Zone outlined on Schedule "A-1" annexed to this By-law is as follows:
- (a) LOT COVERAGE
Maximum for all buildings 40% of the lot area
- (b) FLOOR SPACE INDEX
Repealed by By-law Amendment 1643-84
- (iii) Notwithstanding the provisions of By-law 1784 as amended to the contrary, the lot coverage and floor space index for the 'R3A' Zone as outlined on Schedule "A-1" annexed to this By-law is as follows:
- (a) LOT COVERAGE
Maximum for all buildings 40% of the lot area
- (b) FLOOR SPACE INDEX
Repealed by By-law Amendment 1643-84

**(1186-81) (3-E) PART OF LOT 20, CONCESSION 3
1600 ROSSLAND ROAD EAST**

- (a) Notwithstanding the provisions of Section 7B(2)(g) of By-law 1784 the minimum rear yard of the lands outlined on Schedule "A-1" annexed to this By-law shall be 4 m.
- (b) No person shall use any lot or erect, alter or use any building or structure for the purpose of a car wash unless the lot is served by a public water supply and sanitary sewers.

(1193-81) (3-F) LOT 22, CONCESSION 2 - COZMEK INVESTMENTS LIMITED SUBDIVISION

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designation to "R-2-A" and "G" of the lands so marked "R-2-A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

"R-2-A" – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USE PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.35
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 30 m or more, the minimum width is	7.5 m

(j) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area

(k) HEIGHT OF BUILDINGS
Maximum 8.0 m

(l) PARKING
In accordance with the provisions of subsection (c) hereunder

(c) **PARKING AREA REQUIREMENTS**

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All Residential Uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 6 m for parking of motor vehicles.

(iii) **LOCATION OF PARKING SPACES**

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m

(iv) **THE USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicle in excess of 0.46 tonne capacity.

- (d) For the purpose of the interpretation of the various zone provisions set forth in subsection (b)(ii) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (iv) **"HEIGHT" and "HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,

- (a) In the case of a flat roof, the highest point of the roof surface or the parapet whichever is the greatest;
 - (b) in the case of a mansard roof, the deck roof line and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (vii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
- (a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.0 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.
 - (d) **PRIVATE GARAGES**
In a Residential Zone an attached or detached private garage, carport or other accessory building may be erected and used in the interior side or rear yard provided that (1) when such accessory building is located in an interior side yard, it shall be no closer than 1.2 m to the interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required, (2) when such accessory building is located in the rear yard no yard is required except in the case where the rear lot line would be the side lot line of the adjoining lot in which case such accessory building shall be no closer than 1.2 m to that portion of the rear lot line which adjoins the interior side yard of the adjoining lot if such lot is built upon or which adjoins the required interior side yard of the adjoining lot if such lot is vacant, and (3) in no case shall an accessory building be located closer than 6 m to any street line.
- (viii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping, and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
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(1210-81) (3-G) PARDO ESTATES LIMITED

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A" and "G" of the lands designated as "R-2-A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

"R-2-A" – SINGLE FAMILY DETACHED DWELLING**(i) USE PERMITTED**

- single Family Dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.35
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.0 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
(a)	Provided, however, and notwithstanding the above(a)The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section (c) of this By-law

(c) **PARKING AREA REQUIREMENTS**

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All residential uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 6 m for the parking of motor vehicles.

(iii) **LOCATION OF PARKING SPACES**

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.

(iv) **THE USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of 0.46 tonne capacity.

- (v) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, carport, basement and cellar) to the total lot area.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower steeple or television antenna.
- (iii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1227-81) (3-H) PART OF LOT 23, CONCESSION 2

- (a) That Schedule "B" to By-law Number 1784 is hereby amended by changing the zone designations to "R-2-A" and "G" of the lands so marked "R-2-A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 30 m
- (c) LOT AREA
Minimum 465 m²
- (d) LOT COVERAGE
Maximum for all buildings 33% of the lot area
- (e) FLOOR SPACE INDEX
Maximum 0.35
- (f) FRONT YARD
Minimum Depth 4.5 m

Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 6.0 m

(g)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is	15 m.
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Subsection (C) hereunder.	

(c) PARKING AREA REQUIREMENTS

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All Residential Uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 6 m for the parking of motor vehicles.

(iii) LOCATION OF PARKING SPACES

- (a) Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) The distance between the intersection of a street line and the nearest driveway entrance shall be at least 7.5 m

(iv) THE USE OF PARKING SPACES AND AREAS

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicle in excess of .46 ton capacity.

- (d) For the purpose of the interpretation of the various zone provisions set forth in subsection (b)(ii) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
 - (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (iii) **"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
 - (a) In the case of a flat roof, the highest point of the roof surface or the parapet whichever is the greatest;
 - (b) in the case of a mansard roof, the deck roof line and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (vi) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth;
 - (a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
-

- (c) Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.0 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.

(d) **PRIVATE GARAGES**

In a Residential Zone an attached or detached private garage, carport or other accessory building may be erected and used in the interior side or rear yard provided that (1) when such accessory building is located in an interior side yard, it shall be no closer than 1.2 m to the interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required, (2) when such accessory building is located in the rear yard no yard is required except in the case where the rear lot line would be the side lot line of the adjoining lot in which case such accessory building shall be no closer than 1.2 m to that portion of the rear lot line which adjoins the interior side yard of the adjoining lot if such lot is built upon or which adjoins the required interior side yard of the adjoining lot if such lot is vacant, and (3) in no case shall an accessory building be located closer than 6 m to any street line.

- (vii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping, and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1240-81) (3-I) **PART OF LOT 27, CONCESSION 3**
3100 BROCK STREET NORTH
 Repealed by By-law Amendment 6600-12

(1394-82) (3-J) **PART OF LOT 26, CONCESSION 5**
5020 BALDWIN STREET SOUTH

- (a) Notwithstanding the provisions of Section 11(a) of By-law Number 1784, no person shall use any lot within the area designated as "Subject Property" on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (b) With respect to the above noted single family use in paragraph (a) the following zone provisions shall apply:
ZONE PROVISIONS
- | | | |
|-------|---|--|
| (i) | LOT FRONTAGE
Minimum | 18 m |
| (ii) | LOT AREA
Minimum | 1672 m ² |
| (iii) | LOT COVERAGE
Maximum for all buildings | 33% of the lot area |
| (iv) | FRONT YARD
Minimum Depth | 15 m from street line or
30 m from the centre line
of Highway #12 to the
building line; whichever is
the greater |

- (v) INTERIOR SIDE YARD
Minimum Width 1.5 m

Provided, however and notwithstanding the above, where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be 4.9 m

Notwithstanding the above, the maximum distance between the north interior side lot line and the exterior wall of any building or structure shall not exceed the maximum excavation envelope as shown on Schedule "A-2" annexed to this By-law.

- (vi) REAR YARD
Minimum Depth 10.0 m

- (vii) PARKING, ACCESSORY BUILDING, ETC.

In accordance with the provisions of Section 4 of By-law 1784.

- (c) The provisions of Section 4(s) insofar as they relate to "lot frontage" do not apply to the said "Subject Property".
- (d) The aforesaid single family residence use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (e) Notwithstanding the zone provisions for an "Agricultural Zone (Residential other than Farming)" the minimum lot frontage for the "Subject Property" as shown on the attached Schedule "A-3" shall be 23 m.

(1244-81) (3-K) REGISTERED PLANS M-1131, M-1132 and M-1133

- (i) Notwithstanding the provisions of By-law 1784 as amended to the contrary, the lot coverage and floor space index for the 'R2A' Zone as outlined on Schedule "A-1" annexed to this By-law is as follows:
- (a) LOT COVERAGE
Maximum for all buildings 33% of the lot area
- (b) FLOOR SPACE INDEX
Maximum 0.45
- (ii) Notwithstanding the provisions of By-law 1784 as amended to the contrary, the lot coverage and floor space index for the 'R3B' Zone outlined on Schedule "A-1" annexed to this By-law is as follows:
- (c) LOT COVERAGE
Maximum for all buildings 40% of the lot area
- (d) FLOOR SPACE INDEX
Maximum 0.50

(1247-81) (3-L) PART OF LOT 23, CONCESSION 2

- (a) That Schedule "B" to By-law Number 1784 is amended by changing the zone designation to "R-2-A", "R-3-B", and "G" of the lands so marked "R-2-A", "R-3-B" and "G" on Schedule "A-1" annexed to this By-law.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions

R-2-A – SINGLE FAMILY DETACHED DWELLINGS

(i) USE PERMITTED

- single family detached dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.45
(f)	FRONT YARD Minimum Depth	4.5 m
(g)	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(h)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(i)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(j)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side yard lot line	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 30 m or more, the minimum width is	9.0 m
(k)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(l)	HEIGHT OF BUILDING Maximum	8.0 m
(m)	PARKING	

In accordance with the provisions of Subsection (d) hereunder.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-3-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions.

(i) USE PERMITTED

- single family semi-detached dwellings

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	280 m ² for each dwelling unit
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.50
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m

(g)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD	
	Minimum width for the side that is not attached to the other dwelling	1.0 m
	Provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of the interior side yard shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with Section (d) of this By-law.

(d) PARKING AREA REQUIREMENTS

The provisions of Section 4 (n) of By-law 1784 shall not apply to any residential development referred to in this By-law and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
All Residential Uses	2 spaces for each dwelling unit

- (ii) **"PARKING SPACE"** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 6 m for the parking of motor vehicles.
 - (iii) **LOCATION OF PARKING SPACES**

Parking space for all residential uses may be located in a private garage, private driveway, or private carport.
 - (iv) **THE USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required under this By-law shall be used for the parking of passenger vehicles only and shall not be used for the parking or storage of any commercial motor vehicles in excess of .46 tonne capacity.
 - (v) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.
- (e) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
 - (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of approximately 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (iv) **"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
 - (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
 - (b) in the case of a mansard roof, the deck roof line and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (vii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
-

(a) ORNAMENTAL STRUCTURES

sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.

(b) ACCESSORY STRUCTURES

drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.

(c) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 0.9 m provided that in the case of porches, steps or patios such uses are not more than 1.0 m above grade.

(d) PRIVATE GARAGES

In a Residential Zone an attached or detached private garage, carport or other accessory building may be erected and used in the interior side or rear yard provided that (1) when such accessory building is located in an interior side yard, it shall be no closer than 1.0 m to the interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required, (2) when such accessory building is located in the rear yard no yard is required except in the case where the rear lot line would be the side lot line of the adjoining lot in which case such accessory building shall be no closer than 1.0 m to that portion of the rear lot line which adjoins the interior side yard of the adjoining lot if such lot is built upon or which adjoins the required interior side yard of the adjoining lot if such lot is vacant, and (3) in no case shall an accessory building be located closer than 6 m to any street line.

(viii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(f) The provisions of Sections 3 (b) (ii) and 3 (b) (iii) of By-law 1784 shall not apply to the zones established in Schedule "A-1" to this By-law as set forth in subsection (a) above and the zone boundaries as set out in the said Schedule "A-1" shall govern.

(g) Notwithstanding any provisions of this By-law or of By-law 1784 to the contrary, no buildings or other structures shall be erected or used in any zone abutting a Greenbelt Zone unless the same are located a distance of at least 7.5 m from the boundary of such Greenbelt Zone.

**(1254-81) (3-M) PART OF LOT 33, CONCESSION 4
4330 CORONATION ROAD**

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for a single family dwelling, providing that any such dwelling erected on said lands shall be used and occupied by the bona fide farmer as a personal residence during the remainder of the bona fide farmer's natural life or at least for a period of 10 years in order to comply with the intent of Section 12.2.3(a) of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) hereof.

(1368-82) (3-N) 734 ANDERSON STREET

- (a) That Schedule 'B' to By-law 1784 is hereby amended by changing the zone designation to "R2A", on the lands so marked "R2A", annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX	0.45
(f)	FRONT YARD Minimum	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum	10.0 m

(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above:	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
- | | |
|-----|---|
| (a) | ORNAMENTAL STRUCTURES

Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m |
| (b) | ACCESSORY STRUCTURES

Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard. |
| (c) | UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 0.9 m provided that in the case of porches, steps or patios such uses are not more than 1.0 m above grade. |
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,

- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

(iii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1280-81) (3-O) **LOT 2, REGISTERED PLAN 589**
300 THICKSON ROAD SOUTH
Repealed by By-law Amendment 6600-12

(1298-81) (3-Q) **PART OF LOT 24, CONCESSION 4**
304 TAUNTON ROAD EAST
Repealed by By-law Amendment 6600-12

(1385-82) (3-R) **PART OF LOT 32, CONCESSION 4**
4585 CORONATION ROAD

- (a) Notwithstanding the provisions of Section 11(a) of By-law Number 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-2" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (b) The zone requirement of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property".
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise and shall comply with the Agricultural Code of Practice as amended from time to time.

(1354-82) (3-S) **PART OF LOT 29, CONCESSION 4**
Repealed by By-Law Amendment 2906-90

(1356-82) (3-T) **BLOCK 'E' REGISTERED PLAN M-1069**

- (a) That Schedule "B" to By-law Number 1784 is amended by changing the zone designation to "R-2-A" of the lands so marked "R-2-A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLINGS

(i) USE PERMITTED

- single family detached dwelling.

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.45
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	13.5 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area

(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of approximately 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (iv) **"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building and,
 - (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest,
 - (b) in the case of a mansard roof, the deck roof line and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (vii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered, and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**
Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**
Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.

(c) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 0.9 m provided that in the case of porches, steps or patios such uses are not more than 1.0 m above grade.

(d) PRIVATE GARAGES

In a Residential Zone an attached or detached private garage, carport or other accessory building may be erected and used in the interior side or rear yard provided that (1) when such accessory building is located in an interior side yard, it shall be no closer than 1.0 m to the interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required, (2) when such accessory building is located in the rear yard no yard is required except in the case where the rear lot line would be the side lot line of the adjoining lot in which case such accessory building shall be no closer than 1.0 m to that portion of the rear lot line which adjoins the interior side yard of the adjoining lot if such lot is built upon or which adjoins the required interior side yard of the adjoining lot if such lot is vacant, and (3) in no case shall an accessory building be located closer than 6 m to any street line.

- (viii) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1361-82) (3-U) BLOCK "E", PLAN M-1068

- (a) That Schedule "B" to By-law # 1784 is hereby amended by changing the zone designations to "R-2-A", on the lands so marked "R-2-A", on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

"R-2-A" – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- detached single family dwelling house.

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²

(d)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.45
(f)	FRONT YARD Minimum	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum	10 m
	Except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above:	
	(a) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard lot line, a minimum distance of	6.0 m
	Except in the case of an exterior side yard abutting a street or a 0.3 m reserve where the adjoining street has a planned width of 30 m or more, the minimum width is	9.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING In accordance with the provisions of Section 4 of By-law # 1784.	

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **“YARD”** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure, or uses as are hereinafter set forth:
- (a) **ORNAMENTAL STRUCTURES**
- Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
- (b) **ACCESSORY STRUCTURES**
- Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
- (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**
- Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 0.9 m provided that in the case of porches, steps or patios such uses are not more than 1.0 m above grade.
- (d) **PRIVATE GARAGES**
- Notwithstanding any other provision of this By-law, in a Residential Zone a detached private garage, carport or other accessory building may be erected and used in the side or rear yard provided that such accessory building is located no closer than 1.0 m to any interior side or rear lot line and 4.5 m to any street line.
- Notwithstanding the foregoing, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.
- (ii) **“HEIGHT OF BUILDINGS”** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower steeple or television antenna.
- (iii) **“ZERO DECIMAL THREE METRE RESERVE”** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (iv) **“EXTERIOR SIDE YARD”** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
-

- (v) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio, tennis court or similar recreational area and any swimming or decorative pool, but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

(1405-82) (3-V) **PART OF LOTS 11 and 12, Plan 111**
9565 BALDWIN STREET NORTH
Repealed by By-law Amendment 6600-12

(1406-82) (3-W) **PART OF LOT 22, CONCESSION 6**
6545 BALDWIN STREET NORTH
Repealed by By-law Amendment 7628-20

(1474-82) (3-X) **PART OF LOT 29, CONCESSION 2**

- (a) Notwithstanding Schedule "A" Zone Requirements Table of By-law 1784 and Section 5, no person shall use any lot or erect or alter or use any building or structure in any "R2" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

"R2" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) **USES PERMITTED**

- detached single family dwelling house

(ii) **ZONE PROVISIONS**

(a)	LOT FRONTAGE Minimum	21 m
(b)	LOT AREA Minimum	975 m ²
(c)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(d)	FRONT YARD Minimum Depth	9.0 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	10.6 m
(e)	REAR YARD Minimum Depth	10.0 m
(f)	INTERIOR SIDE YARD Minimum Width	1.0 m

Provided, however, and notwithstanding the above;

- (a) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m

(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(g)	EXTERIOR SIDE YARD Minimum Width	4.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(i)	HEIGHT OF BUILDINGS Maximum	8.0 m
(j)	PARKING, ACCESSORY BUILDINGS, etc. In accordance with the provisions of Section 4 of By-law 1784.	
(k)	The single family detached dwelling units are to be serviced by a private waste disposal system which shall comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.	
(l)	Section 4(e) of By-law 1784 shall not apply to the subject property.	

**(1480-83) (3-Y) BLOCKS "C", "K" and "U", PLAN M-1066
PLAN OF SUBDIVISION I8T-81041**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", on the lands so marked "R2A", on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions.

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house.

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area

(e)	FLOOR SPACE INDEX Maximum	0.45
(f)	FRONT YARD Minimum	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum	10.0 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
- (iv) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.

(1507-83)

**(3-Z) PART OF LOT 25, CONCESSION 7, CEDARBROOK TRAIL ESTATES
PLAN OF SUBDIVISION I8T-81006**

- (a) That Schedule "B" to By-law Number 1784 is amended by changing the zone category to "RE" and "G" of the lands so marked "RE" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "RE" Zone on the lands referred to in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

RE – RESIDENTIAL ESTATE

(i) USES PERMITTED

- single family detached dwelling, provided that no person shall keep or raise any bulls, cows, oxen, sheep, goats, pigs, cattle, horses, mules, donkeys, poultry, reptiles or any wild animals.

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum

60 m

(b)	LOT AREA Minimum	1.3 ha
(c)	LOT COVERAGE Maximum for all buildings	10% of the lot area
(d)	GROUND FLOOR AREA Minimum	
	– 1 storey	195 m ²
	– 1-1/2 storey and split level	170 m ²
	– 2 storey	125 m ²
(e)	FRONT YARD Minimum Depth	40 m
(f)	REAR YARD Minimum Depth	35 m
	except where the entire rear lot line adjoins a Greenbelt Zone, then the minimum depth of said rear yard shall be	7.5 m
(g)	INTERIOR SIDE YARD Minimum Width	9.0 m
(h)	EXTERIOR SIDE YARD Minimum Width	15 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with Section 4 (n) of By-law 1784.	
(l)	No building shall be erected or used in whole or in part for human habitation unless such buildings are serviced with a private drilled well and a private sanitary sewage facility which has received the approval of the appropriate Health and Environmental Authorities.	
- (c) GREENBELT (G) ZONE
- (i) Notwithstanding the provisions of Section 10(a) of By-law 1784, no person shall use any of the lands designated as Greenbelt on Schedule "A-1" annexed to this By-law for the purpose of keeping or raising any bulls, cows, oxen, sheep, goats, pigs, cattle, horses, mules, donkeys, poultry, reptiles or any wild animals.
- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"GROUND FLOOR AREA"** means the total floor area of the first floor above grade excluding any private garage, porch or verandah, sun room and basement.
-

- (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of approximately 0.3 m in width owned by the Corporation of the Town of Whitby or the Regional Municipality of Durham.
 - (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (iv) **"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greatest;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridges exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (vii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are hereinafter set forth:
 - (a) **ORNAMENTAL STRUCTURES**

Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m.
 - (b) **ACCESSORY STRUCTURES**

Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.
 - (c) **UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS**

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.0 m provided that in the case of porches, steps or patios such uses are not more than 1.2 m above grade.
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(d) PRIVATE GARAGES

In a Residential Estate Zone, an attached or detached private garage, carport, swimming pool, tennis courts, or other accessory building may be erected and used in the interior side or rear yard provided that: (1) when such accessory building or structure is located in an interior side yard, it shall be no closer than 9 m to the interior side lot line; (2) when such accessory building or structure is located in the rear yard, it shall be no closer than 7.5 m to the rear lot lines; and, (3) in no case shall an accessory building be located closer than 15 m to any street line.

- (e) The provisions of Section 3(b)(ii) and 3(b)(iii) of By-law 1784 shall not apply to the zones established in Schedule "A-1" to this By-law as set forth in Section 1(a) and the zone boundaries as set out in the said Schedule "A-1" shall govern provided that where a zone boundary for a Greenbelt Zone is shown on said Schedule "A-1" to this By-law, the boundary of such zone shall be determined according to the metric dimensions shown on said Schedule "A-1" which is based on the flood plain mapping prepared by the Central Lake Ontario Conservation Authority.

(1510-83) (4-A) 9 WAY STREET - PART OF LOTS 23 and 24, CONCESSION 6

- (a) Notwithstanding the provisions of Section 10(a) of By-law Number 1784, no person shall use any lot except that area delineated as a Building Envelope and shown on Schedule "A-1" annexed to this By-law, for the purpose of a single-family residence and/or accessory building.
- (b) The Zone Requirement Table, Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" shall apply to any new development within the Building Envelope.
- (c) On that portion of the lands so marked "Building Envelope" on Schedule "A-1" annexed to this By-law, no new building shall be designed and constructed or located with any opening of any kind below the elevation of 161.81 Canadian Geodetic Datum.
- (d) The General Provisions of Section 4 of the said By-law 1784 shall apply to any development within the "Building Envelope" except Subsections 4(x) and 4(y)(b).
- (e) The aforesaid single family residential use shall be serviced with a private well and a private waste disposal system which shall comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(1514-83) (4-B) PART OF LOT 26, CONCESSION 5
5355 ASHBURN ROAD
Repealed by By-law Amendment 7908-22****(1496-83) (4-C) LOTS 247-389, 397-416, 431-539, REGISTERED PLAN M-1180**

- (a) Notwithstanding the provisions of By-law # 1784 as amended to the contrary, the minimum rear yard for the "R2A" Zone as outlined on Schedule "A-1" annexed to this By-law is as follows:

REAR YARD	
Minimum Depth	10.0

Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m

- (b) Notwithstanding the provisions of By-law # 1784 as amended to the contrary, the minimum rear yard for the "R3B" Zone as outlined on Schedule "A-1" annexed to this By-law is as follows:

REAR YARD	
Minimum Depth	10.0 m

Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m

- (c) Notwithstanding the provision of By-law # 1784 as amended to the contrary, the minimum rear yard for the "R3A" Zone as outlined on Schedule "A-1" to this By-law is as follows:

REAR YARD	
Minimum Depth	10.0 m

Except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m

**(1518-83) (4-D) 900 BONACORD AVENUE
NORTHEAST CORNER OF BONACORD AVENUE AND McQUAY BOULEVARD**

- (a) Notwithstanding the uses permitted in a "C1" Local Commercial Zone as referred to in Section 6(a) of By-law 1784, the following additional use of a 'Nursery School' shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law.

**(1519-83) (4-E) PART OF LOTS 23 AND 24, CONCESSION 2
PLAN OF SUBDIVISION 18T-78096**

- (a) that Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R3B", and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone of Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.45

(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.0 m
	Except where this 0.3 m reserve abuts a street having a planned width of 30 m or more the minimum depth is	20 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
	(a) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING, ACCESSORY BUILDINGS, ETC.	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R3B" – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USE PERMITTED

- single family semi-detached dwelling house.

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	280 m ² for each dwelling unit
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FLOOR SPACE INDEX Maximum	0.40
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be setback a minimum distance from the lot line of	6.0 m
(g)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(h)	INTERIOR SIDE YARD (on the side of the dwelling house that is not attached to the adjoining dwelling house) Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of the interior side yard shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provision, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area

(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING, ACCESSORY BUILDINGS, ETC.	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definition hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space appurtenant to a building or structure, located on the same lot as the building or structure, on which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.
 - (vi) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building, and;
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line and;
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

(1524-83) (4-F) **PART OF LOT 20, CONCESSION 9**
NORTH EAST CORNER – MYRTLE ROAD EAST & BALDWIN STREET NORTH
 Repealed by By-law Amendment 6600-12

(1539-83) (4-G) **PART OF LOT 31, CONCESSION 4**
4300 COUNTRY LANE

- (a) That Schedule "B" to By-law 1784 is amended by changing the zone designation from "A" to "G" on the lands as indicated on Schedule "A-1" annexed to this By-law.

- (b) Subject to the provisions of Subsection (c) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for the following additional use, namely; a single family detached residence in accordance with the provisions of Section 12.2.4(c) of the Official Plan of the Regional Municipality of Durham.
- (c) The zone requirements of Schedule "A" to By-law 1784 designated as "A" Residential (other than farming)" shall apply to any development on the subject property.
- (d) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

(1540-83) (4-H) **PART OF LOT 34, BROKEN FRONT CONCESSION**
605 HALLS ROAD SOUTH
 Repealed by By-law Amendment 6600-12

(1541-83) (4-I) **PART OF LOTS 21 and 22, CONCESSION 7**
7675 BALDWIN STREET NORTH
 Repealed by By-law Amendment 6600-12

(1544-83) (4-J) **SOUTHWEST CORNER OF DUNDAS STREET EAST AND THICKSON ROAD**
SOUTH

(6776-13) (a) That the Sub-Central Area as shown on Schedule "A-1" annexed to this By-law allow a maximum gross retail and personal service establishment floor space of 21,000 m².

(2) (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations of the "Subject Property" as shown on Schedule "A-1" annexed to this By-law from "R2" to "C1" and "D(NR)".

(b) No person shall use any lot, erect, alter or use any building or structure on the lands shown on Schedule "A-1" annexed to this By-law as the "Subject Property" and designated thereon "C1" except in accordance with the following provisions where they are inconsistent with By-law 1784:

(i) USES PERMITTED

A shopping centre containing one or more or all of the uses hereinafter specified provided that such uses are carried on wholly within an enclosed building or buildings:

- Offices
- places of entertainment and assembly
- retail stores and personal service establishment

(6776-13)

(ii) ZONE PROVISIONS

(6776-13) (a) Gross Floor Area for retail stores and personal service establishment 16,629.1 m²

(iii) No open storage of goods or materials shall be permitted on the "Subject Property" designated as "C1" on Schedule "A-1" annexed to this By-law provided that nothing herein shall preclude the operation of an outdoor garden centre on the subject property if it is ancillary to a permitted use.

(iv) DEFINITIONS

In applying the provisions of (i), (ii) and (iii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, the following shall govern:

- (a) **"PLACES OF ENTERTAINMENT AND ASSEMBLY"** means one or more of the following uses, namely; a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.
- (b) **"FLOOR AREA"** means the total area of all floor levels of a building which is used for a purpose permitted herein but does not include that portion of any building which is used for an interior pedestrian walkway, or used for the sole purpose of the storage of goods, wares and merchandise, or those areas used for the provision of heat, air conditioning, washrooms, parking areas, exterior perimeter walls, stairways and elevators or other similar facilities required to service the building.
- (6776-13) (c) **"OFFICES"** means one or more of the following uses namely, office but does not include such uses as an art studio, medical office, law office, real estate office and a travel agency.
- (1600-83)
(6776-13) (d) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provide direct service to the public shall include: a medical office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.
- (e) **"SHOPPING CENTRE"** means a group of permitted non-residential uses designed, developed and managed as a unit by a single owner or tenant or group of owners or tenants as opposed to a business area comprising unrelated individual uses and may include pedestrian walkways, storage areas, areas for the provision of heat, air conditioning, washrooms, parking areas, stairways, elevators and other similar uses required to service the building or buildings and permitted uses.

(c) Repealed by By-law Amendment 6600-12

(1545-83) **(4-K) PART OF LOTS 22, 23 and 24, CONCESSION 3
PLAN OF SUBDIVISION I8T-79014**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R2B", "R2C", "C1", "I", "D", and "G" of the lands so marked "R2A", "R2B", "R2C", "C1", "I", "D" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USE PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be setback a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

(k) **PARKING**

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USE PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	13.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	420 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be setback a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
	The exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m

(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R2C" on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	325 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be setback a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	The exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	
		6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with provisions of Section 4 of By-law 1784.	

- (e) No person shall use any lot or erect or alter or use any building or structure in any "I" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"I" – INSTITUTIONAL

(i) USES PERMITTED

- Arena
- Church
- community centre
- long term care facility
- nursery school
- school
- swimming pool

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(b)	FRONT YARD Minimum Depth	15 m
(c)	REAR YARD Minimum Depth	10.0 m
(d)	INTERIOR SIDE YARD Minimum Width	10.0 m
(e)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING PROVISIONS	

In accordance with Section 4(n) of By-law 1784.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "D" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(6925-14)

"D" – DEVELOPMENT

(i) USES PERMITTED

- berry or bush crop
- field crop
- flower garden
- green house
- horticulture nursery
- market garden

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	10% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
	Except in the case of a front yard abutting the street having a planned width of 30 m or more the minimum depth is	15 m
(c)	REAR YARD Minimum	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(f)	HEIGHT OF BUILDINGS Maximum	10.0 m
(g)	PARKING PROVISIONS	

In accordance with Section 4(n) of By-law 1784.

- (g) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,

- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling below adjacent finished grade.
- (v) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.
- (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (vii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(1553-83) (4-L) BLOCK 'C', PLAN M-1131 PLAN OF SUBDIVISION I8T-80052

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" on the lands so marked "R2A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 30 m
- (c) LOT AREA
Minimum 465 m²
- (d) LOT COVERAGE
Maximum for all buildings 33% of the lot area
- (e) FRONT YARD
Minimum 4.5 m

Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be setback a minimum distance from the front lot line of 6.0 m

(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
Provided, however, and notwithstanding the above		
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

**(1565-83) (4-O) PART OF LOT 20, B.F. CONCESSION
2681 AND 2701 THICKSON ROAD SOUTH**

- (a) Notwithstanding the uses permitted in Section 11(a) of By-law 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (b) The aforesaid non-farm residential use shall be serviced with a private well and private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" except for the following provisions.
- | | |
|-------------------------|---------------------|
| LOT FRONTAGE
Minimum | 23 m |
| LOT AREA
Minimum | 1175 m ² |
- (3) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" shall continue to apply to the "Retained Lands" as shown on Schedule "A-1" annexed to this By-law except for the following provisions.
- | | |
|-------------------------|-----------------------|
| LOT FRONTAGE
Minimum | 23 m |
| LOT AREA
Minimum | 1611.8 m ² |
-

(1566-83) (4-P) PART OF LOT 19, CONCESSION 31830 ROSSLAND ROAD EAST

- (a) Notwithstanding the provisions of Section 5(a)(ii) of By-law 1784 a nursery school shall be permitted in conjunction with a single family residence on the "Subject Property" as shown on the attached Schedule "A-1".

**(1598-83) (4-Q) NORTHWEST CORNER DUNDAS STREET EAST AND THICKSON ROAD
1550 DUNDAS STREET EAST
Repealed by By-law Amendment 6961-15**

**(1608-84) (4-R) PART OF LOT 20, CONCESSION 9
9920 BALDWIN STREET NORTH
Repealed by By-law Amendment 6600-12**

**(1641-84) (4-S) PART OF LOT 18, CONCESSION 2
PLAN OF SUBDIVISION I8T-77112**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" of the lands so marked "R2A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following use and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m

Provided, however, and notwithstanding the above

- (a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m
- (b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least 2.5 m
- (c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be 4.5 m
- (h) EXTERIOR SIDE YARD
Minimum Width 4.5 m
- Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of 6.0 m
- (i) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (j) HEIGHT OF BUILDING
Maximum 8.0 m
- (k) PARKING
In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between the floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

**(1642-84) (4-T) PART OF LOT 20, CONCESSION 1
1624 DUNDAS STREET EAST**

Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the use of "an automobile sales establishment" is hereby deleted for the subject property as shown on the attached Schedule "A-1".

- (3) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely, a retail/wholesale automotive parts store, a retail sporting goods centre, a recreational club or facility and an audio/visual centre.

**(1644-84) (4-U) PART OF LOT 21, CONCESSION 1
(1768-84) PLAN OF SUBDIVISION I8T-75206**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R2B", "R5A" and "G" of the lands so marked "R2A", "R2B", "R5A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	400 m ²
(d)	LOT COVERAGE Maximum	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	7.5 m

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
(h)	EXTERIOR SIDE YARD Minimum Width	3.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	10.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12.8 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	7.5 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
(h)	EXTERIOR SIDE YARD Minimum Width	1.8 m
	except in the case of an exterior side yard abutting a 0.3 m reserve the minimum depth is	3.0 m

(i)	LANDSCAPED OPEN SPACE Minimum	45% of the lot area
(j)	HEIGHT OF BUILDING Maximum	10.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R5A – APARTMENT DWELLING HOUSE

(i) USES PERMITTED

- apartment dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	42 m
(b)	LOT AREA Minimum	1.0 ha
(c)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(d)	FLOOR SPACE INDEX Maximum	1.0
(e)	FRONT YARD Minimum Depth	$\frac{1}{2}$ the height of the building or 7.5 m whichever is the greater
(f)	REAR YARD Minimum Depth	$\frac{1}{2}$ the height of the building or 7.5 m whichever is the greater, provided that a rear yard adjoining a wall containing no habitable room windows may be reduced to 1.8 m
(g)	INTERIOR SIDE YARD Minimum Depth	$\frac{1}{2}$ the height of the building or 7.5 m whichever is the greater, provided that an interior yard adjoining a wall containing no habit-able room windows may be reduced to 1.8 m
(h)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(i)	HEIGHT OF BUILDING Maximum	10 storeys

Notwithstanding the above, where two or more apartment dwelling houses may be erected the height of each building shall not exceed 6 storeys

- (j) NUMBER OF APARTMENT DWELLING HOUSES PER LOT
Maximum 1 only

Notwithstanding the above, two or more apartment dwelling houses may be erected, altered or used on the same lot in accordance with the provisions of the following Section (l)

- (k) NUMBER OF DWELLING UNITS PER LOT
Maximum 131

(l) DISTANCE BETWEEN BUILDINGS

- (i) The minimum distance between two exterior walls facing and parallel to each other, where both walls contain a living room window, shall be 21 m
- (ii) The minimum distance between an exterior wall containing a living room window and a facing and parallel wall containing no windows to habitable rooms shall be the height of the higher wall or 12.5 m, whichever is the greater.
- (iii) The minimum distance between two exterior walls facing and parallel to each other, where both contain windows to habitable rooms other than living room windows, shall be the height of the higher wall or 10.5 m, whichever is the greater, provided that such distance shall not be less than 15 m for buildings over 2½ storeys in height.
- (iv) The minimum distance between an exterior wall containing a habitable room window, other than a living room window, and a facing and parallel wall containing no windows to habitable rooms shall be one half the height of the higher wall or 7 m, whichever is the greater.
- (v) The minimum distance between two exterior walls facing and parallel to each other where neither wall contains habitable room windows shall be one-quarter the height of the higher wall or 3.5 m, whichever is the greater.
- (vi) For the purpose of this paragraph (1), such exterior walls having an angle of divergence of not more than 85 degrees shall be deemed to face and be parallel to each other.

In this clause,

"ANGLE OF DIVERGENCE" means the interior acute angle formed by and lying between such two exterior walls of their projection.

(m) COURTS

Where a building is in a court form the distance between opposing side walls of the building forming the court shall be not less than 21 m

(n) UNOBSTRUCTED YARDS

An unobstructed yard, clear and unobstructed by any surface parking area excluding a driveway which is used as access to the property or the parking area either above or below grade, shall be provided adjoining each exterior wall of a dwelling unit with a minimum depth measured at right angles from such wall it adjoins as follows:

in the case of a wall containing any habitable room windows 7.5 m

except that where the yard adjoins a street line the minimum depth need not exceed 6.0 m

in the case of a wall containing no habitable room windows 1.75 m

(o) PARKING

The provisions of Section 4(n) of By-law 1784 shall not apply to any residential development referred to in the aforesaid "R5A" Zone and instead the following provisions shall apply:

- (i) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other person entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

1.2 spaces for each bachelor dwelling unit

1.5 spaces for each dwelling unit larger than a bachelor unit with

0.2 spaces per unit allocated and signed for visitor parking

(ii) PARKING AREA LOCATION ON LOT

All yards except the front yard provided that no part of any parking area, other than a driveway, is located closer than 7.5 m to any street line and no closer than 3 m to any side lot line.

- (p) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).

- (i) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, basement and cellar) to the total lot area.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"LANDSCAPED OPEN SPACE"** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio or swimming pool but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.
- (vi) **"YARD, REAR"** means a yard extending across the full width of the building lot between the rear boundary of the lot and the nearest part of any building or structure on the lot.
- (vii) **"REAR YARD DEPTH"** means the least horizontal dimension between the midpoint of the rear lot line of the lot and the midpoint of any building or structure on the lot.

(1644-84) (4-V) BLOCK A, PLAN M-1179

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone indicated on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R4B – SINGLE FAMILY TOWN HOUSE DWELLINGS

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 7.0 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	210 m ²
(d)	LOT COVERAGE Maximum for all buildings	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	7.5 m
(g)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of the unattached wall of the end dwelling unit, in which case the minimum width of such interior side yard is	1.0 m
	provided however and notwithstanding the above	
	(a) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(h)	EXTERIOR SIDE YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	45% of the lot area
(j)	HEIGHT OF BUILDING Maximum	9.5 m
(k)	PARKING	

In accordance with Section 4(n) of By-law 1784.

- (3) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"EXTERIOR WALL"** shall mean a main and supporting exterior wall of the building running from the foundation footings to the roof of the building but shall exclude unenclosed porches, balconies, steps and patios.
- (ii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
- (iii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iv) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling, above the adjacent finished grade.
- (v) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling below adjacent finished grade.
- (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (vii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (viii) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one or a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling units,
 - (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) is attached on one or both sides by a common party wall (above or below grade) to another dwelling unit in the same row; and,
 - (c) contains a private garage within each unit.

**(1666-84) (4-W) PART OF LOT 28, CONCESSION 3
PLAN OF SUBDIVISION I8T-82012**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R1A" of the lands so marked "R1A" on Schedule "A-1" annexed to this By-law.
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- (b) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	18 m
(b)	LOT DEPTH Minimum	38 m
(c)	LOT AREA Minimum	725 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.2 m
	Provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	2.0 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m

Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of 6.0 m

- (i) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (j) HEIGHT OF BUILDING
Maximum 8.0 m
- (k) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (vi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

**(1682-84) (4-X) PART OF LOT 20, CONCESSION 1
1645 DUNDAS STREET EAST**

- (a) Notwithstanding the parking provisions of Section 4(n) of By-law 1784 the minimum parking spaces required for the "Subject Property" as shown on Schedule "A-1" shall be 66 parking spaces.

**(1684-84) (4-Y) PART OF LOT 21, CONCESSION 3
PLAN OF SUBDIVISION I8T-82001**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" and "G" of the lands so marked "R2A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	

(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
- In accordance with the provisions of Section 4 of By-law 1784.
- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (iii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
-

- (iv) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
- (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(1685-84) (4-Z) PART OF LOT 35, CONCESSION 1
1625 DUNDAS STREET NORTH**

- (a) Notwithstanding the provisions of Section 11(a)(ii) of By-law 1784 the following uses namely; a retail nursery and the sale of propane as an accessory use to the retail nursery, shall be permitted on the subject property as shown on Schedule "A-1" annexed to this By-law.
- (b) For the purpose of the interpretation of the provisions of this By-law, the following definitions shall apply:

"RETAIL NURSERY" means a building or part of a building in which nursery plants and shrubs, fertilizer, top soil, patio stones, household fencing materials, barbecues, nursery related power tools and equipment, lawn chairs and other gardening accessory supplies are kept and offered for retail sale.

**(1686-84) (5-A) PART OF LOT 22, CONCESSION 3
535 TAUNTON ROAD EAST**

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for the following additional use, namely; a single family detached residence in accordance with the provisions of Section 11.2.6(c) of the Official Plan of the Regional Municipality of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" Residential (other than farming) shall apply to any development on the subject property.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(1687-84) (5-B) PART OF LOT 21, CONCESSION 1
1533 DUNDAS STREET EAST
Repealed by By-law Amendment 6600-12**

**(1688-84) (5-C1) LOT 1, REGISTERED PLAN 467
(6776-13) 14 GARRARD ROAD**

Notwithstanding the uses permitted in Section 5 of By-law 1784 the following additional use of a home based business shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law subject to the following provisions:

- (a) that the home based business use shall apply to the assembly and retail sales of custom drapes and blinds.
- (b) the home based business use shall not exceed 57.6 m² of the total floor area of the single family dwelling house.

- (c) that there be no open storage of any goods or materials associated with the home based business.
- (d) that there be no outside signage, display or manufacturing of any goods or materials associated with the home based business use.
- (e) that the residential external character of the dwelling unit not be altered.

**(1694-84) (5-D1) BLOCK 'J' REGISTERED PLAN M-1179
PLAN OF SUBDIVISION 18T-81010**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to R2A of the lands so marked R2A on Schedule A-1 annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m

Provided, however, and notwithstanding the above

(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m

(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade

(1709-84) (5-E1) **PART OF LOT 19, CONCESSION 9**
30 MYRTLE STREET EAST
 Repealed by By-law Amendment 6600-12

(1712-84) (5-F1) **PART OF LOT 35, CONCESSION 3**
3925 LAKERIDGE ROAD NORTH

- (a) Subject to the provisions of Subsection (b) hereof and notwithstanding the provisions of Section 11 (a) of By-law 1784, the land shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property", may be used for the following additional use namely; a single family dwelling providing that any such dwelling erected on said lands shall be used and occupied by the bona fide farmer as a personal residence during the remainder of the bona fide farmer's natural life or at least for a period of 10 years in order to comply with the intent of Section 12-2-4 (a) of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" shall apply to the said "Subject Property" pursuant to Subsection (a) hereof.
- (c) The aforesaid non-farming residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

(1741-84) (5-G1) **PART OF LOT 19, CONCESSION 2**
 (6776-13) **1800 DUNDAS STREET EAST**

Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely: a bake shop, a bank or a financial institution, a barber shop, a beauty parlour, an office, a dry cleaner's distribution station, a dry cleaning establishment, a launderette or coin-operated laundry, a laundry shop, places of entertainment and assembly, a retail store.

Notwithstanding the parking provisions of Section 4(n) of By-law 1784 the minimum parking spaces required for the "Subject Property" as shown on Schedule "A-1" annexed to this By-law shall be

44 spaces

(1747-84) (5-H1) **PART OF LOT 23, CONCESSION 2**
PLAN OF SUBDIVISION 18T-82010

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" and "G" of the lands so marked "R2A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
 Minimum

15 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	20 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above:	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between the floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

(1748-84) (5-I1) **PART OF LOT 22, CONCESSION 6
6875 BALDWIN STREET NORTH
Repealed by By-law Amendment 7056-15**

(1772-84) (5-J1) **PART OF LOTS 23 AND 24, CONCESSION 3
PLAN OF SUBDIVISION 18T-82031**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2B" and "R2C" of the lands so marked "R2B" and "R2C" on Schedules "A-1" and "A-2" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum

13.7 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	420 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone on Schedule "A-2" annexed to this By-law except in accordance with the following uses and zone provisions:

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	325 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
	The exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space appurtenant to a building or structure, located on the same lot as the building or structure, on which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is greater;
 - (b) in the case of a mansard roof, the deck roof line and;
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower, steeple or television antenna.

(1774-84)

**(5-K1) PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-82027**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A", "R2B" and "R3B" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 30 m

(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line	6.0 m
(f)	REAR YARD Minimum	10.0
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
(a)	Provided, however and notwithstanding the above(a)the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	13.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	420 m ²
(d)	LOT COVERAGE Maximum	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area

(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R3B – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE

(i) USE PERMITTED

- single family semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	280 m ² for each dwelling unit
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD (on the side of the dwelling house that is not attached to the adjoining dwelling house) Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be setback a distance from the side lot line of at least	2.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however and notwithstanding the above provisions, a garage or carport the entrance to which is from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING, ACCESSORY BUILDINGS ETC.	

In accordance with the provisions of Section 4 of By-law 1784.

- (e) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b), (c) and (d) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space appurtenant to a building or structure, located on the same lot as the building or structure, on which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is greater;
 - (b) in the case of a mansard roof, the deck roof line and;
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower, steeple or television antenna.

(1806-85) (2124-86)	(5-L1) NORTHEAST CORNER OF ANDERSON STREET AND ROSSLAND ROAD EAST PART OF LOT 22, CONCESSION 3 1200 ROSSLAND ROAD EAST
	(a) Notwithstanding Section 6(a) of By-law 1784 the additional use of a "Gas Bar", "Veterinary Clinic" shall be permitted on the "Subject Property" as shown on the attached Schedule "A-1".
	(b) Notwithstanding Section 4(n)(x) of By-law 1784 the minimum planting strip for the Subject Property as shown on Schedule "A-1" shall be. 0.90 m
	(2) The following zone provisions shall apply to the aforementioned Gas Bar.
	(a) CANOPY LOCATION A protective canopy may be located in any yard provided that the minimum distance between any portion of the canopy and any lot line shall be 6.0 m
	(b) PUMP ISLAND LOCATION A pump island may be located in any yard provided no portion of any pump island shall be located closer than 3 m to a straight line between a point in the front lot line and a point in the exterior lot line, each such point being 15 m from the intersection of the street lines.
	(c) LOCATION OF KIOSK A kiosk may be located within any yard provided that the minimum distance between the kiosk and any lot line shall be 10.5 m
(1821-85)	(5-M1) SOUTHWEST CORNER OF CRAWFORTH STREET AND THICKSON ROAD NORTH 1540 DUNDAS STREET EAST
	That notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely: a convenience retail store and a retail store.
	(3) Notwithstanding the provisions of Section 7E, Subsection (2)(iv) of By-law 1784 the following provisions shall apply over the lands designated "C2-S" outlined on Schedule "A-1".
	(iv) EXTERIOR SIDE YARD Minimum Width 2.0 m
	(4) Notwithstanding the general provisions of Section 4(n)(x) of By-law 1784 the minimum planting strip for the subject property as shown on Schedule "A-1" shall be 0.3 m
	(5) Notwithstanding the parking provisions of Section 4(n) of By-law 1784, the minimum number of parking spaces to be provided for the "Subject Property" as shown on Schedule "A-1" annexed to this By-law shall be 43 spaces
(1822-85)	(5-N1) PART OF LOT 27, CONCESSION 9 ASHBURN ROAD Repealed by By-law Amendment 6600-12

(1833-85) (5-01) VARIOUS LOCATIONS

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USE PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(i)	HEIGHT OF BUILDING Maximum	8.0 m

(j) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (3) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of "Merchandise Distribution Centre" shall be permitted on the lands shaded with circles on Schedule "A-1" annexed hereto and forming part of this By-law.
- (4) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of "Retail Stores", "Offices" and "Dance Studio" shall be permitted on the land shaded with crosshatching on Schedule "A-1".
- (5) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of "Retail Stores" shall be permitted on the lands shaded with diagonal lines on Schedule "A-1".
- (6) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of a "Convenience Retail Store", a "Retail/Wholesale Automotive Parts Store" and a "Boat and Recreational Trailer Sales Establishment" shall be permitted on the lands shaded with dots on Schedule "A-1".
- (7) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of a "Farm Implement Dealer" shall be permitted on the lands shaded with dots on Schedule "A-2".
- (8) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the additional use of a "Motel" and a "Farm Implement Dealer" shall be permitted on the lands shaded with crosshatching on Schedule "A-2".

(1849-85)

**(5-P1) BLOCK "B", REGISTERED PLAN M-1131
PLAN OF SUBDIVISION 18T-84040**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²

(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be setback from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in Subsection (b) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.

- (ii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (iv) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line, and;
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower, steeple or television antenna.

(1850-85) (5-Q1) NORTHEAST CORNER OF DUNDAS STREET EAST AND THICKSON ROAD NORTH

- (4254-98)** (a) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law # 1784, the additional use of offices shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to this By-law.
- (2494-88)** (3) The following definition shall apply to the subject property as shown on Schedule "A-1" annexed to this By-law.

"FLOOR AREA" means the total area of all floor levels of a building which is used for a purpose permitted herein but does not include that portion of any building which is used for an interior pedestrian walkway, or used for the sole purpose of the storage of goods, wares and merchandise, or those areas used for the provision of heat, air conditioning, washrooms, parking areas, exterior perimeter walls, stairways and elevators or other similar facilities required to service the building.

**(1848-85) (5-R1) PART OF LOT 32, CONCESSION 5
5217 CORONATION ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law Number 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (b) Notwithstanding the zone requirements tabled Schedule "A" to By-law 1784, the following zone provisions shall apply to the above noted residential use in paragraph (a) above.

(i) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 24 m
- (b) LOT AREA
Minimum 0.202 ha

(c)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(d)	FRONT YARD Minimum Depth	14 m
(e)	INTERIOR SIDE YARD Minimum Width	1.5 m
	Provided however and notwithstanding the above, where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.9 m
(f)	REAR YARD Minimum Depth	10.0 m
(g)	PARKING, ACCESSORY BUILDING, ETC.	

In accordance with the provisions of Section 4 of By-law 1784.

- (ii) Provided further that the following conditions are complied with:
- (a) That there shall be no more than one driveway access to the Subject Property.
 - (b) The dwelling constructed on the Subject Property is served by a well which is drilled into the deep aquifer which underlies the impervious clay.
 - (c) The dwelling located on the Subject Property is served by a septic tank system which is constructed and approved by the Durham Health Unit.

(1859-85) **(5-S1) PART OF LOTS 23 AND 24, CONCESSION 6**
67 BALDWIN STREET
 Repealed by By-law Amendment 6600-12

(1871-85) **(5-T1) PART OF LOT 20, CONCESSION 1**
PLAN OF SUBDIVISION 18T-75513

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R3A", "R3B", "R4B" and "D" of the lands so marked "R2A", "R3A", "R3B", "R4B" and "D" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(i)	HEIGHT OF BUILDING Maximum	8.0 m
(j)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R3A – SINGLE FAMILY LINK DWELLING

(i) USE PERMITTED

- single family link dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	278 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	
	6.0 m	
(f)	REAR YARD Minimum Depth	10.0 m
	Except in the case where a 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	
		20 m
(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of the unattached wall of the end dwelling unit, in which case the minimum width of such interior side yard shall be	
		1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(i)	HEIGHT OF BUILDINGS Maximum	8.0 m
(j)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone of Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R3B – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USES PERMITTED

- single family semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m for each dwelling unit
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	280 m ² for each dwelling unit
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	6.0 m
(f)	REAR YARD Minimum Depth	10.0 m
(g)	INTERIOR SIDE YARD (on the side of the dwelling house that is not attached to the adjoining dwelling house)	
	Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
(a)	The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	Where no garage or carport facilities are provided on the lot then the minimum width of the interior side yard shall be	4.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area

(i)	HEIGHT OF BUILDINGS Maximum	8.0 m
(j)	PARKING, ACCESSORY BUILDINGS, ETC.	

In accordance with the provisions of Section 4 of By-law 1784.

- (e) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	190 m ²
(d)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0
(f)	REAR YARD Minimum Depth	10.0 m
	Except in the case where a 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum depth is	20 m
(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the interior side yard shall be a minimum width 1.0 m provided, however, and notwithstanding the above:	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot of at least	1.75 m

	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(i)	HEIGHT OF BUILDINGS Maximum	8.0 m
(j)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "D" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

D – DEVELOPMENT

(i) USES PERMITTED

- berry or bush crop
- field crop
- flower garden
- green house
- horticulture nursery
- market garden

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	10% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
	Except in the case of a front yard abutting the street having a planned width of 29 m or more the minimum depth is	15 m
(c)	REAR YARD Minimum	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(f)	HEIGHT OF BUILDINGS Maximum	10.0 m
(g)	PARKING PROVISION	

In accordance with Section 4 of By-law 1784.

- (g) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (iii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses are specifically permitted elsewhere in By-law 1784.
 - (iv) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (v) **"SINGLE FAMILY SEMI-DETACHED DWELLING"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.
 - (vi) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling house
 - (a) has separate front and rear entrances or separate front and side entrance; and,
 - (b) contains a private garage within each dwelling house.
 - (vii) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other by a common party wall (either above or below grade) dividing the dwelling units vertically, each of which dwelling unit
 - (a) has a separate front and rear entrance or separate front and side entrance; and,
 - (b) contains a private garage within or contiguous to each unit.

(1888-85)

(5-U1) **PART OF LOT 21, CONCESSION 1**
Repealed by By-law Amendment 6356-10

(1921-85) (5-V1) PART OF LOT 32, CONCESSION 5
21 STEVEN ROAD AND 12, 18, 20 SHEPARD ROAD

- (a) Notwithstanding the provisions of Section 11(a) of By-law Number 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence.
- (b) Notwithstanding the zone requirements table Schedule "A" to By-law 1784, the following zone provisions shall apply to the above noted residential use in paragraph (a) above.

(i) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 24 m
- (b) LOT AREA
Minimum 0.202 ha (2019 m²)
- (c) LOT COVERAGE
Maximum for all Buildings 33% of the lot area
- (d) FRONT YARD
Minimum Depth 9.0 m
- (e) INTERIOR SIDE YARD
Minimum Width 1.5 m
- Provided however and notwithstanding the above,
where no garage or carport facilities are provided on
the lot then the minimum width of one of the interior
side yards shall be 4.9 m
- (f) REAR YARD
Minimum Depth 10.0 m
- (g) PARKING, ACCESSORY BUILDING, ETC.

In accordance with the provisions of Section 4 of By-law 1784.

- (ii) Provided further that the following conditions are complied with:
 - (a) The dwelling constructed on the Subject Property is served by a well which is drilled into the deep aquifer which underlies the impervious clay.
 - (b) The dwelling located on the Subject Property is served by a septic tank system which is constructed and approved by the Region of Durham Department of Health Services.

(1952-85) (5-W1) PART OF LOT 22, CONCESSION 6

- (a) Notwithstanding Section 11(a) of By-law 1784, the following additional uses of an underground petroleum bulk storage plant, an office and a warehouse shall be permitted on the Subject Property as shown on Schedule "A-1" annexed to this By-law.

- (b) The following zone provisions shall apply to the underground petroleum bulk storage plant as permitted in paragraph (a) above:

(i)	INTERIOR SIDE YARD (South) Minimum Width (from underground tanks)	60 m
(ii)	REAR YARD Minimum Width (from underground tanks)	7.5 m

(1966-86) **(5-X1) PART OF LOTS 29 AND 30, CONCESSION 9**
9760 HERON ROAD
Repealed by By-law Amendment 6600-12

(1964-86) **(5-Y1) PLAN OF SUBDIVISION 18T-84038**
PART OF LOTS 25 AND 26, CONCESSION 8
Repealed by By-law Amendment 6600-12

(1964-86) **(5-Z1) PART OF LOT 20, CONCESSION 5**
5515 THICKSON ROAD NORTH

- (a) Notwithstanding the provisions of Section 11(a)(ii) of By-law 1784 the following uses namely; a retail nursery and the sale of propane as an accessory use to the retail nursery, shall be permitted on the subject property as shown on Schedule "A-1" annexed to this By-law.

- (b) For the purpose of the interpretation of the provisions of this By-law, the following definition shall apply:

"RETAIL NURSERY" means a building or part of a building in which nursery plants and shrubs, fertilizer, top soil, patio stones, household fencing materials, barbecues, nursery related power tools and equipment, lawn chairs and other gardening accessory supplies are kept and offered for retail sale and shall not include the sale of propane to motor vehicles.

(2041-86) **(5-C2) PART OF LOT 19, CONCESSION 4**
870 TAUNTON ROAD EAST
Repealed by By-law Amendment 7382-18

(2042-86) **(5-D2) PART OF LOT 20, CONCESSION 1**
1631 DUNDAS STREET EAST

- (a) No person shall use any lot, erect, alter or use any building or structure on the lands shown on Schedule "A-1" annexed to this By-law except in accordance with the following provisions:

(i) USES PERMITTED

- Offices
- places of entertainment and assembly
- retail stores and personal service establishment

(ii) ZONE PROVISIONS

(a)	FRONT YARD Minimum Depth	7.5 m
(b)	INTERIOR SIDE YARD Minimum	1.0 m

(6776-13)

- (c) REAR YARD
Minimum Depth 3.0 m
- (d) LANDSCAPED OPEN SPACE
Minimum 10% of the lot area
- (e) HEIGHT OF BUILDING
Maximum 10.0 m
- (f) LOT COVERAGE
Maximum 30% of the lot area
- (g) Notwithstanding the definition for a "parking space" as found in Section 2 (Definitions) of By-law 1784, the following shall apply:

"PARKING SPACE" means an area of not less than 15.5 m², exclusive of any aisles or ingress and egress lanes, with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 5.5 m for the temporary parking or storage of motor vehicles and may include a private garage.
- (h) PARKING
In accordance with the provisions of Section 4 of By-law 1784.

(3) DEFINITIONS

In applying the provisions of (i) and (ii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, the following shall govern:

- (a) **"PLACES OF ENTERTAINMENT AND ASSEMBLY"** means one or more of the following uses, namely; a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.
- (b) **"OFFICES"** means one or more of the following uses, namely; office but does not include such uses as an art studio, medical office, law office, real estate office and a travel agency.
- (c) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provided direct service to the public which shall include: a medical office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.

(6776-13)

(2061-86)

(5-F2) PART OF LOT 22, CONCESSION 5

- (a) Notwithstanding paragraph (vii) of Section 11, Subsection (a) of By-law 1784, one single family residential dwelling shall be permitted on those lands outlined and marked as "Subject Property" on Schedule "A-1" annexed to this By-law in accordance with the provisions of Schedule "A", Residential (Other Than Farming) to By-law 1784.
Notwithstanding the zone provisions of Schedule "A" Residential (Other Than Farming) of By-law 1784, the zone provisions that existed prior to the passage of this By-law shall continue to apply.

- (b) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "AE" Agricultural Exclusive of the lands outlined on Schedule "A-1" annexed to this By-law and marked as "Subject Property" (crosshatched).
 - (a) No person shall use any lot or erect or alter or use any building or structure in any "AE" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

AE – AGRICULTURAL EXCLUSIVE

(i) USES PERMITTED

- general agricultural uses which are not obnoxious to the public welfare including farm buildings, field crops, gardening, nurseries, orchards and forestry.

(ii) ZONE PROVISIONS

The zone provisions of Schedule "A", Zone Requirements Table, designated as "A" (Farming) shall apply to any development on the "Subject Property". (Crosshatched)

(2062-86)

(5-G2) PART OF LOT 21 AND 22, CONCESSION 5

- (a) Notwithstanding paragraph (vii) of Section 11, Subsection (a) of By-law 1784, one single family residential dwelling shall be permitted on those lands outlined and marked as "Subject Property" on Schedule "A-1" annexed to this By-law in with the provisions of Schedule "A", Residential (Other Than Farming) to By-law 1784.

Notwithstanding the zone provisions of Schedule "A" Residential (Other Than Farming) of By-law 1784 except for the minimum lot frontage, the zone provisions that existed prior to the passage of this By-law shall continue to apply.
- (b) Notwithstanding the minimum lot frontage provision found in Schedule "A" Residential (Other Than Farming) the following shall apply.

LOT FRONTAGE	
Minimum	18 m
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "AE" Agricultural Exclusive of the lands outlined on Schedule "A-1" annexed to this By-law and marked as "Subject Property". (crosshatched)
 - (a) No person shall use any lot or erect or alter or use any building or structure in any "AE" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

AE – AGRICULTURAL EXCLUSIVE

(i) USES PERMITTED

- general agricultural uses which are not obnoxious to the public welfare including farm buildings, field crops, gardening, nurseries, orchards and forestry.

(ii) ZONE PROVISIONS

The zone provisions of Schedule "A", Zone Requirements Table, designated as "A" (Farming) shall apply to any development on the "Subject Property". (Crosshatched)

(2063-86) (5-H.2) PART OF LOTS 21, CONCESSION 7

- (a) Notwithstanding paragraph (vii) of Section 11, Subsection (a) of By-law 1784, one single family residential dwelling shall be permitted to those lands outlined and marked as "Subject Property" (dots) on Schedule "A-1" annexed to this By-law in accordance with the provisions of Schedule "A", Residential (Other Than Farming) to By-law 1784.

Notwithstanding the zone provisions of Schedule "A" Residential (Other Than Farming) of By-law 1784, the zone provisions that existed prior to the passage of this By-law shall continue to apply.

- (b) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "AE" Agricultural Exclusive of the lands outlined on Schedule "A-1" annexed to this By-law and marked as "Subject Property". (crosshatched)
- (a) No person shall use any lot or erect or alter or use any building or structure in any "AE" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions

AE – AGRICULTURAL EXCLUSIVE**(i) USES PERMITTED**

- general agricultural uses which are not obnoxious to the public welfare including farm buildings, field crops, gardening, nurseries, orchards and forestry.

(ii) ZONE PROVISIONS

The zone provisions of Schedule "A", Zone Requirements Table, designated as "A" (Farming) shall apply to any development on the "Subject Property". (cross hatched)

**(2064-86) (5-I2) PART OF LOT 21, CONCESSION 3
GLEN DHU DRIVE**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A" of the lands so marked "R2A" on Schedule "A-1" annexed to this By-law.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	54 m
(c)	LOT AREA Minimum	798 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m

Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of 6.0 m

- (i) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (j) HEIGHT OF BUILDING
Maximum 8.0 m
- (k) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (c)
 - (i) Notwithstanding the provisions of this By-law to the contrary the existing single family detached dwelling located on the lands denoted by cross-hatching on Schedule "A-1" hereto, may be permitted in continued use accessory to the use permitted under Section(b) hereof.
 - (ii) The zone provisions of Section (b)(ii) of this By-law shall apply to such accessory dwelling unit with exception of the minimum rear yard setback which shall be as follows:
 - (a) REAR YARD
Minimum 4.45 m
- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
 - (i) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (iii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iv) **"YARD"** means a space, appurtenant to a building or structure, located on the same lots as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.

- (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(2070-86)
(2256-87) **(5-J2) PART OF LOT 20, CONCESSION 9
PARTS 1 AND 2, PLAN 40R-9207
Replaced by By-law Amendment 5581-05
Repealed by By-law Amendment 6600-12**

(2071-86)
(2922-90)
(2073-86) **(5-K2) SOUTHWEST CORNER OF CONSUMERS DRIVE AND THICKSON ROAD SOUTH
Repealed by By-Law Amendment 5994-07**

**(5-L2) PART OF BLOCK 17, PLAN M-1204
SUNRAY STREET**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "HMIA" of the land so marked "HMIA" on Schedule "A-1" annexed to the By-law.

- (b) No person shall use any lot in any "HMIA" indicated on Schedule "A-1" annexed to this By-law except in accordance with the following uses:

H-M1A – HOLDING PRESTIGE INDUSTRIAL ZONE

(i) USE PERMITTED

- bush or berry crop;
- orchard

- (c) In the event that Council deems it appropriate to delete the "H" prefixed to the aforementioned zone designation, the following uses and zone provisions shall apply to the subject property indicated on Schedule "A-1" annexed to this By-law:

M1A – PRESTIGE INDUSTRIAL ZONE

- (i) No person shall with a "MIA" Prestige Industrial Zone use any lot or erect or alter or use any building or structure except in accordance with the following uses:

- auditorium, swimming pool or other recreational or educational use
- bank
- commercial or technical school
- office building
- parking lot
- plant for the assembly and/or manufacture of products within a wholly enclosed structure
- public garage
- research and development facility
- restaurant
- retail or wholesale outlet, including showroom and service shop, ancillary to a manufacturing or warehouse use on the same lot provided that such retail or wholesale outlet does not occupy more than 10% of the gross floor area of the manufacturing or warehouse use to a maximum of 93 m²
- warehouse of the storage of goods and materials within a wholly enclosed structure

(ii) ZONE PROVISIONS

(6776-13)

No person shall within any "MIA" Prestige Industrial Zone erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA Minimum	0.4 ha
(b)	LOT COVERAGE Maximum	60% of the lot area
(c)	FRONT YARD Minimum Depth	9.0 m
(d)	REAR YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD Minimum Width	3.0 m
(f)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(g)	HEIGHT OF BUILDING Maximum	12 m

provided that if any portion of a building is erected above a height of 12 m such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above a height of 12 m.

(h)	USE OF FRONT AND EXTERIOR SIDE YARD A maximum of 20% of the required parking for a particular lot may be permitted in the front or exterior side yard.
(i)	OUTSIDE USES PERMITTED Save and except parking all permitted uses and other operations incidental thereto including storage shall be carried on within the confines of a building. A storage area with roof but without side walls may be permitted up to the ground floor area of the building, provided that such storage area shall be so located that it is not visible from any public roadway.
(j)	NOXIOUS TRADE No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder.
(k)	PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with Section 4 of By-law 1784.

**(2116-86) (5-N2) PART OF LOT 3, PLAN M-42
25 SHEPHERD ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law Number 1784 to the contrary, no person shall use, alter, erect, locate or otherwise place any building or structure within the area of the "Subject Property" shaded with diagonal lines as shown on Schedule "A-1" for any purpose except that of a single family detached dwelling.
- (b) Notwithstanding the zone requirements table Schedule "A" to By-law 1784, the following zone provisions shall apply to the residential use noted in paragraph (a) above:

(i) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	30 m
(b)	LOT AREA Minimum	0.202 ha
(c)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(d)	FRONT YARD Maximum	9.0 m
(e)	INTERIOR SIDE YARD Minimum Width	1.5 m
	Provided however and notwithstanding the above, where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.9 m
(f)	REAR YARD Minimum Depth	7.5 m
(g)	PARKING, ACCESSORY BUILDINGS, ETC. In accordance with the provisions of Section 4 of By-law # 1784.	

(ii) Provided further that the following conditions are complied with:

- (a) That the dwelling constructed on the "Subject Property" is served by a well with a watertight casing to a depth of 6 m which is drilled into the deep aquifer underlying the impervious clay.
- (b) That the dwelling located on the "Subject Property" is served by a Class 4 filter bed or a Class 6 private sewage system to be located within the area shaded with diagonal lines on Schedule "A-1" and subject to the approval of the Region of Durham Department of Health Services.

(2123-86) (5-O2) PART OF LOT 22, CONCESSION 2

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A" of the lands so marked "R2A" on Schedule "A-1" annexed to this By-law.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(i)	HEIGHT OF BUILDING Maximum	8.0 m

(j) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in Subsection (b) above, the following definition shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 (Definitions) of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (ii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
 - (iii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (iv) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by The Corporation of the Town of Whitby or owned by The Regional Municipality of Durham.

(2151-87) (5-P2) **PART OF LOT 20, CONCESSION 2
185 THICKSON ROAD NORTH**

Notwithstanding the uses permitted in the Local Commercial Zone as referred to in Section 6(a) of By-law 1784, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely: a veterinary clinic.

(2157-87) (5-Q2) **PART OF LOTS 19 AND 20, BROKEN FRONT CONCESSION
SOUTHWEST CORNER – WENTWORTH STREET & FORBES STREET**

- (3) No person shall within the Prestige Industrial Zone (M1A) use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(a) **RESIDENTIAL USES**

- Prohibited

(b) **NON-RESIDENTIAL USES**

- auditorium, swimming pool or other recreational or educational use
- bank or financial institution
- commercial or technical school
- office building
- parking lot
- plant for the assembly and/or manufacture of products within a wholly enclosed structure
- public garage
- research and development facility
- restaurant
- retail or wholesale outlet, including showroom and service shop, ancillary to a manufacturing or warehouse use on the same lot provided

(6776-13)

that such retail or wholesale outlet does not occupy more than 10% of the gross floor area of the manufacturing or warehouse use to a maximum of 93 m²

- warehouse for the storage of goods and materials within a wholly enclosed structure

(4) ZONE PROVISIONS

No person shall within any Prestige Industrial Zone (M1A) use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA Minimum	0.4 ha
(b)	LOT COVERAGE Maximum	60% of the lot area
(c)	FRONT YARD Minimum Depth	9.0 m
(d)	REAR YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD Minimum Width	3.0 m
(f)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(g)	HEIGHT OF BUILDING Maximum	12 m
	provided that if any portion of a building is erected above a height of 12 m such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above a height of	12 m.
(h)	USE OF FRONT AND EXTERIOR SIDE YARD	
	A maximum of 20% of the required parking for a particular lot may be permitted in the front or exterior side yard.	
(i)	OUTSIDE USES PERMITTED	
	Save and except parking all permitted uses and other operations incidental thereto including storage shall be carried on within the confines of a building. A storage area with roof but without side walls may be permitted up to the ground floor area of the building, provided that such storage area shall be so located that it is not visible from any public roadway.	
(j)	NOXIOUS TRADE	
	No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder.	
(k)	PARKING, ACCESSORY BUILDINGS, ETC.	
	In accordance with Section 4 of By-law 1784.	

**(2169-87) (5-R2) PART OF LOT 21, CONCESSION 2
PLAN OF SUBDIVISION 18T-84013**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A" and "OS" of the lands so marked "R2A" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	28 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface of the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

- (2184-87) **(5-S2) PART OF LOT 20, CONCESSION 1
301 THICKSON ROAD SOUTH**
- (a) Notwithstanding the uses permitted in Section 7A (B) of By-law 1784, the following additional use of a mini-mart shall be permitted as an accessory use for the lands outlined on Schedule "A-1" designated "GB-CW" annexed to this By-law.
 - (b) The accessory use of a mini-mart as permitted in paragraph (a) above shall not exceed 74 m².
 - (c) Notwithstanding the zone provisions for a "GB-CW" Zone of Section 7A (B) (2) Subsection (f) of By-law 1784, the following provisions shall apply over the lands designated "GB-CW" outlined on Schedule "A-1":
 - (f) **INTERIOR SIDE YARD**
Minimum – GB-CW 6.0 m
 - (d) Section 7(D)(5)(e) of By-law 1784 shall not apply to the "GB-CW" Zone as outlined on Schedule "A-1" annexed to this By-law.
- (3) No person shall within the Prestige Industrial Zone (M1A) use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:
- (a) **RESIDENTIAL USES**
 - Prohibited
 - (b) **NON-RESIDENTIAL USES**
 - auditorium, swimming pool or other recreational or educational uses
 - bank or financial institution
 - cinema in conjunction with an office building
 - commercial or technical school
 - office building
 - parking lot
 - plant for the assembly and/or manufacture of products within a wholly enclosed structure
 - public garage
 - research and development facility
 - restaurant
 - retail or wholesale outlet, including showroom and service shop, ancillary to a manufacturing or warehouse use on the same lot provided that such retail or wholesale outlet does not occupy more than 10% of the gross floor area of the manufacturing or warehouse use to a maximum of 93 m²
 - warehouse for the storage of goods and materials within a wholly enclosed structure
- (4) **ZONE PROVISIONS**
- No person shall within any Prestige Industrial Zone (M1A) use any lot or erect, alter or use any building or structure except in accordance with the following provisions:
- (a) **LOT AREA**
Minimum 0.4 ha

(b)	LOT COVERAGE Maximum	60% of the lot area
(c)	FRONT YARD Minimum Depth	9.0 m
(d)	REAR YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD Minimum Width	3.0 m
(f)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(g)	HEIGHT OF BUILDING Maximum	12 m

provided that if any portion of a building is erected above a height of 12 m such portion must be set back from the front, side or rear lot line, as the case may be, in addition to the minimum front, side or rear yard requirements of this By-law, a further distance of 0.3 m for each 0.6 m by which such portion of the building is erected above a height of 12 m

(h) USE OF FRONT AND EXTERIOR SIDE YARD

A maximum of 20% of the required parking for a particular lot may be permitted in the front or exterior side yard.

(i) OUTSIDE USES PERMITTED

Save and except parking all permitted uses and other operations incidental thereto including storage shall be carried on within the confines of a building. A storage area with roof but without side walls may be permitted up to the ground floor area of the building, provided that such storage area shall be so located that it is not visible from any public roadway.

(j) NOXIOUS TRADE

No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder.

(k) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with Section 4 of By-law 1784.

(2394-88)

(5) Notwithstanding any provision to the contrary the following provisions shall apply to the "M1A" Zone for the subject property.

(a)	The office floor area in conjunction with a cinema comprised of a minimum	2,000 m ²
(b)	The cinema gross floor area shall not exceed	2,100 m ²

**(2223-87) (5-T2) PART OF LOT 27, CONCESSION 4
4650 BALDWIN STREET SOUTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence located within an existing residential node as delineated on Schedule "A-1" annexed to this By-law.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" except for the following provision.

LOT FRONTAGE
Minimum

3.5 m

**(2229-87) (5-U2) PART OF LOT 21, CONCESSION 2
PLAN OF SUBDIVISION 18T-79093
PLAN OF SUBDIVISION 18T-83008**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zoning designations to "R2A", "R2A/R3B" and "OS" of the lands so marked "R2A", "R2A/R3B" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on "Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	475 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m

(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2A/R3B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A/R3B – SINGLE FAMILY DETACHED DWELLING HOUSE – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house
- semi-detached dwelling house

(ii) ZONE PROVISIONS

- (a) For a single family detached dwelling house the zone provisions shall be in accordance with Section (b)(ii) of this By-law.

- (b) For semi-detached dwelling houses the zone provisions shall be in accordance with the following zone provisions:
- (a) LOT FRONTAGE
Minimum 9.0 m for each dwelling unit
 - (b) LOT DEPTH
Minimum 30 m
 - (c) LOT AREA
Minimum 420 m²
 - (d) LOT COVERAGE
Maximum for all Buildings 40% of the lot area
 - (e) FRONT YARD
Minimum Depth 4.5 m

provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front line of 6.0 m
 - (f) REAR YARD
Minimum 10 m

except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is 15 m
 - (g) INTERIOR SIDE YARD
Minimum Width 1.0 m

provided, however and notwithstanding the above
 - (a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m
 - (b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least 2.5 m
 - (c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be 4.5 m
 - (h) EXTERIOR SIDE YARD
Minimum Width 4.5 m

provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line a minimum distance of 6.0 m
 - (i) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

- (j) HEIGHT OF BUILDING
Maximum

8.0 m

- (k) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.'
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (vi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vii) **"SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.

(2230-87)

(5-V2) PART OF LOT 20, CONCESSION 1 PLAN OF SUBDIVISION 18T-86014

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" and "R2C" of the lands so marked "R2A" and "R2C" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter to use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USE PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	475 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area

(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	350 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 6.0 m	
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth is 15 m	
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
	(b) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building: and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
 - (vi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

**(2231-87) (5-W2) PART OF LOT 25, 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-85024**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R1A", "R2A", "R2B", "R2C", "R3A", "R4B", "C1", "I/R2A", "OS" and "D" of the lands so marked "R1A", "R2A", "R2B", "R2C", "R3A", "R4B", "C1", "I/R2A", "OS" and "D" on Schedule "A-1" annexed to this By-law.

(b) R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	18 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	540 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m

(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

(ii) EXCEPTION

- (a) Notwithstanding the permitted use outlined in Clause (i) above, a single family dwelling house shall be permitted on lands being composed of Blocks 133 and 134, Plan 40M-1632.
- (b) The zone provisions outlined in Clause (ii) above shall apply to the single family dwelling house. In accordance with the provisions of Section 4 of By-law 1784.

(c) R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	36% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m

	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	
(d)	R2B – SINGLE FAMILY DETACHED DWELLING HOUSE No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.	
(i)	USE PERMITTED	
	• detached single family dwelling house	
(ii)	ZONE PROVISIONS	
(a)	LOT FRONTAGE Minimum	12 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	

(e) R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

(ii) USE PERMITTED

- detached single family dwelling house

(iii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.5 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	350 m ²
(d)	LOT COVERAGE Maximum for all buildings	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	

(f) R3A – SINGLE FAMILY LINK DWELLING HOUSE

No person shall use any lot or erect or alter or use any building structure in any "R3A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

(i) USE PERMITTED

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	270 m ²
(d)	LOT COVERAGE Maximum	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be setback from the front lot line a minimum of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.2 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

- (3382-93)
- (k) **PARKING**
In accordance with the provisions of Section 4 of By-law 1784.
- (iii) **EXCEPTIONS**
- (a) Notwithstanding the permitted use outlined in Clause (i) above, a single family dwelling house shall be permitted on lands being composed of Blocks 33 and 34, Plan 40M-1631.
- (b) The zone provisions outlined in Clause (ii) above shall apply to the single family dwelling house.
- (g) **R4B – SINGLE FAMILY TOWN HOUSE DWELLING**
- No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.
- (i) **USE PERMITTED**
- single family town house dwelling
- (ii) **ZONE PROVISIONS**
- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 7.6 m |
| (b) | LOT DEPTH
Minimum | 30 m |
| (c) | LOT AREA
Minimum | 210 m ² |
| (d) | LOT COVERAGE
Maximum | 50% of the lot area |
| (e) | FRONT YARD
Minimum Depth | 4.5 m |
| | Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of | 5.5 m |
| (f) | REAR YARD
Minimum Depth | 10.0 m |
| | except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is | 15 m |
| (g) | INTERIOR SIDE YARD | |
| | There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be | 1.0 m |
-

(2346-88)	(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(h)	EXTERIOR SIDE YARD Minimum Width	3.0 m
		Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	6.0 m
	(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(j)	HEIGHT OF BUILDINGS Maximum	9.5 m
	(k)	PARKING	
		In accordance with the provisions of Section 4 of By-law 1784.	

- (h) **I/R2A - INSTITUTIONAL ZONE- SINGLE FAMILY DETACHED DWELLING HOUSE**
No person shall use any lot or erect or alter or use any building or structure in any "I/R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(i) **USES PERMITTED**

"I" INSTITUTIONAL

- Arena
- Church
- community centre
- long term care facility
- nursery school
- school
- swimming pool

R2A

- detached single family dwelling house

(ii) **ZONE PROVISIONS**

- (a) For an Institutional use the zone provisions shall be in accordance with the following zone provisions:
- | | | |
|-----|-------------------------------------|--------|
| (a) | FRONT YARD
Minimum Depth | 15 m |
| (b) | INTERIOR SIDE YARD
Minimum Width | 10.0 m |
| (c) | REAR YARD
Minimum Depth | 10.0 m |

(6925-14)

(d)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(e)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	

- (b) For a single family detached dwelling house the zone provisions shall be in accordance with Section (c)(ii) of this By-law.

(h) D – DEVELOPMENT

No person shall use any lot or erect or alter or use any building or structure in any "D" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- berry or bush crop
- field crop
- flower garden
- green house
- horticulture nursery
- market garden

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all Buildings	10% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
(c)	REAR YARD Minimum	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(f)	HEIGHT OF BUILDINGS Maximum	10.0 m
(g)	PARKING In accordance with Section 4 of By-law 1784.	

- (i) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b), (c), (d), (e), (f) and (g) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definition hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of an accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance; and,
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage or contiguous to each unit.
 - (vii) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling ,
 - (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) contains a private garage within each dwelling house.
 - (viii) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.
-

- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(2232-87) (5-X2) PART OF LOT 18, CONCESSION 3 PLAN OF SUBDIVISION 18T-84012

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A", "R2B", "R4B", "C1", "I" and "OS" of the land so marked "R2A", "R2B", "R4B", "C1", "I" and "OS" on Schedule "A-1" annexed to the By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	475 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	13 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	450 m ²
(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	

(a)	the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(b)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior yard shall be setback from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	200 m ²
(d)	LOT COVERAGE Maximum	50% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	6.0 m

(f)	REAR YARD Minimum Depth	10.0 m
(g)	INTERIOR SIDE YARD	
	(a) There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	(b) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(c) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the exterior side yard shall be setback from the exterior side lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (e) No person shall use any lot or erect or alter or use any building or structure in any "I" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

I – INSTITUTIONAL

(i) USES PERMITTED

"I" – INSTITUTIONAL

- Arena
- Church
- community centre
- long term care facility
- nursery school
- school
- swimming pool

(ii) ZONE PROVISIONS:

(a)	FRONT YARD Minimum Depth	15 m

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(b)	INTERIOR SIDE YARD Minimum Width	10.0 m
(c)	REAR YARD Minimum Depth	10.0 m
(d)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(e)	LOT COVERAGE Maximum for all Buildings	50% of the lot area
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (f) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b), (c), (d), and (e) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definition hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling house,

- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage within each dwelling house.

(vii) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.

(viii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(2233-87) (5-Y2) **PART OF LOT 21, CONCESSION 1**
 Repealed by By-Law Amendment 4611-00

(2234-87) (5-Z2) **PART OF LOT 24, CONCESSION 8**
495 MYRTLE ROAD WEST

- (3) Notwithstanding Section 11(a) of By-law 1784 the lands shown on Schedule "A-1" annexed to this By-law and designated as "Subject Property" may be used for the additional use of a single family detached dwelling.
 - (a) The zone requirements of Schedule "A" to By-law 1784 designated as "Residential (other than farming)" shall apply to the said permitted use as described in paragraph 2 above.
 - (b) The aforesaid residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time as administered by the Medical Officer of Health or otherwise.

(1979-86) (6-A1) **PART OF LOT 28, CONCESSION 3**
PLAN OF SUBDIVISION 18T-85009

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R1A", "OS" and "G" of the lands so marked "R1A", "OS" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 20 m
- (b) LOT DEPTH
Minimum 37.5 m
- (c) LOT AREA
Minimum 850 m²
- (d) LOT COVERAGE
Maximum 33% of the lot area

(e)	FRONT YARD Minimum	7.5 m
(f)	REAR YARD Minimum Depth except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	10.0 m 15 m
(g)	INTERIOR SIDE YARD Minimum Width provided, however, and notwithstanding the above	1.2 m
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	2.0 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be setback from the exterior side yard lot line, a minimum distance of	4.5 m 6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	
- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;

- (b) In the case of a mansard roof, the deck roof line; and,
- (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling below adjacent finished grade.
- (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (vi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vii) **"FRONTAGE, LOT"** means a horizontal distance between the side lot lines. Where such lot lines are not parallel the lot frontage shall be the distance between the side lot lines measured on a line parallel to the front lot line and 7.62 m distant there from.

(2235-87) (6-A2) PART LOT 22, CONCESSION 1, 855 AND 1025 HOPKINS STREET; AND, PARTLOT 20, CONCESSION 1, SOUTHEAST CORNER CHAMPLAIN AVENUE & THICKSON ROAD

- (a) Notwithstanding the uses permitted in the Prestige Industrial Zone as referred in Section 8A of By-law 1784, the additional use of a concrete batching plant shall be permitted on the lands shaded with dots on Schedule "A-1".
- (b) Notwithstanding the uses permitted in the Prestige Industrial Zone as referred in Section 8A of By-law 1784, the additional use of distribution centre for heavy construction machinery including parts, service and repairs shall be permitted on land shaded with crosshatching on Schedule "A-1".
- (c) **Repealed by By-Law Amendment 4267-98**

**(2020-86) (6-B1) PART OF LOT 21, CONCESSION 2
PLAN OF SUBDIVISION 18T-79093**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A" and "R2A/R3B" of the lands so marked "R2A" and "R2A/R3B" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	475 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the Interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

(k) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2A/R3B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

**R2A/R3B – SINGLE FAMILY DETACHED DWELLING HOUSE
– SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE**

(i) USES PERMITTED

- detached single family dwelling house
- semi-detached dwelling house

(ii) ZONE PROVISIONS

- (a) For a single family detached dwelling house the zone provisions shall be in accordance with Section (b)(ii) of this By-law.
- (b) For semi-detached dwelling house to the zone provisions shall be in accordance with the following zone provisions:
- | | |
|--|--|
| (a) LOT FRONTAGE | |
| Minimum | 9.0 m for each dwelling unit |
| (b) LOT DEPTH | |
| Minimum | 30 m |
| (c) LOT AREA | |
| Minimum | 435 m ² |
| (d) LOT COVERAGE | |
| Maximum for all Buildings | 40% of the lot area |
| (e) FRONT YARD | |
| Minimum Depth | 4.5 m |
| | provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of |
| | 6.0 m |
| (f) REAR YARD | |
| Minimum | 10.0 m |
| (g) INTERIOR SIDE YARD | |
| Minimum Width | 1.0 m |
| | provided, however and notwithstanding the above. |
| (a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least | 1.75 m |
| (b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least | 2.5 m |
-

- (c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be 4.5 m
- (h) EXTERIOR SIDE YARD
Minimum Width 4.5 m
provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of 6.0 m
- (i) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (j) HEIGHT OF BUILDING
Maximum 8.0 m
- (k) PARKING

In accordance with the provision of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
 - (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory building, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

- (vi) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vii) **"SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE"** means one of a pair of two attached single-family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.

(2427-88) (6-B2) PART OF LOT 21, BROKEN FRONT CONCESSION

Notwithstanding the permitted uses in an "M1A" Zone, Section 8A Prestige Industrial Zone of By-law 1784, the additional use of a tractor trailer truck sales and service establishment and a truck refuelling station shall be permitted on the lands south of Victoria Street East as shown on Schedule "A-1" annexed to this By-law.

**(2257-87) (6-C) PART OF LOT 24, CONCESSION 2
PLAN OF SUBDIVISION 18T-86070**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2C", "R4B", "MDB" and "RMU" of the lands so marked "R2C", "R4B", "MDB" and "RMU" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.7 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	352 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	7.5 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m

(2370-88)

	provided, however and notwithstanding the above(a)the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8 m
(k)	PARKING	
- In accordance with the provisions of Section 4 of By-law 1784
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USE PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.5 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	200 m ²
(d)	LOT COVERAGE Maximum	50% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a	5.5 m
(f)	REAR YARD Minimum Depth	7.5 m

(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

(3087-91)

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R4B-1" Zone as shown as the "Subject Property" on Schedule "A-1" annexed to By-law # 3087-91 except in accordance with the following uses and zone provisions.

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	6.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	10.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	200 m ²
(e)	LOT COVERAGE Maximum	50% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m

(g)	REAR YARD Minimum Depth	7.5 m
(h)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.2 m
(i)	EXTERIOR SIDE YARD Minimum Width	6.0 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

(iii) DEFINITIONS

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):

- (a) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (i) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (ii) in the case of a mansard roof, the deck roof line; and,
 - (iii) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (b) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (c) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (d) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

- (e) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
- (f) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight and not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling house,
- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage within each dwelling house.

(2641-89)

- (e) No person shall use any lot or part of a lot or erect or alter or use any building or buildings or structures in that part of the "RMU" Zone shown as Part A and Part B on Schedule "A-1" annexed to By-law # 2641-89 except in accordance with the following uses and zone provisions:

**RMU – RESIDENTIAL MIXED USE
– NON-RESIDENTIAL**

**(i) USES PERMITTED
(up to and including the second storey above ground level)**

- office
- place of entertainment and assembly
- retail store and personal service establishment

(6776-13)

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 55 m
- Notwithstanding anything to the contrary, Garden Street shall be the lot frontage for the non-residential uses in an "RMU" zone category.
- (b) LOT AREA
Minimum 0.9266 ha
(excluding air rights utilized for residential uses)
- (c) LOT COVERAGE
Maximum for all non residential buildings 35%
- (d) LOT DEPTH
Minimum 134 m
- (e) FRONT YARD
Minimum Depth 7.5 m
- (f) INTERIOR SIDE YARD
Minimum Depth 0.0 m

(g)	REAR YARD Minimum Depth	0.0 m
(h)	EXTERIOR SIDE YARD Minimum Depth	7.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(j)	HEIGHT OF BUILDING Maximum	1 storey
(k)	PARKING	
(i)	In accordance with the provisions of Section 4 of By-law 1784	
(ii)	Notwithstanding Section 4(ix) of By-law 1784 parking areas may be located in all yards provided that no portion of any parking area, other than a driveway is located closer than 1.0 m to any street line.	

(2641-89)

- (f) No person shall use any lot or part of a lot or erect or alter or use any building or on schedule "A-1" annexed to By-law # 2641-89 except in accordance with the following uses and zone provisions:

RMU – RESIDENTIAL MIXED USE RESIDENTIAL

(i) USES PERMITTED (in Part C and above the second storey in Part B)

- apartment dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	41 m
(b)	LOT AREA Minimum (not including air rights utilized for residential uses located above non-residential uses)	0.2821 ha
(c)	LOT DEPTH Minimum	67 m
(d)	FRONT YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD Minimum Depth	0.0 m
(f)	REAR YARD Minimum Depth	0.0 m
(g)	EXTERIOR SIDE YARD Minimum Depth	7.5 m

(h)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(i)	HEIGHT OF BUILDING Maximum	
	Part B on Schedule A-1	10 storeys above the second storey above grade level
	Part C on Schedule A-1	12 storeys
(j)	PARKING	
	(i) PARKING SPACES REQUIRED ON LOT	
	Notwithstanding the provisions of Section 4 of By-law 1784, the following parking provisions shall apply per	1.5 parking spaces dwelling unit of which 0.2 spaces per unit shall be set aside and clearly identified for visitor parking
	(ii) PARKING AREA LOCATION ON LOT	
	All yards provided that no part of any parking area, other than a driveway is located closer than 1.0 m to any street line	
(k)	NUMBER OF APARTMENT DWELLING HOUSES PER LOT	1
(l)	NUMBER OF DWELLING UNITS PER LOT	134
- (g) For the purpose of the interpretation of the various zone provisions set forth in Subsection (2) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (ii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

- (iii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half its height from finished floor to finished ceiling, below adjacent finished grade.
- (iv) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (6776-13) (v) **"OFFICES"** means one or more of the following uses, namely; offices, but does not include such uses as an art studio, medical office, law office, real estate office and a travel agency.
- (6776-13) (vi) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provide direct service to the public which shall include: a medical office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.
- (vii) **"PLACES OF ENTERTAINMENT AND ASSEMBLY"** means one or more of the following uses, namely, a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.
- (viii) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other by a common party wall (either above or below grade) dividing the dwelling units vertically, each of which dwelling unit
- (a) has a separate front and rear entrance or separate front and side entrance; and,
- (b) contains a private garage within or continuous to each unit.
- (ix) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
- (x) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (either above or below grade) dividing the dwelling house vertically, each of which dwelling house,
- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage within each dwelling house.
- (xi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
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**(2264-87) (6-D) PART OF LOT 26, CONCESSION 3
3775 BROCK STREET NORTH**

Notwithstanding the uses permitted in Section 11 of By-law 1784, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely, a motel which shall include the following accessory uses: kitchen facilities, dining/lounge area, manager office and residence and banquet rooms.

(2) The following zone provisions shall apply to the permitted use outlined above in paragraph (1).

(a)	LOT FRONTAGE Minimum	96 m
(b)	LOT AREA Minimum	1.0 ha
(c)	FRONT YARD Minimum	20.5 m
(d)	INTERIOR SIDE YARD Minimum	8.0 m
(e)	NUMBER OF MOTEL UNITS Maximum	20
(f)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

(3) The aforesaid motel use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2270-87) (6-E) PART OF LOT 21, CONCESSION 1
Repealed by By-Law Amendment 4611-00**

**(2274-87) (6-F) PART OF LOT 24, CONCESSION 3
PLAN OF SUBDIVISION 18T-86044**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2B", "R2D" and "OS" of the lands so marked "R2B", "R2D" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	13.5 m

(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	400 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above the exterior wall of the second and third storey of an building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provision of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2D" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2D – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.7 m
(b)	LOT DEPTH Minimum	34 m
(c)	LOT AREA Minimum	228 m ²
(d)	LOT COVERAGE Maximum for all Buildings	50% of the lot area
(e)	FRONT YARD Minimum Depth	4.0 m
	Provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m on one side of the dwelling unit and 0.5 m on the other side
(h)	EXTERIOR SIDE YARD Minimum Width	4.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definition hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) In the case of a mansard roof, the deck roof line; and,
- (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(2311-87) (6-G) 1916 DUNDAS STREET EAST

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation of the "Subject Property" as shown on Schedule "A-1" annexed to this By-law from "C2-S" to "C1".
- (b) No person shall use any lot, erect, alter or use any building or structure on the lands shown on Schedule "A-1" annexed to this By-law as the "Subject Property" and designated thereon "C1" except in accordance with the following provisions where they are inconsistent with By-law 1784:

(i) USES PERMITTED

A shopping centre containing one or more or all of the uses hereinafter specified provided that such uses are carried on wholly within an enclosed building or buildings:

- Offices
- places of entertainment and assembly
- retail stores and personal service establishment

(6776-13)

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum	30% of the lot area
(b)	LANDSCAPED AREA Minimum	6% of the lot area
(c)	FRONT YARD Minimum Depth	7.5 m

(d)	REAR YARD Minimum Depth	7.5 m
(e)	INTERIOR SIDE YARD No interior side yard is required provided that if any building is to be erected, altered or used on a lot immediately adjoining an Agricultural Zone, an interior side yard shall be provided on the side adjoining such Agricultural Zone. Any such required side yard shall have a minimum width of	1.0 m
(f)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(g)	HEIGHT OF BUILDING Maximum	10.0 m
(h)	PARKING Minimum	183 spaces
(i)	OPEN STORAGE No open storage of goods or materials shall be permitted on the "Subject Property" designated as "C1" on Schedule "A-1" annexed to this By-law, provided that nothing herein shall preclude the operation of an outdoor garden centre on the subject property if it is ancillary to a permitted use.	

(iv) **DEFINITIONS**

In applying the provision of (i), (ii) and (iii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, the following shall govern:

(6776-13)

"OFFICES" means one or more of the following uses, namely, office but does not include such uses as an art studio, medical office, law office, real estate office and a travel agency.

"PARKING SPACE" means an area of not less than 15.8 m², exclusive of any aisles or ingress and egress lanes, with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 5.7 m for the temporary parking or storage of motor vehicles and may include a private garage.

(6776-13)

"PERSONAL SERVICE ESTABLISHMENT" means a building or a portion of a building used to provide direct service to the public which shall include: a medical office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.

"PLACES OF ENTERTAINMENT AND ASSEMBLY" means one or more of the following uses, namely, a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.

"SHOPPING CENTRE" means a group of permitted non-residential uses designed, developed and managed as a unit by a single owner or tenant or group of owners or tenants as opposed to a business area comprising unrelated individual uses and may include pedestrian walkways, storage areas, areas for the provision of heat, air conditioning, washrooms, parking areas, stairways, elevators and other similar uses required to service the building or buildings and permitted uses.

(2308-87) (6-H) **PART OF LOT 25, CONCESSION 9**
530 MYRTLE ROAD NORTH
Repealed by By-law Amendment 6600-12

(2329-88) (6-I) **PART OF LOT 34, BROKEN FRONT CONCESSION**
1595 VICTORIA STREET NORTH

- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for a single family dwelling, within the limits of the Building Envelope, provided that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence during the remainder of the bonafide farmer's natural life or at least for a period of 10 years in order to comply with the intent of Section 12.2.4(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the General Provisions of Section 4 of the said By-law 1784 shall apply to any development within the "Building Envelope" pursuant to subsection (a) above.
- (1) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

(2347-88) (6-J) **PART OF LOT 22, CONCESSION 6**
6775 BALDWIN STREET NORTH

- (a) Notwithstanding the uses permitted in a "C2-S" Special Purpose Commercial Zone as referred to in Section 7E(1) of By-law 1784, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law and marked as "Subject Property", namely:
 - A bus depot and maintenance facility for the servicing and repair of buses, including associated office space and yard for the parking of buses.
- (c) Notwithstanding Section 7E ii, iii, vi, vii, ix, x and xi of By-law 1784 to the contrary, the following provisions shall apply to the bus depot and maintenance facility on the lands shown on the "Subject Property" on Schedule "A-1":
 - (i) FRONTAGE
Minimum 45 m
 - (ii) DEPTH
Minimum 14 m
 - (iii) INTERIOR SIDE YARD
Minimum Width 6.0 m

(iv)	LANDSCAPED OPEN SPACE Minimum	6%

Along the rear and side lot lines, a minimum 4.5 m wide landscaped buffer strip, comprising a 1.0 m high earth berm with a row of evergreens not less than 1.5 m high, shall be provided.

(v)	OPEN STORAGE

The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers, nor shall it prevent the outdoor parking of buses.

**(2359-88) (6-K) PART OF LOT 18, CONCESSION 2
PLAN OF SUBDIVISION 18T-8 017**

(a)	That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R2A/R3B" and "OS" of the lands so marked "R2A", "R2A/R3B" and "OS" on Schedule "A-1" annexed to this By-law.
(b)	No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for 1 storey dwelling unit Maximum for 2 storey dwelling unit	 41% 34%
(e)	FRONT YARD Minimum Depth provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	 4.5 m 6.0 m
(f)	REAR YARD Minimum	10.0 m

(4252-98)

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	
		6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2A/R3B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A/R3B – SINGLE FAMILY DETACHED – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house
- semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	For a single family detached dwelling house the zone provisions shall be in accordance with Section (b)(ii) of this By-law.
(b)	For a semi-detached dwelling houses the zone provisions shall be in accordance with the following zone provisions:
(c)	LOT FRONTAGE Minimum
	9.0 m for each dwelling unit

(d)	LOT DEPTH Minimum	30 m
(e)	LOT AREA Minimum	270 m ² for each dwelling unit
(f)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(g)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(h)	REAR YARD Minimum	10.0 m
(i)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(j)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	6.0 m
(k)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(l)	HEIGHT OF BUILDING Maximum	8.0 m
(m)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground a the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE"** means one of a pair of two attached single family dwellings with a common party wall (either above or below grade) dividing the pair of family dwellings vertically, each of which has an independent entrance from the outside.

**(2360-88) (6-L) PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-85036**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A" of the lands so marked "R2A" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 30 m
- (c) LOT AREA
Minimum 465 m²

(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground a the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

**(2361-88) (6-M) PART OF LOT 35, CONCESSION 1
1616 AND 1618 VICTORIA STREET WEST
Repealed by By-law Amendment 2493-88**

- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" (dots) may be used for a single-family dwelling.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" (dots) pursuant to Subsection (a) above except where inconsistent with the following:
 - (i) **ACCESSORY BUILDINGS**

INTERIOR SIDE YARD Minimum Width	2.0 m
 - (2) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
 - (3) Notwithstanding the interior side yard provision for an Agricultural Zone (Residential other than Farming) for the "Subject Property" as shown on the attached Schedule "A-1" the following shall apply:
 - (i) **INTERIOR SIDE YARD**

Minimum	3.6 m

**(2362-88) (6-N) PART OF LOT 18, CONCESSION 5
5959 GARRARD ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for a single family dwelling, within the limits of the building envelope, providing that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence during the remainder of the bonafide farmer's natural life or at least for a period of 10 years in order to comply with the intent of Section 12.2.4(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (3) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2394-88) (6-O) PART OF LOT 18, CONCESSION 8
329 HAMERS ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for a single family dwelling, providing that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence during the remainder of the bonafide farmer's natural life or at least for a period of 10 years in order to comply with the intent of Section 11.2.6(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (2) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2454-88) (6-P) PART OF LOT 20, CONCESSION 2
25 THICKSON ROAD NORTH**

Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 7E of By-law 1784, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely: a retail/wholesale automotive parts store, a retail sporting goods centre, a recreational club, banquet or assembly hall and a retail warehouse outlet.

**(2454-88) (6-Q) PART OF LOT 31, CONCESSION 9
PLAN OF SUBDIVISION (18T-87025)
Repealed by By-law Amendment 5581-05.**

**(2473-88) (6-R) PART OF LOT 21, CONCESSION 3
PLAN OF SUBDIVISION 18T-83017**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R2A", "R2B" and "OS" of the lands so marked "R2A", "R2B" and "OS" on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(i)	HEIGHT OF BUILDING Maximum	8.0 m
(j)	PARKING	

In accordance with the provision of Section 4 of By-law 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"ZERO DECIMAL THREE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(2498-88) (6-S) PART OF LOT 20, CONCESSION 7
7675 THICKSON ROAD NORTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on schedule "A-1" annexed to this By-law and designated thereon as the "Subject Property" may be used for a single family dwelling, providing that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 11.2.6(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above except where inconsistent with the following:
- FRONT YARD
Minimum 2.36 m
- (1) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2499-88) (6-T) PART OF LOTS 19 AND 20, BROKEN FRONT CONCESSION
Repealed by By-law Amendment 6600-12**

**(2501-88) (6-U) PART OF 18 AND 19, CONCESSION 1
1700 CHAMPLAIN AVENUE**

Notwithstanding the uses permitted in a Prestige Industrial Zone as referred to in Section 8A of By-law 1784, the additional use of a hotel/motel shall be permitted on the lands outlined on Schedule "A-1" (dots) annexed to this By-law, wherein the following zone provisions shall apply to the said use:

- (a) LOT FRONTAGE
Minimum 115 m
- (b) LOT DEPTH
Minimum 97 m
- (c) LOT COVERAGE
Maximum 25% of the lot area
- (d) FRONT YARD
Minimum Depth 0.9 m
- (e) REAR YARD
Minimum Depth 7.5 m
- (f) INTERIOR SIDE YARD
Minimum Width 0.3 m
- (g) HEIGHT OF BUILDING
Maximum 12 m
- (h) USE OF FRONT YARD

A maximum of 20% of the required parking for the subject lot may be permitted in the front yard only.

(i) OUTSIDE STORAGE

Save and except parking, all permitted uses and other operations incidental thereto including storage shall be carried on within the confines of a building.

(j) LANDSCAPED OPEN SPACE

Minimum

30% of the lot area

(k) PARKING

For the hotel/motel use the minimum number of parking spaces to be provided shall be

117 spaces

For the restaurant use the minimum number of parking spaces to be provided shall be

42 spaces

(3) HOLDING PROVISION

Repealed by By-law Amendment 6600-12

Repealed by By-law Amendment 6893-14

(2502-88)

(6-V) PART OF LOT 24, CONCESSION 3
PLAN OF SUBDIVISION 18T-87016

(a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designations to "R4B", "R5A", "CRO" and "OS" of the lands so marked "R4B", "R5A", "R5A", "CRO" and "OS" on Schedule "A-1" annexed to this By-law.

(b) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE

Minimum

7.0 m

except in the case of a corner lot the minimum frontage is

11 m

(b) LOT DEPTH

Minimum

30 m

(c) LOT AREA

Minimum

200 m²

(d) LOT COVERAGE

Maximum

50% of the lot area

(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be setback from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum Depth	7.5 m
(g)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone on Schedule "A-1" annexed to this By-law except in accordance with following uses and zone provisions.

R5A – AN APARTMENT DWELLING HOUSE

(i) USES PERMITTED

- apartment dwelling house

(ii) ZONE PROVISIONS

(a)	LOT AREA Minimum	0.80 ha
(b)	LOT COVERAGE Maximum	35% of the lot area
(c)	FRONT YARD Minimum Depth	16 m
(d)	REAR YARD Minimum Depth	13 m

(e)	INTERIOR SIDE YARD (NORTH) Minimum Depth	20 m at the 4 storey height 27 m at the 8 storey height. 37 m at the 12 storey height
(f)	INTERIOR SIDE YARD (SOUTH) Minimum Depth	7.5 m
(g)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(h)	HEIGHT OF BUILDING Maximum	12 storeys
(i)	PARKING Notwithstanding the parking provisions of Section 4 of By-law 1784, the following shall apply;	1.5 parking spaces for each dwelling unit with 0.2 spaces per unit allocated and assigned for visitor parking
(j)	Notwithstanding Section 4(m)(ix) of By-law 1784; parking areas shall be located in all yards provided that no portion of any parking area, other than a driveway, is located closer than 1.0 m to any street line.	
(k)	NUMBER OF DWELLING UNITS	162
- (d) No person shall use any lot or erect or alter or use any building or structure in any "CRO" Zone, on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

CRO – COMMERCIAL/RETAIL/OFFICE

(i) USES PERMITTED

- clinic
- eating establishment
- government, offices
- retail stores and personal service establishment

(ii) ZONE PROVISIONS

(a)	LOT AREA Minimum	0.62 ha
(b)	LOT COVERAGE Maximum	60% of the lot area
(c)	FRONT YARD Minimum Depth	17 m
(d)	INTERIOR SIDE YARD Minimum Depth	9.0 m
(e)	REAR YARD Minimum Depth	24 m

(6776-13)
(6776-13)

- (f) LANDSCAPED OPEN SPACE
Minimum 10% of the lot area
- (g) HEIGHT OF BUILDING
Maximum 7 storeys
- (h) PARKING
 - (i) In accordance with the provisions of Section 4 of By-law 1784.
 - (ii) Notwithstanding Section 4(m)(ix) of By-law 1784; parking areas shall be located in all yards provided that no portion of any parking area, other than a driveway, is located closer than 1.0 m to any street line

(e) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (ii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
- (iii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (iv) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(6776-13)

- (v) **"OFFICES"** means one or more of the following uses, namely, offices, but does not include such uses as an art studio, medical office, law office, real estate office and a travel agency.

(6776-13)

- (vi) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provide direct service to the public which shall include: a medical office, a clinic, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, an eating establishment, a family restaurant and a school of dance, art or music.

- (vii) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other by a common wall dividing the dwelling units vertically, each of which dwelling units
- (a) has a separate front a rear entrance or separate front and side entrance; and,
- (b) contains a private garage within or contiguous to each unit.
- (viii) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham

**(2503-88) (6-W) PART OF LOT 23 AND 24, CONCESSION 3
PLAN OF SUBDIVISION 18T-87053**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R1A", "R2A", "R2B", "R3A", "R5A", "I/R2A", "I", "OS", "G" and "D" of the lands so marked "R1A", "R2A", "R2B", "R3B", "R5A", "I/R2A", "I", "OS", "G" and "D" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	18 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	540 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m

(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USE PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m

(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be setback from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however, and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area

(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (e) No person shall use any lot or erect or alter or use any building structure in any "R3A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R3A – SINGLE FAMILY LINK DWELLING HOUSE

(i) USES PERMITTED

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	270 m ²
(d)	LOT COVERAGE Maximum	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.2 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the distance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R5A – APARTMENT DWELLING HOUSE

(i) USES PERMITTED

- apartment dwelling house senior citizen residence

(ii) ZONE PROVISIONS

(a)	LOT AREA Minimum	1.22 ha
(b)	LOT COVERAGE Maximum	35% of the lot area
(c)	FRONT YARD Minimum Depth	7.5 m
(d)	INTERIOR SIDE YARD Minimum Depth	7.5 m
(e)	REAR YARD Minimum Depth	7.5 m
(f)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(g)	HEIGHT OF BUILDING Maximum	4 storeys
(h)	NUMBER OF DWELLING UNITS	120

(i) **PARKING**

- (a) Notwithstanding the provisions of Section 4 of By-law 1784, the following parking provisions shall apply:

Senior Citizen Residence	0.6 spaces for each dwelling unit, with 0.2 spaces per unit allocated and assigned for visitor parking
Apartment Dwelling House	1.5 parking spaces per dwelling unit of which 0.2 spaces per unit shall be set aside and clearly identified for visitor use

- (b) Notwithstanding Section 4(ix) of By-law 1784; parking areas shall be located in all yards provided that no portion of any parking area, other than a driveway is located closer than 1.0 m to any street line.

- (g) No person shall use any lot or erect or alter or use any building or structure in any "I/R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

I/R2A – INSTITUTIONAL ZONE – SINGLE FAMILY DETACHED DWELLING HOUSE(i) **USES PERMITTED****"I" Institutional**

- arena church
- community centre
- long term care facility
- nursery school
- school (elementary and secondary)
- swimming pool

"R2A"

- detached single family dwelling house

(ii) **ZONE PROVISIONS**

- (a) For an Institutional use the zone provisions shall be in accordance with the following zone provisions:

(a) FRONT YARD Minimum Depth	15 m
(b) INTERIOR SIDE YARD Minimum Width	10.0 m
(c) REAR YARD Minimum Depth	10.0 m
(d) EXTERIOR SIDE YARD Minimum Width	10.0 m

(6925-14)

(e)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	
- (b) For a single family detached dwelling house the zone provisions shall be in accordance with Section (c)(ii) of this By-law.
- (h) No person shall use any lot or erect or alter or use any building or structure in any "D" Zone in Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

D – DEVELOPMENT

- (i) **USES PERMITTED**
- berry or bush crop
 - field crop
 - flower garden
 - green house
 - horticulture nursery
 - market garden
- (ii) **ZONE PROVISIONS**
- | | | |
|-----|---|---------------------|
| (a) | LOT COVERAGE
Maximum for all buildings | 10% of the lot area |
| (b) | FRONT YARD
Minimum Depth | 7.5 m |
| (c) | REAR YARD
Minimum | 7.5 m |
| (d) | INTERIOR SIDE YARD
Minimum Width | 7.5 m |
| (e) | HEIGHT OF BUILDINGS
Maximum | 10.0 m |
| (f) | PARKING

In accordance with Section 4 of By-law 1784. | |
- (i) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b), (c), (d), (e), (f) and (g) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance;
 - (b) is attached on one or both sides by either a common party wall (Either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage within or contiguous to each unit.
- (vii) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.
- (viii) **"ZERO DECIMAL THREE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

(2513-88) (6-X) **PART OF LOT 32, CONCESSION 2
PLAN OF SUBDIVISION 18T-87015**

- (a) That Schedule "B" to By-law 1784 is hereby amended by changing the zone designation to "R2A" and "G" of the lands so marked "R2A" and "G" on Schedule "A-1" annexed to this By-law.
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

- (i) **USES PERMITTED**
 - detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.

(2514-88)

**(6-Y) PART OF LOT 19, CONCESSION 4
4110 GARRARD ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single family residence located within an existing residential node as delineated on Schedule "A-1" annexed to this By-law.
- (b) The aforesaid non-farm residential use shall be serviced with a private well and private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" except for the following provision:
 - (a) LOT FRONTAGE
Minimum 30 m
- (3) **Repealed by By-law Amendment 6600-12**

**(2541-89) (6-Z) PART OF LOT 20, CONCESSION 8
30 AND 36 BRAWLEY ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, no person shall use any lot within the area designated as "Subject Property" as shown on Schedule "A-1" annexed to this By-law or use, alter, erect, locate or otherwise place any building or other structure thereon for any purpose except that of a single-family residence located within a residential cluster as delineated on Schedule "A-1" annexed to this By-law.
- (b) The aforesaid non-farm residential use shall be serviced with a private well and private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Office of Health or otherwise.
- (c) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" except for the following provision:
- (a) LOT FRONTAGE
Minimum 35 m
- (d) The zone requirements of Schedule "A" to By-law 1784 designated as "A Residential (other than farming)" shall continue to apply to the "Retained lands" as shown on Schedule "A-1" annexed to this By-law except for the following provision:
- (a) LOT FRONTAGE
Minimum 35 m

**(2569-89) (7-A) PART OF LOT 20, CONCESSION 3
PLAN OF SUBDIVISION 18T-87077**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" to By-law # 2569-89 annexed to this By-law except in accordance with the following uses and zone provisions:
- R2A – SINGLE FAMILY DETACHED DWELLING HOUSE**
- (i) **USES PERMITTED**
- detached single family dwelling house
- (ii) **ZONE PROVISIONS**
- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 29 m
- (c) LOT AREA
Minimum 465 m²
- (d) LOT COVERAGE
Maximum 33% of the lot area

(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" to By-law # 2569-89 annexed to this By-law except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be setback from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone on Schedule "A-1" annexed to By-law # 2569-8 annexed to this By-law except in accordance with the following uses and zone provisions.

R3A – SINGLE FAMILY LINK DWELLING HOUSE**(i) USES PERMITTED**

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	270 m ²
(d)	LOT COVERAGE Maximum	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(g)	INTERIOR SIDE YARD	
	There is no interior side yard requirement.	
(h)	EXTERIOR SIDE YARD Minimum Width	3.0 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	
-

- (d) No person shall use any lot or erect or alter or use any building structure in any "R5A" Zone on Schedule "A-1" to By-law # 2569-89 annexed to this By-law except in accordance with the following uses and zone provisions.

R5A – APARTMENT DWELLING HOUSE

(i) USES PERMITTED

- apartment dwelling house
- senior citizen residence

(ii) ZONE PROVISIONS

(2620-89)

(a)	LOT AREA Minimum	0.9 ha
(b)	LOT COVERAGE Maximum	35% of the lot area
(c)	FRONT YARD AND/OR EXTERIOR SIDE YARD Minimum Depth Plus 1.25 m for each additional storey above the fourth storey.	7.5 m
(d)	INTERIOR SIDE YARD Minimum Depth Plus 1.5 m for each additional storey above the second storey.	7.5 m
(e)	REAR YARD Minimum Depth for two storeys Plus 1.5 m for each additional storey above the second storey.	7.5 m
(f)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(g)	HEIGHT OF BUILDING Maximum	6 storeys
(h)	NUMBER OF DWELLING UNITS Maximum	110
(i)	PARKING	
	(a) Apartment Dwelling House	1.5 parking spaces per dwelling unit of which 0.25 spaces per unit shall be set aside and clearly identified for visitor use
	(b) Senior Citizen Residence	0.6 spaces for each dwelling unit of which 0.2 spaces per unit are allocated and assigned for visitor parking
(2857-90)	(c) Non-Profit Housing Apartment	1.2 parking spaces for each dwelling unit of which 0.2 spaces shall be designated and signed for visitor parking.

- (d) Notwithstanding Section 4(m)(ix) of By-law 1784; parking areas shall be located in all yards subject to the following;

the total parking spaces in both the front and exterior side yards shall not exceed 20% of the total parking spaces provided on the lot; and,

that any parking area located in the rear or interior side yard be set back from the rear or interior lot line a minimum of

3.0 m

- (e) No person shall use any lot or erect or alter or use any building or structure in any "I/R2A" Zone on Schedule "A-1" to By-law # 2569-89 annexed to this By-law except in accordance with the following uses and zone provisions.

**I/R2A – INSTITUTIONAL ZONE
SINGLE FAMILY DETACHED DWELLING HOUSE**

(i) USE PERMITTED

"I" Institutional

- Arena
- Church
- community centre
- long term care facility
- nursery school
- school (elementary and secondary)
- swimming pool

"R2A"

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) For an Institutional use the zone provisions shall be in accordance with the following zone provisions:

(a) FRONT YARD Minimum Depth	15 m
(b) INTERIOR SIDE YARD Minimum Width	10.0 m
(c) REAR YARD Minimum	10.0 m
(d) EXTERIOR SIDE YARD Minimum Width	10.0 m
(e) LOT COVERAGE Maximum for all Buildings	50% of the lot area
(f) HEIGHT OF BUILDING Maximum	15 m

(6925-14)

(g) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (b) For a single family detached dwelling house the zone provisions shall be in accordance with clause (b)(ii) of this subsection.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "D" Zone on Schedule "A-1" to By-law # 2569-89 annexed to this By-law except in accordance with the following uses and zone provisions:

D – DEVELOPMENT**(i) USE PERMITTED**

- berry or bush crop
- field crop
- flower garden
- green house
- horticulture nursery
- market garden

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all Buildings	10% of the lot area
(b)	FRONT YARD Minimum Depth	7.5 m
(c)	REAR YARD Minimum Depth	7.5 m
(d)	INTERIOR SIDE YARD Minimum Width	7.5 m
(e)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (g) For the purpose of the interpretation of the various zone provisions set forth in clauses (b), (c), (d), (e), (f) and (g) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SENIOR CITIZEN RESIDENCE"** means a building used to house senior citizens, with or without medical care facilities or other common facilities devoted to and exclusively serving the residents of the building, whether under private or public ownership.
- (vii) **"SINGLE FAMILY LINK DWELLING"** means one of a group of single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance;
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage within or contiguous to each unit.
- (viii) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.
- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(2570-89) (7-B) PART OF LOT 18, CONCESSION 3
PLAN OF SUBDIVISION 18T-86050**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" to By-law # 2570-89 annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	9.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" to By-law # 2570-89 annexed to this By-law except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	14 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6.0 m
(f)	REAR YARD Minimum	10.0 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(i)	HEIGHT OF BUILDING Maximum	9.0 m
(j)	PARKING	
	In accordance with the provisions of Section 4 of By-law 1784.	

- (c) For the purpose of the interpretation of the various zone provisions set forth in this subsection, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.

(2586-89) (7-C) **PART OF LOT 18, CONCESSION 5**
5185 GARRARD ROAD
 Repealed by By-law Amendment 7730-21

(2588-89) (7-D) **PART OF LOT 20, BROKEN FRONT CONCESSION**
100 SCOTIA COURT

- (6776-13) (a) Notwithstanding Section 8(a) of By-law 1784 the additional use of offices shall be permitted on the "Subject Property" as shown on Schedule "A-1" annexed to By-law 2588-89.
- (b) The maximum floor space permitted for the permitted use as noted above in paragraph (a) shall be 1,858 m²

(2587-89) (7-E) **PART OF BLOCK 'L', PLAN M-1133**
11 LANGMAID COURT

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" to By-law # 2587-89 annexed to this By-law except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) **USES PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

(k) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

- (b) For the purpose of the interpretation of the various zone provisions set forth in clause 2(a) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

(2604-89)

**(7-F) NORTHEAST CORNER OF HAROLD STREET AND MEADOW ROAD
229 MEADOW ROAD & 16 HAROLD STREET**

- (a) Notwithstanding the minimum lot area provisions for an "R2" Zone found in Schedule "A" Zone Requirements Table of By-law 1784, the following shall apply to the subject property identified on Schedule "A-1" to By-law # 2604-89:
- | | |
|--|----------------------|
| LOT AREA WITH SERVICES (dots) | |
| Minimum | 868.6 m ² |
| LOT AREA WITH SERVICES (crosshatching) | |
| Minimum | 710.6 m ² |
- (b) Notwithstanding Section 4(x) of By-law 1784, the minimum setback for an accessory garage from a street line shall be 2.1 m
- (c) All other zone provisions of the "R2" Zone category shall continue to apply to the subject property except where amended.

(2604-89) (7-G) 217 GARRARD ROAD

- (a) Notwithstanding the minimum lot frontage for an "R2" Zone found in Schedule "A" Zone Requirements Table of By-law 1784, the following shall apply to the subject property identified on Schedule "A-1" to By-law # 2604-89:

LOT FRONTAGE WITH SERVICES
Minimum

16.7 m

- (b) Notwithstanding the minimum interior side yard for an "R2" Zone found in Schedule "A" Zone Requirements Table of By-law 1784, the following shall apply:

INTERIOR SIDE YARD (dots)
Minimum

4.5 m

- (c) All other zone provisions of the "R2" Zone category shall continue to apply to the subject property except where amended.

**(2621-89) (7-H) SOUTHWEST CORNER OF BALDWIN STREET NORTH AND WAY STREET
76 BALDWIN STREET
Repealed by By-law Amendment 7313-17**

**(2629-89) (7-I) PART OF LOT 18, CONCESSION 1
223 & 225 KENDALWOOD ROAD**

The zone requirements of Schedule "A" to By-law 1784 designated as "R2" and the general provisions of Section 4 of the said By-law 1784, shall apply to any development on the "Subject Property" identified on Schedule "A-1" to By-law # 2629-89, with the following exception:

LOT FRONTAGE
(with public water supply or public sanitary sewers)
Minimum

15.8 m

**(2630-89) (7-J) PART OF LOT 14, PLAN 615
18 WARD STREET**

Notwithstanding Section 11(a) of By-law 1784, the use of a single family dwelling may be permitted on the "Subject Property" identified on Schedule "A-1" annexed to By-law # 2630-89 subject to the following provisions:

- (a) the zone requirements of Schedule "A" to By-law 1784 designated as "A" Residential (other than farming and the general provisions of Section 4 of the said By-law 1784) shall apply to any development of the "Subject Property" identified on Schedule "A-1" to By-law # 2630-89 with the following exceptions:

LOT FRONTAGE
(with public water supply or public sanitary sewers)
Minimum

15 m

LOT AREA
(with public water supply or public sanitary sewers)
Minimum

0.14 ha

- (2) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2631-89) (7-K) LOT 6, PLAN M-1204
65 SUNRAY STREET**

- (a) Notwithstanding the uses permitted in Section 8A(i)(b), Prestige Industrial (M1A) Zone of By-law 1784, the following additional use shall be permitted, namely a bingo/banquet hall on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 2631-89.
- (b) The zone provisions of the M1A Zone shall continue to apply to the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 2631-89.
- (c) Notwithstanding the parking provisions of By-law 1784, the following shall apply to the "Subject Property" as shown on Schedule "A-1" annexed to By-law 2631-89 where the "Subject Property" is being used in whole or in part as a "Bingo/ Banquet Hall".

PARKING

Minimum

1 parking space for 8.0 m² of gross floor area.

**(2632-89) (7-L) PART OF LOT 31, CONCESSION 6
750 & 780 WINCHESTER ROAD WEST
AE – AGRICULTURAL EXCLUSIVE**

(i) USES PERMITTED

- General agricultural uses which are not obnoxious to the public welfare including farm buildings, field crops, gardening, nurseries, orchards and forestry.

(ii) ZONE PROVISIONS

The zone provisions of Schedule "A", Zone Requirements Table, designated as "A" (Farming) shall apply to any development on the "Subject Property" designated as "AE" on Schedule "A-1" annexed to By-law # 2632-89.

- (3) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to By-law 2632-89 and designated thereon as the "Subject Property" (DOTS) may be used for a single family dwelling, providing that any such dwelling created on the said lands is used for one member only of the farmer's immediate family who is employed or significantly assists in the operation of the farm in order to comply with the intent of Section 11.2.6(c) of the Official Plan of the Region of Durham.
- (a) The zone requirements of Schedule "A" to By-law 1784 designated as "A" Residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" (DOTS) as shown on Schedule "A-1" annexed to By-law # 2632-89, pursuant to Section 3 above.
- (4) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2638-89) (7-N) PART OF LOT 20, BROKEN FRONT CONCESSION
1621 MCEWEN DRIVE
Repealed by By-law Amendment 7989-23**

- (2642-89) (7-O) **PART OF LOT 21, CONCESSION 1**
Repealed by By-law Amendment 6600-12
- (2666-89) (7-P) **PART OF LOT 33, CONCESSION 2**
925 ROSSLAND ROAD WEST
- (a) Notwithstanding the provisions of Section 11(a) of By-law 1784, the lands shown on Schedule "A-1" annexed to By-law 2666-89 and designated thereon as the "Subject Property", may be used for a single family dwelling, provided that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 12.2.4(a), of the Official Plan of the Region of Durham.
 - (b) The zone requirements of Schedule "A" to By-law 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
 - (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.
- (2672-89) (7-Q) **PART OF LOT 18, CONCESSION 3**
2002 ROSSLAND ROAD EAST
Repealed by By-law Amendment 8115-24
- (2702-89) (7-R) **SOUTHWEST CORNER OF THICKSON ROAD SOUTH AND WENTWORTH STREET**
1555 WENTWORTH STREET
- (a) Notwithstanding the zone provisions of Section 8A(ii)(h) of By-law # 1784 the following shall apply to that portion of the "Subject Property" marked "M1A" on Schedule "A-1" annexed to By-law # 2702-89:

Use of Front and Exterior Side Yard

A maximum of 30% of the required parking spaces may be permitted in the front and/or exterior side yard, provided no portion of the parking area is any closer than 3.0 m to the front or exterior lot lines.
 - (b) Notwithstanding the zone provisions of Section 8, "M1" Zone Schedule "A" Zone Requirements Table, interior side yard requirements of By-law # 1784, the following shall apply on that portion of the "Subject Property" marked "M1" shown on Schedule "A-1" annexed to By-law # 2702-89.

INTERIOR SIDE YARD

(as measured between the northerly limit of that portion of any building within the 'M1' Zone and the northerly limit of the 'M1' Zone)

Minimum Width 5.0 m
- (2704-89) (7-S) **1190 DUNDAS STREET WEST**
Repealed by By-law Amendment 7931-22
- (2706-89) (7-T) **1180 DUNDAS STREET WEST**
Repealed by By-law Amendment 7931-22

**(2732-89) (7-U) PART OF LOT 20, BROKEN FRONT CONCESSION
100 SCOTIA COURT**

- (a) Notwithstanding the permitted uses of Section 8(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2732-89 and designated thereon as "Subject Property", may be used for the additional use of a recreational club or facility.
- (b) Notwithstanding any other provisions to the contrary contained in By-law # 1784, the maximum floor space permitted for a recreational club or facility shall be 669 m²

**(2731-89) (7-V) PART OF LOT 22, CONCESSION 7
7265 BALDWIN STREET NORTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2731-89 and designated thereon as the "Subject Property", may be used for a single family dwelling, provided that any such dwelling created on said lands shall be used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 11.2.6(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Agricultural (Residential other than farming) and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2737-89) (7-W) PART OF LOT 18, CONCESSION 5
5515 GARRARD ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown as the "Subject Property" on Schedule "A-1" annexed to By-law # 2737-89, may be used for a single family dwelling, in accordance with the provisions of Section 12.2.4(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Agricultural (Residential other than farming) and the general provisions of Section 4 of By-law # 1784 shall apply to any development on the lands shown on the "Subject Property" on Schedule "A-1" annexed to By-law # 2737-89 except where inconsistent with the following:
 - (i) FRONT YARD
Minimum 9.0 m
 - (ii) REAR YARD
Minimum 5.0 m
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2757-89) (7-X) PART OF LOT 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-88068**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 2757-89 except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	29 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 2757-89 except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(b)	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(h)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(i)	HEIGHT OF BUILDING Maximum	8.0 m
(j)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone as shown on Schedule "A-1" annexed to By-law # 2757-89 except in accordance with the following uses and zone provisions:

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	10.5 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	350 m ²
(d)	LOT COVERAGE Maximum for all Buildings	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m

(g)	INTERIOR SIDE YARD Minimum	1.0 m
	Provided, however and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone as shown on Schedule "A-1" annexed to By-law # 2757-89 except in accordance with the following uses and zone provisions:

R3A – SINGLE FAMILY LINK DWELLING HOUSE

(i) USES PERMITTED

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	270 m ²
(d)	LOT COVERAGE Maximum	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m

(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth of	15 m
(g)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.2 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING In accordance with the provisions of Section 4 of By-law 1784.	

(3382-93)

- (iii) **EXCEPTIONS**
- (a) Notwithstanding the permitted use outlined in Clause (i) above, a single-family dwelling house shall be permitted on lands being composed of Blocks 33 and 34, Plan 40M-1631.
 - (b) The zone provisions outlined in Clause (ii) above shall apply to the single-family dwelling house.
- (e) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c) and (d) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,

- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SINGLE FAMILY LINK DWELLING"** means one of a group not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance;
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage within or contiguous to each unit.
- (vii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby, Ministry of Transportation, or the Regional Municipality of Durham.

**(2760-89) (7-Y) PART OF LOTS 25 and 26, CONCESSION 7
565 BRAWLEY ROAD NORTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2760-89 and designated thereon as the "Subject Property", may be used for a single-family dwelling, provided that any such dwelling created on said lands shall initially be used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 11.2.6(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" residential (other than farming) and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (3) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2774-89) (2928-90) (3040-91) (7-Z) PART OF LOT 21, CONCESSION 3
NORTHWEST CORNER – ROSSLAND ROAD EAST & THICKSON ROAD NORTH
Temporary Use – Expired**

**(2777-89) (8-A) PART OF LOT 23, CONCESSION 5
5280 ANDERSON STREET**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2777-89 and designated thereon as the "Subject Property" may be used for a single-family dwelling.
- (b) The "A" Residential (other than farming) zone requirements of Schedule "A" to By-law # 1784 and the general provisions of Section 4 of By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2787-90) (8-B) LOTS 8 AND 9, REGISTERED PLAN 534
SOUTHEAST CORNER OF HUNTER STREET AND KENDALWOOD ROAD**

- (a) Notwithstanding the minimum lot frontage provisions for an "R2" Zone found on Schedule "A", Zone Requirements Table of By-law # 1784, the following shall apply to the "Subject Property" identified on Schedule "A-1" annexed to By-law #2787-90:

LOT FRONTAGE WITH SERVICES	
Minimum	19.5 m
LOT AREA WITH SERVICES	
Minimum	965.50 m ²
- (b) All other zone provisions of the "R2" zone category shall continue to apply to the subject property.

**(2788-90) (8-C) EAST SIDE OF MEADOW CRESCENT
LOTS 15 AND 16, REGISTERED PLAN 591**

- (a) Notwithstanding the minimum lot frontage provisions for an 'R2' Zone found in Schedule "A", Zone Requirements Table of By-law # 1784, the following shall apply to the "Subject Property" identified on Schedule "A-1", to By-law # 2788-90.

LOT FRONTAGE WITH SERVICES	
Minimum	19.5 m
- (b) All other zone provisions of the 'R2' Zone category shall apply to the subject property.

**(2798-90) (8-D) PART OF LOT 19, CONCESSION 3
(18T-88084) PLAN OF SUBDIVISIONS (18T-88083)**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 2798-90 except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	Provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above a garage, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8 m

(k) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 2798-90 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	Provided, however, and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m

(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) No person shall use any lot or erect or use any building or structure in any "I/R2A" and "I/R2B" Zone as shown on Schedule "A-1" annexed to By-law # 2798-90 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- "I" Institutional
- "R2A" - detached single family dwelling house
- "R2B" - detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) For an Institutional use, the zone provisions shall be in accordance with the following zone provisions:
- | | | |
|-----|---|---------------------|
| (a) | FRONT YARD
Minimum Depth | 15 m |
| (b) | INTERIOR SIDE YARD
Minimum Width | 10 m |
| (c) | REAR YARD
Minimum Depth | 10 m |
| (d) | EXTERIOR SIDE YARD
Minimum Width | 10 m |
| (e) | LOT COVERAGE
Maximum for all buildings | 50% of the lot area |
| (f) | HEIGHT OF BUILDINGS
Maximum | 15 m |
| (g) | PARKING | |
- In accordance with the provisions of Section 4 of By-law # 1784.
- (b) For a single family detached dwelling house the zone provisions shall be in accordance with Sections 2(a)(ii) and 2(b)(ii) of By-law # 2798-90.
-

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definition hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.

(2797-90) (8-E) **PART OF LOTS 27 AND 28, CONCESSION 3
PLAN OF SUBDIVISION (18T-88079)**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone as shown on Schedule "A-1" annexed to By-law # 2797-90, except in accordance with the following uses and zone provisions:

R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) **USES PERMITTED**

- detached single family dwelling house

(ii) **ZONE PROVISIONS**

- (a) LOT FRONTAGE
Minimum 18 m
- (b) LOT DEPTH
Minimum 30 m

(c)	LOT AREA Minimum	540 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	Provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 2797-90 except in accordance with the following uses and zone provisions:

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	Provided, however, and notwithstanding the above the exterior wall of the second storey and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone as shown on Schedule "A-1" annexed to By-law # 2797-90, except in accordance with the following uses and zone provisions:

R2C – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	13.5 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	400 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	Provided, however, and notwithstanding the above the exterior wall of the second storey and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however, and notwithstanding the above, an exterior side yard shall be provided abutting a 0.3 m reserve set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

(k) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone as shown on Schedule "A-1" annexed to By-law # 2797-90, except in accordance with the following uses and zone provisions:

R3A – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	270 m ²
(d)	LOT COVERAGE Maximum	45% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.2 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m

(k) PARKING

In accordance with the Provisions of Section 4 of By-law # 1784.

- (e) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone as shown on Schedule "A-1" annexed to By-law # 2797-90, except in accordance with the following uses and zone provisions:

"R4B" – SINGLE FAMILY TOWN HOUSE DWELLING**(i) USES PERMITTED**

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	210 m ²
(d)	LOT COVERAGE Maximum	50% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD	
(a)	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
(b)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(c)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m

(h)	EXTERIOR SIDE YARD	
	Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE	
	Minimum	40% of the lot area
(j)	HEIGHT OF BUILDINGS	
	Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (f) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c), (d) and (e) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definition hereinafter set forth shall take precedence):
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"SINGLE FAMILY LINK DWELLING"** means one of a group not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,

- (a) has a separate front and rear entrance or separate front and side entrance;
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) dividing the dwelling house vertically; and,
 - (c) contains a private garage within or contiguous to each unit.
- (vii) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common part wall (not below grade) dividing the dwelling house vertically, each of which dwelling house,
- (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) contains a private garage within each dwelling house.
- (viii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(2830-90) (8-F) PART OF LOT 26, CONCESSION 8
654 BRAWLEY ROAD NORTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 2830-90 and designated thereon as the "Subject Property", may be used for a single family dwelling, provided that any such dwelling created on said lands shall be initially used and occupied by the bonafide farmer as a personal residence in order to comply with the intent of Section 12.2.4(a), of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Agricultural (Residential other than farming) and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above except for the following:

Minimum Lot Frontage	38 m
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2831-90) (8-G) PART OF LOT 18, CONCESSION 2
PLAN OF SUBDIVISION 18T-87075**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to By-law # 2831-90 except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
(h)	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to By-law # 2831-90 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	14 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10 m
(g)	INTERIOR SIDE YARD Minimum Width	1 m
	provided, however, and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m

(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

(c) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a) and (b) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 1784, then the definitions herein-after set forth shall take precedence).

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (d) Section 4(vii) of By-law # 1784 shall not apply to the lands shown on Schedule "A-1" annexed to By-law # 2831-90.

**(2880-90) (8-H) PART OF LOT 27, CONCESSION 3
102 ROSSLAND ROAD WEST**

No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone of the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law # 2880-90 except in accordance with the following uses and zone provisions:

R5A – RESIDENTIAL

- (i) **USES PERMITTED**
Residential
 - apartment building
 - block townhouse units
 - community centre accessory to the permitted residential uses

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	40 m
(b)	LOT AREA Minimum	1.2 ha
(c)	LOT COVERAGE Maximum for All Buildings	25%
(d)	FRONT YARD Minimum Depth	15 m
(e)	REAR YARD Minimum Depth	8 m
(f)	INTERIOR SIDE YARD APARTMENT BUILDING Minimum Depth	10 m
(g)	LANDSCAPED OPEN SPACE Minimum	45% of the lot area
(h)	INTERIOR SIDE YARD TOWNHOUSE DWELLING UNITS Minimum Depth	
	– between an end wall and an interior side lot line	4 m
	– between a wall other than an end wall	7.5 m
(i)	Notwithstanding any other interior side yard requirement, the minimum depth between any building and the most easterly side lot line shall be	24 m
(j)	INTERIOR SIDE YARD TOWNHOUSE DWELLING UNITS ABUTTING A PRIVATE DRIVEWAY Minimum Depth	19 m
(k)	HEIGHT OF BUILDINGS APARTMENT BUILDING Maximum	6 storeys
(l)	HEIGHT OF BUILDINGS TOWNHOUSES Maximum	10 m
(m)	NUMBER OF DWELLING UNITS APARTMENT Maximum	53 dwelling units

- (n) NUMBER OF DWELLING UNITS
TOWNHOUSES
Maximum 32 dwelling units
- (o) PARKING
- SENIOR CITIZEN APARTMENT UNIT
Minimum 0.5 spaces per unit of which 0.2 of the total required spaces being assigned are for visitor parking
 - ALL OTHER APARTMENT UNITS
Minimum 1 space per unit
 - TOWNHOUSES
Minimum 2 parking spaces per unit
- (p) DISTANCE BETWEEN BLOCK TOWNHOUSE UNITS
Minimum Depth between End Walls 3 m
- (iii) DEFINITIONS
- In applying the provisions of Sections (i) and (ii) aforesaid, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, the following shall govern:
- "APARTMENT BUILDING"** means a building containing more than four dwelling units which units have a common entrance from street level and are served by common corridors.
- "SENIOR CITIZEN APARTMENT UNIT"** means a unit where the resident or spouse is over fifty-five years in age.
- "BLOCK TOWNHOUSE UNITS"** means one or more buildings each of which contains three or more single family dwelling units but not more than eight single family dwelling units attached to each other, on one or both sides by a common party wall.

(2891-90) (8-I) **PART OF LOT 34, CONCESSION 8
MYRTLE ROAD WEST**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, that portion of the "Subject Property" shown on Schedule "A-1" annexed to By-law # 2891-90 and designated thereon as the "Subject Lands" may be used for a single family dwelling provided that any such dwelling created on said lands shall initially be used and occupied by the bonafide farmer as a personal residence in order to comply with the content of Section 11.2.6(a) of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Residential (other than farming) and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Lands" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(2892-91) (8-J) PART OF LOT 26, CONCESSION 4
4665 BALDWIN STREET SOUTH**

- (a) No person shall use any lot in any "HA" Zone as indicated on Schedule "A-1" annexed to By-law # 2892-90 except in accordance with the following uses:

HA – HOLDING AGRICULTURAL ZONE

(i) USES PERMITTED

- bush or berry crop
- orchard

- (b) In the event that Council deems it appropriate, upon approval of a private sanitary system by the Durham Health Department, the "H" prefixed to the aforementioned zone designation may be deleted and the permitted uses and zone provisions under Section 11, Agricultural of By-law # 1784 shall apply to the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 2892-90.

- (c) Notwithstanding the zone provisions of the "A" Agricultural Zone as referred to in Section 11 of By-law # 1784, where inconsistent with provisions thereof, the following shall apply:

(i) USES PERMITTED

- grocery/fruit market
- nursery/garden supply centre

(ii) ZONE REQUIREMENTS

(a)	LOT COVERAGE Maximum for all buildings	20% of the lot area
(b)	LOT FRONTAGE Minimum	30.5 m
(c)	FRONT YARD Minimum Depth	7.5 m
(d)	EXTERIOR SIDE YARD Minimum Width	7.5 m
(e)	REAR YARD Minimum Depth	7.5 m
(f)	INTERIOR SIDE YARD Minimum Width	10.5 m
(g)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(h)	Where the side or rear lot line abuts a residential development or agricultural zone or a portion of a street the opposite side of which abuts a residential development or agricultural zone, such lot shall not be used for any of the uses permitted by this By-law unless and until a planting strip is provided and maintained adjoining such abutting lot line within the "Subject Property" consisting of a row of trees or a continuous unpierced hedge of evergreens or shrubs not less than 1.0 m high.	

- (i) HEIGHT OF BUILDING
Maximum 8.0 m
- (j) PARKING, ACCESSORY BUILDINGS
In accordance with the provisions of Section 4 of By-law # 1784.
- (k) OPEN STORAGE

The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles or outdoor display of nursery products during normal business hours by the owner, tenants, employees and customers and provided the outdoor display area does not exceed 20% of the ground floor area within the main building, complies with all setback requirements and does not occupy any required parking space or aisle area.

**(2893-90) (8-K) PART OF LOT 22, CONCESSION 1
1501 HOPKINS**

- (a) Notwithstanding the uses and zone provisions of the Prestige Industrial Zone "M1A" as referred to in Section 8A of By-law # 1784, the additional use of a motor vehicle rustproofing and customizing establishment shall be permitted on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 2893-90.
- (b) The following floor area provision shall apply for a motor vehicle rustproofing and customizing establishment on the "Subject Property":
FLOOR AREA (maximum) 465 m²
- (c) For the purposes of this subsection the following definition shall apply:

"MOTOR VEHICLE RUSTPROOFING AND CUSTOMIZING ESTABLISHMENT"
means a building or part of a building in which motor vehicles are rustproofed, customized or equipped, and where motor vehicle accessories and other related products, except motor vehicle fuel, are sold or kept for sale but does not include a car wash, an automobile sales establishment, a motor vehicle paint and body shop, or a vehicle repair shop.

(2895-90) (8-L) 7 WAY STREET, BROOKLIN

Notwithstanding Section 10 of By-law # 1784, the following uses and zone provisions shall apply as an exception to the Greenbelt Zone for the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law # 2895-90:

- (i) **USES PERMITTED**
 - accessory buildings
 - one single family dwelling
- (ii) **ZONE PROVISIONS**
 - (a) No person shall use any portion of the "Subject Property" identified on Schedule "A-1" annexed to By-law # 2895-90, for a single family dwelling and/or accessory building except within that area delineated as "Building Envelope" on the said schedule.

- (b) No person shall construct a new habitable structure within the area delineated as "Building Envelope" on Schedule "A-1" annexed to By-law # 2895-90 such that any opening of any kind is located below the elevation of 161.8 m Canadian Geodetic Datum;
- (c) The respective zone provisions and other requirements of By-law # 1784 shall apply to any development or use of the "Subject Property" shown on Schedule "A-1" annexed to By-law # 2895-90 and without limiting the generality of the foregoing, the 'R-3' Residential provisions of Schedule "A" to By-law # 1784 shall apply.

(2901-90)

**(8-M) PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-89040, PHASE 1**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 2901-90 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	360 m ²
(d)	LOT COVERAGE Maximum	40%
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone as shown on Schedule "A-1" annexed to By-law # 2901-90 except in accordance with the following uses and zone provisions.

R3B – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single family semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	9.0 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	280 m ²
(d)	LOT COVERAGE Maximum	40% of the lot area

(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(f)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R4A" Zone as shown on Schedule "A-1" annexed to By-law # 2901-90 except in accordance with the following uses and zone provisions.

R4A – BLOCK TOWN HOUSING

(i) USES PERMITTED

- block town housing and accessory resident activity building

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	170 m
(b)	LOT AREA Minimum	3.25 ha
(c)	LOT COVERAGE Maximum for all Buildings	35% of the lot area

- (d) YARDS
- The minimum depth from a public road allowance or 0.3 m reserve to the nearest portion of a structure shall be 5.0 m
- The minimum yard depth between any wall containing habitable room windows and the rear lot line of an adjacent residential property shall be 7.5 m
- Provided that there where such wall of a dwelling unit containing a habitable room window is immediately adjacent to an end wall containing no habitable room windows and where such wall containing habitable room windows is not parallel with the adjacent rear lot line, the minimum yard depth shall be 4.5 m
- The minimum depth from any internal roadway to the nearest portion of a structure shall be 5.5 m
- except in the case of an end wall adjacent to a roadway, the minimum depth shall be 4.5 m
- except in the case of an end wall adjacent to a parking lot the minimum depth shall be 3.0 m
- (e) DISTANCE BETWEEN BUILDINGS
- In the case of two end walls containing no habitable room windows the minimum distance between the walls shall be 3.5 m
- In the case of two walls containing habitable room windows that are parallel to each other, the minimum distance between the walls shall be 15 m
- In the case of two walls containing habitable room windows that are not parallel to each other, the minimum distance between the walls shall be 10 m
- (f) INTERNAL ROADWAY WIDTH
Minimum 8.5 m
- (g) LANDSCAPED OPEN SPACE
Minimum 50% of the lot area
- (h) HEIGHT OF BUILDING
Maximum 9.5 m
- (i) NUMBER OF DWELLING UNITS
Maximum 108
- (j) PARKING
- Notwithstanding the parking provisions of Section 6(13) of By-law # 1784, the following shall apply:
- minimum of 2 parking spaces per unit shall be provided, with one (1) space being provided in a related detached or attached garage.
 - minimum free-standing visitor parking spaces 29 spaces

(k) EXCLUSIVE USE PRIVACY AREA PER DWELLING UNIT

Immediate to each dwelling unit there shall be a privacy area devoted to the use of the residents of the dwelling unit having a minimum area of 25 m². The minimum area requirement for such exclusive use areas shall be calculated in any yard adjacent to a public road allowance, a 0.3 m reserve or between a garage and an internal roadway in the case of a unit which is adjacent to a public roadway allowance or 0.3 m reserve.

(l) ACCESSORY BUILDINGS AND STRUCTURES

Notwithstanding Section 4(y) Accessory Uses and Yard Encroachments Permitted of By-law # 1784, no accessory building shall be permitted within the "R4A" Zone as shown on Schedule "A-1" annexed to By-law # 2901-90 except for fences, retaining walls, garden trellises, and an accessory resident activity building.

(m) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Notwithstanding Section 4(y) Accessory Uses and Yard Encroachments Permitted of By-law # 1784, a patio may project into a required yard up to a maximum distance of 4.5 m provided that the said patio is not more than 0.5 m above grade. In addition, no patio shall be permitted in any yard adjacent to any public street, a 0.3 m reserve or between any garage and an internal roadway.

(n) ACCESSORY RESIDENT ACTIVITY BUILDING

- (i) The ground floor area of an Accessory Resident Activity Building shall not exceed 205 m²
- (ii) BUILDING HEIGHT
Maximum 2 storeys
- (iii) The minimum distance between a wall of the Accessory Resident Activity Building and an adjacent residential building shall be 5.0 m

(o) DEFINITIONS

The following definitions shall apply to the lands zoned "R4A" as shown on Schedule "A-1" annexed to By-law # 2901-90:

"BLOCK TOWN HOUSING" means one or more buildings or structures each of which contain a minimum of three dwelling units (attached) but not exceeding eleven dwelling units, which are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling unit under the provisions of The Condominium Act.

"ACCESSORY RESIDENT ACTIVITY BUILDING" means an accessory building or structure that is an incidental and subordinate building servicing the immediate resident needs of the 'Block Town housing' lands on which the Accessory Resident Activity Building is situated.

(2906-90) (8-N) PART OF LOTS 28 AND 29, CONCESSION 4

- (a) No person shall use any land in any "H-TRN-W" Zone as shown on Schedule "A-1" annexed to By-law # 2906-90 except in accordance with the following uses:

H-TRN-W Holding Tourist Recreational Node – West**(i) USES PERMITTED****(5052-02)**

- bush or berry crop
- golf driving range and associated structure
- nursery farm
- orchard
- up to 10 unoccupied heritage structures

- (b) Where full municipal services are provided to the site or satisfactory agreements have been executed, Council may deem it appropriate to delete "H" symbol in whole or in part over the aforementioned zone designation whereby the permitted uses and zone provisions for the "Subject Property" as shown on Schedule "A-1" shall be as follows:

- (i) On the lands west of Cochrane Street as shown on Schedule "A-1" the permitted uses may include:

(6776-13)

- horticultural museum with a gift shop contained therein which does not exceed a gross leasable floor area of 95 m².
- 45 room hotel which may include ancillary uses such as meeting rooms, dining or eating facilities, a private swimming pool and/or recreational activity area, a gift shop, office or other uses that normally are incidental and accessory to the operation of a hotel.
- 45 room hotel which may include ancillary uses such as meeting rooms, dining or eating facilities, a private swimming pool and/or recreational activity area, a gift shop, office or other uses that normally are incidental and accessory to the operation of a hotel.
- grouping of not more than 15 residential heritage structures within which the following uses may be permitted:
- bed and breakfast guest room accommodations, gift, confectionary, art and/or craft retail stores, a bakeshop, tea room provided the cumulative retail floorspace does not exceed a gross leasable floor area of 2500 m² and provided no retail floor space within the same heritage structure is situated on the same floor as the Bed and Breakfast guest rooms.
- maintenance building that is wholly incidental to the operation and maintenance of the passive recreational park and the permitted uses listed.
- single family residence for a full-time employee.
- nursery farm.

(6374-10)

- (c) **Repealed by By-law Amendment 6374-10**

(6374-10)

- (d) No person shall use any lot in any "TRN-W" Zone as shown without hatching on Schedule "A-1" annexed to By-law # 2906-90 except in accordance with the following zone provisions:

(5164-02)

- (i) LOT FRONTAGE
Minimum 40 m
- (ii) LOT AREA
Minimum 17 ha

(iii)	FRONT YARD Minimum	15 m
(iv)	INTERIOR SIDE YARD Minimum Width	15 m
	Except where a residential heritage structure abuts a public highway, the minimum width of the interior side yard shall be	10 m
(v)	EXTERIOR SIDE YARD Minimum Width	15 m
(vi)	REAR YARD Minimum Depth	15 m
(vii)	LOT COVERAGE Maximum	20% of the lot area
(viii)	LANDSCAPED OPEN SPACE Minimum	6% of the lot area
(ix)	BUILDING HEIGHT Maximum	12 m
(x)	PARKING	

In accordance with Section 4 of By-law # 1784.

(5052-02)

Except in the case of a golf driving range and associated structure where the minimum required parking area for the driving range shall be 1.5 parking spaces per tee.

(5164-02)

- (e) Notwithstanding the zone provisions set out under Section 12 (8-N)(b)(i) of By-law # 1784, any lot in any "TRN-W-1" Zone shall only be used in accordance with the following:
- (i) The permitted uses shall be limited to a nursery garden centre, including the sale of barbecues, household garden power tools, patio furniture and household fencing supplies, outdoor display area and lath house, a refreshment area and ancillary gift shop, unless the lands identified by Section 12 (8-N)(c) are consolidated with other abutting lands zoned "TRN-W-1" so as to comply with the provisions set out under Section 12 (8-N)(c).
 - (ii) LOT FRONTAGE
Minimum 130 m
 - (iii) LOT AREA
Minimum 1.5 ha
 - (iv) FRONT YARD
Minimum 15 m
 - (v) INTERIOR SIDE YARD
Minimum 15 m
 - (vi) REAR YARD
Minimum 15 m

(vii)	LOT COVERAGE Maximum	20%
(viii)	LANDSCAPED OPEN SPACE Minimum	20%
(ix)	BUILDING HEIGHT Maximum	10.0 m
(x)	PARKING	

In accordance with Section 4 of By-law # 1784.

- (3) The full development of the subject property as permitted under By-law # 2906-90 shall not be permitted until full municipal services are available to the site.

(4) DEFINITION

The following definition shall apply to the lands zoned "TRN-W" and "H-TRN-W" as shown on Schedule "A-1" annexed to By-law # 2906-90:

"RESIDENTIAL HERITAGE STRUCTURE" means a building or structure being more than 60 years old measured on a base year of 1990 or a replica structure of a residential structure constructed prior to 1920, re-assembled or erected on site on a freestanding basis or as a series of structures connected by a corridor or similar structure such as an open arcade.

(5052-02) **"ASSOCIATED STRUCTURE"** means a building not to exceed 65 m², wherein golf, golf clubs and golf accessories/equipment are both for sale and rent, snacks and beverages are for sale to the patrons of the golf driving range.

(2930-90) (8-0) **PART LOTS 1 & 2, R.P. 660
1911 ROSSLAND ROAD EAST AND 262 MEADOW ROAD**

- (a) Notwithstanding the minimum lot frontage and the minimum lot area provisions for an 'R2' Zone found in Schedule "A" Zone Requirements Table of By-law # 1784, the following shall apply to the subject property identified on Schedule "A-1" annexed to By-law # 2930-90.

LOT AREA WITH SERVICES (crosshatching)
Minimum 592.7 m²

LOT FRONTAGE (crosshatching)
Minimum 17.6 m

REAR YARD SETBACK (dots)
Minimum Depth 5.8 m

- (b) All other zone provisions of the 'R2' Zone category shall continue to apply to the subject property except where amended.

(2958-91) (8-P) **PART OF LOT 20, CONCESSION 3
PLAN OF SUBDIVISION 18T-89068**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to By-law # 2958-91 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE (INTERIOR) Minimum	12 m
(b)	LOT FRONTAGE (CORNER) Minimum	15 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²
(e)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10.0 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law 1784.

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone on Schedule "A-1" annexed to By-law # 2958-91 except in accordance with the following uses and zone provisions.

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE (INTERIOR) Minimum	7.0 m
(b)	LOT FRONTAGE (CORNER) Minimum	10.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	210 m ²
(e)	LOT COVERAGE Maximum	50% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10.0 m
(h)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	(a) provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side yard lot line, a minimum distance of	5.5 m

(b) notwithstanding Section 4(l) of By-law # 1784, in the case of the exterior side yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be 4.5 m

(j) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

(k) HEIGHT OF BUILDING
Maximum 8.0 m

(l) PARKING

In accordance with the provisions of Section 4 of By-law 1784.

(c) No person shall use any lot or erect or alter or use any building or structure in any "R4A" Zone as shown on Schedule "A-1" annexed to By-law # 2958-91 except in accordance with the following uses and zone provisions.

R4A – BLOCK TOWN HOUSING

(i) USES PERMITTED

- block town housing

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 15 m

(b) LOT AREA
Minimum 1.5 ha

(c) LOT COVERAGE
Maximum for all Buildings 40% of the lot area

(d) YARDS

FRONT YARD
Minimum Depth 7.5 m

EXTERIOR SIDE YARD
Minimum Depth 4.5 m

INTERIOR SIDE YARD
Minimum Depth 7.5 m

except in the case of an end wall adjacent to the rear lot line of the adjoining residential property, the minimum depth shall be 4.5 m

REAR YARD
Minimum Depth 7.5 m

(e) SETBACKS FROM INTERNAL ROADWAYS

The minimum depth from any internal roadway to the nearest portion of a structure shall be 4.5 m

provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of 5.5 m

except in the case of an end wall adjacent to a roadway, the minimum depth shall be 3.0 m

(f) DISTANCE BETWEEN BUILDINGS

In the case of two exterior walls containing habitable room windows that are parallel to each other, the minimum distance shall be 12 m. In the case of an end wall and an exterior wall containing habitable room windows, that are parallel to each other, the minimum shall be 10.0 m

In the case of two exterior walls where one wall contains a habitable room window and the other contains no habitable room window, the minimum distance shall be 7.0 m

In the case of two end walls containing no habitable room windows, the minimum distance shall be 3.0 m

(g) INTERNAL ROADWAY WIDTH
Minimum

8.5 m

(h) LANDSCAPED OPEN SPACE
Minimum

40% of the lot area

(i) HEIGHT OF BUILDINGS
Maximum

9.5 m

(j) NUMBER OF DWELLING UNITS
Maximum

56

(k) PARKING

Notwithstanding the parking provisions of Section 4(n) of By-law # 1784, the following shall apply:

- minimum of 2 parking spaces per unit, of which 0.25 spaces per unit are allocated and assigned for visitor parking.

(3002-91)

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone as shown on Schedule "A-1" annexed to By-law Nos. 2958-91 and 3002-91 except in accordance with the following uses and zone provisions.

R5A – RESIDENTIAL HOUSING COMPLEX**(i) ONE OR MORE OF THE FOLLOWING USES MAY BE PERMITTED:**

- apartment dwelling house
- block town housing
- senior citizen residence

(ii) ZONE PROVISIONS

(a)	LOT AREA Minimum	1.5 ha
(b)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(c)	YARDS	
	FRONT YARD Minimum	7.5 m
	EXTERIOR SIDE YARD Minimum Depth	7.5 m
	Notwithstanding the above, for a townhouse unit the minimum depth shall be	4.5 m
	INTERIOR SIDE YARD Minimum Depth	7.5 m
	REAR YARD Minimum Depth	7.5 m
(d)	SETBACKS FROM INTERNAL ROADWAYS	
	The minimum depth from any internal roadway to the nearest portion of a structure shall be	4.5 m
	provided, however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
	except in the case of an end wall adjacent to a roadway, the minimum depth shall be	3.0 m
(e)	DISTANCE BETWEEN BUILDINGS	
	In the case of two exterior walls containing habitable room windows that are parallel to each other, the minimum distance shall be	12 m
	In the case of an end wall and an exterior wall containing habitable room windows, that are parallel to each other, the minimum shall be	10.0 m
	In the case of two exterior walls where one wall contains a habitable room window and the other contains no habitable room window, the minimum distance shall be	7.0 m
	In the case of two end walls containing no habitable room windows, the minimum distance shall be	3.0 m

(3002-91)

(f)	INTERNAL ROADWAY WIDTH Minimum	8.5 m
(g)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(h)	HEIGHT OF BUILDINGS	
	(a) Apartment Dwelling House Maximum	8 storeys
	(b) Senior Citizen Residence Maximum	8 storeys
	(c) Block Town Housing Maximum	9.5 m
(i)	NUMBER OF DWELLING UNITS Maximum	186
(j)	PARKING	
	Notwithstanding the parking provisions of Section 4(n) of By-law # 1784, the following shall apply:	
	Apartment Dwelling House	
	– a minimum of 1.5 parking spaces per unit of which 0.25 spaces per unit are allocated and assigned for visitor parking	
	Block Town Housing	
	– a minimum of 2 parking spaces per unit, of which 0.25 spaces per unit are allocated and assigned for visitor parking.	
	Senior Citizen Residence	
	– a minimum of .6 parking spaces per unit of which 0.2 spaces per unit are allocated and assigned for visitor parking.	
(e)	For the purpose of the interpretation of the various zone provisions set forth in clauses (a), (b), (c) and (d) above, the following definitions shall apply: Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence.	
(i)	"LOT LINE, FRONT" means the line that divides the lot from the street. In the case of a corner lot, the shortest lot line that so abuts the street is deemed to be the front line of the lot and the longer line that so abuts the street is termed a side line of the lot.	
(ii)	"BLOCK TOWN HOUSING" means one or more buildings or structures each of which contain a minimum of three dwelling units which are horizontally and/or vertically attached, which such buildings or structures are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling units under the provisions of the Condominium Act.	

- (iii) **"SENIOR CITIZEN RESIDENCE"** means a building used to house senior citizens, with or without medical care facilities or other common facilities devoted to and exclusively serving the residents of the building, whether under private or public ownership.
- (iv) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such a accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
- (v) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) In the case of a flat roof, the highest point of roof surface or the parapet, whichever is greater;
 - (b) In the case of a mansard roof, the deck roof line; and,
 - (c) In the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (vi) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (vii) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (viii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

**(2994-91) (8-Q) PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-89014**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 2994-91 except in accordance with the following uses and zone provisions.

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE - INTERIOR LOT
Minimum 15 m
- (b) LOT FRONTAGE - CORNER LOT
Minimum 18.5 m
- (c) LOT DEPTH
Minimum 28 m

(d)	LOT AREA Minimum	465 m ²
(e)	LOT COVERAGE Maximum for all Buildings	33% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more, or where a rear yard directly abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1 m
	provided, however, and notwithstanding the above	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot of at least	2.0 m
	(c) where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yard shall be	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.5 m

- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone on Schedule "A-1" annexed to By-law # 2994-91 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(c)	LOT DEPTH Minimum	27 m
(d)	LOT AREA Minimum	286 m ²
(e)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	7.5 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however, and notwithstanding the above	
(a)	the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(b)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.3 m

(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40%
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone as shown on Schedule "A-1" annexed to By-law # 2994-91 except in accordance with the following uses and zone provisions.

R3A – SINGLE FAMILY LINK DWELLING HOUSE

(i) USES PERMITTED

- single family link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	9.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	270 m ²
(e)	LOT COVERAGE Maximum	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance	5.5 m
(g)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m

(h)	INTERIOR SIDE YARD	
	(a) There is no interior side yard requirements except in the case of the unattached wall of an end unit, in which case the minimum width of the interior side yard shall be	1.0 m
	(b) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(c) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	LANDSCAPED OPEN SPACE Minimum	40%
- (d) For the purpose of the interpretation of the various zone provisions set forth in sub-sections (a), (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law 1784, then the definitions hereinafter set forth shall take precedence)
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structure or uses as are specifically permitted elsewhere in By-law # 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finish grade.

- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SINGLE FAMILY LINK DWELLING"** means one of a group of not more than eight single family dwelling units but not less than three single family dwelling units attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance;
 - (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage within or contiguous to each unit.
- (vii) **"ZERO DECIMAL THREE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby, Ministry of Transportation, or owned by the Regional Municipality of Durham.

**(3000-91)
(6600-12)** **(8-R) PART OF LOT 35, CONCESSION 9
9890 DAGMAR ROAD
Repealed by By-law Amendment 6600-12**

(3001-91) (8-S) PART OF LOT 23, CONCESSION 7
Temporary Use Expired

(3012-91) (8-T) CONCESSION 4, PART LOT 23,
(3109-92) 400 TAUNTON ROAD EAST

- (a) Schedule "B" to By-law # 1784 is hereby amended by changing the zone designation to 'I' of the lands so marked 'I' on Schedule "A-1" annexed to By-law # 3109-92.
- (b) No person shall use any lot in any "I" Zone as shown on Schedule "A-1" annexed to By-law # 3109-92 except in accordance with the following uses and zone provisions:

I – INSTITUTIONAL

(i) USES PERMITTED

- (6776-13)
- office of the Durham Board of Education
 - day nursery
 - school

(ii) **ZONE PROVISIONS**

(a)	LOT COVERAGE Maximum for all buildings	30% of lot area
(b)	FRONT YARD Minimum depth plus 0.5 m for each storey or partial storey above the third storey	7.5 m

- (c) REAR YARD
Minimum depth 7.5 m
- (d) INTERIOR SIDE YARD
Minimum width 7.5 m
plus 0.5 m for each storey or partial storey above the third storey
- (e) LANDSCAPED OPEN SPACE
Minimum 30% of lot area
- (f) HEIGHT OF BUILDING
Maximum 7 storeys
- (g) Notwithstanding the provisions of Section 4 of By-law # 1784 the following parking provisions shall apply:

(6776-13)

- OFFICE
Minimum 3.5 spaces/100 m² of gross floor area
- SCHOOL
Minimum 4 spaces/classroom
- (h) SERVICING

The development of the subject property shall only proceed at such time as full municipal sanitary and water supply services are available and provided to the said lands.

- (i) DEFINITIONS

For the purpose of the interpretation of the various zone provisions set forth in Subsection (b) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):

- (i) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

(6776-13)

- (ii) **"OFFICE OF THE DURHAM BOARD OF EDUCATION"** means an office use within a building or structure for the Durham Board of Education and which may include an educational training centre, lecture halls, staff cafeteria and other incidental support facilities operated by the Durham Board of Education.

**(3015-91) (8-U) NORTHWEST CORNER OF THICKSON ROAD & CRAWFORTH ST.
420 CRAWFORTH STREET**

- (a) Notwithstanding the permitted uses and zone provisions outlined in Section 5 of By-law # 1784, no person shall use any land in any 'R3' Zone as shown on Schedule "A-1" annexed to By-law # 3014-91 except in accordance with the following uses and zone provisions and only if the lands are serviced with full municipal services:

(i) USES PERMITTED

RESIDENTIAL

- single family residential dwelling

NON-RESIDENTIAL

- medical office - physician, therapist and chiropractor

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	20 m
(b)	LOT AREA Minimum	1,250 m ²
(c)	FRONT YARD Minimum	7.5 m
(d)	INTERIOR SIDE YARD Minimum	3.5 m
(e)	EXTERIOR SIDE YARD Minimum	9.5 m
(f)	REAR YARD Minimum Depth	20 m
(g)	LOT COVERAGE Maximum	15%
(h)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(i)	BUILDING HEIGHT Maximum	8 m
(j)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784 provided however, and notwithstanding the provisions of Section 4(n), the minimum number of parking spaces shall be 4.5 spaces for each physician, therapist and chiropractor.

(b) DEFINITIONS

"LOT FRONTAGE" means a horizontal distance between the side lot lines measured parallel to the front lot line and 7.5 m distance therefrom.

**(3024-91) (8-V) PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-88070**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3024-91 except in accordance with the following uses and zone provisions:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single family detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	15 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	18.5 m
(c)	LOT DEPTH Minimum	28 m
(d)	LOT AREA Minimum	465 m ²
(e)	LOT COVERAGE Maximum for all buildings	33%
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more, or where a rear yard directly abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1 m
	provided, however and notwithstanding the above,	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m

(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.0 m
(c)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.5 m
- (b) No person shall use any lot or erect or alter or use any building or structure in any 'R2B' Zone on Schedule "A-1" annexed to By-law # 3024-91 except in accordance with the following uses and zone provisions.

R2B – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single family detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(c)	LOT DEPTH Minimum	27 m
(d)	LOT AREA Minimum	286 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the lot line of	5.5 m

(g)	REAR YARD Minimum	7.5 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1.0 m
(i)	provided, however and notwithstanding the above,	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
	(b) where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.3 m
(j)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line a minimum distance of	5.5 m
(k)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(l)	HEIGHT OF BUILDING Maximum	8.0 m
- (c) No person shall use any lot or erect or use any building or structure in any 'I/R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3024-91 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

I INSTITUTIONAL

- arena
- church
- community centre
- nursery school
- school
- swimming pool

R2A RESIDENTIAL

- single family detached dwelling house

(ii) ZONE PROVISIONS

- (a) For an Institutional use the following zone provisions shall apply:

(a)	FRONT YARD Minimum Depth	15 m

(b)	INTERIOR SIDE YARD Minimum Width	10 m
(c)	REAR YARD Minimum Depth	10 m
(d)	EXTERIOR SIDE YARD Minimum Width	10 m
(e)	LOT COVERAGE Maximum for all buildings	50% of the lot area
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING	

In accordance with the provisions of Section 4 of Bylaw # 1784.

- (b) For a single family detached dwelling house the zone provisions shall be in accordance with Section (V)(a)(ii) outlined above.
- (d) No person shall use any lot or erect or alter or use any building or structure in any 'R4B' Zone as shown on Schedule "A-1" annexed to By-law # 3024-91 except in accordance with the following uses and zone provisions:

R4B – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USES PERMITTED

- single family town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	6.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	11 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	105 m ²
(e)	LOT COVERAGE Maximum	50% of the lot area
(f)	FRONT YARD Minimum depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m

(g)	REAR YARD Minimum depth	10 m
(h)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	(a) the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.5 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (f) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c) and (d) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definition hereinafter set forth shall take precedence):
- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SINGLE FAMILY TOWN HOUSE DWELLING"** means one of a group of not more than eight single family dwelling houses but not less than three single family dwelling houses attached to each other by a common party wall (not below grade) dividing the dwelling house vertically, each of which dwelling house, (a) has separate front and rear entrances or separate front and side entrances; and, (b) contains a private garage within each dwelling house.
- (vii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(3024-91) (8-W) PART OF LOT 19, CONCESSION 2
PLAN OF SUBDIVISION (18T-89078)**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone as shown on Schedule "A-1" annexed to By-law # 3024-91, except in accordance with the following uses and zone provisions:

R1A – SINGLE FAMILY DETACHED DWELLING HOUSE

(i) USES PERMITTED

- detached single family dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	18 m
(b)	except in the case of a corner lot Minimum	21.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	540 m ²
(e)	LOT COVERAGE Maximum	33% of the lot area

(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
(h)	INTERIOR SIDE YARD Minimum Width	1 m
	provided, however and notwithstanding the above	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.5 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

(3026-91)

**(8-X) PART OF LOT 22, CONCESSION 7
7595 DUFF'S ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, that portion of the property shown on Schedule "A-1" annexed to By-law # 3026-91 and designated thereon as the "Subject Property" may be used for a single family dwelling.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Residential Farming and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3026-91.

- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

**(3039-91) (8-Y) PART OF LOT 19, BROKEN FRONT CONCESSION
2001 FORBES STREET**

- (a) Notwithstanding the interior side yard zone provisions for 'M1' Zone as outlined on Schedule "A" Zone Requirements Table of By-law # 1784, the following provisions shall apply to the lands shown as the "Subject Property" on Schedule "A-1" annexed to By-law # 3039-91.

INTERIOR SIDE YARD	
Minimum	0 m

- (b) The remaining zone provisions of the 'M1' Zone shall apply to the lands shown as the "Subject Property" on Schedule "A-1" to By-law except where inconsistent with paragraph (a) above.

**(3041-91) (8-Z) PART OF LOTS 27 AND 28, CONCESSION 3
PLAN OF SUBDIVISION 18T-89047**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions:

R2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	15 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	18 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	450 m ²
(e)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m

(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1 m
	Provided, however and notwithstanding the above,	
(a)	the exterior wall of the second or third storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(b)	where no garage or carport facilities are provided on the lot then the minimum width of one of the side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions:

R2B – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	15.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²

(e)	LOT COVERAGE Maximum for all Buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above,	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
	(b) where no garage or carport facilities are provided on the lot then the minimum of one of the side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions.

R2C – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	10.5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	315 m ²
(e)	LOT COVERAGE Maximum for all buildings	45% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.25 m
	(b) where no garage or carport facilities are provided on the lot then the minimum of one of the side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m

(I) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R3A" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions:

R3A – LINK DWELLING HOUSE**(i) USES PERMITTED**

- link dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	9.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	270 m ²
(e)	LOT COVERAGE Maximum	45% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	15 m
(h)	INTERIOR SIDE YARD	
	In the case of the side of a unit which is attached, above and below ground to the adjoining unit there is no interior side yard requirement provided that in the case of parallel and unattached walls above grade the minimum separation between such walls shall be 1.2 m In the case of the side of a unit which is not attached to the adjoining unit, the minimum interior side yard setback shall be	1.2 m

(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (e) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions:

R3B – A SEMI-DETACHED DWELLING HOUSE

(i) USES PERMITTED

- semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	9.0 m
	except in the case of two attached units, where the combined lot frontage of the lots containing the units exceeds 18 m, one interior lot of a common pair of semi-detached lots shall have a minimum frontage of	7.5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	225 m ²
	provided, however the minimum average lot area for a common pair of semi-detached lots shall be	560 m ²
(e)	LOT COVERAGE Maximum	40% of the lot area

(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
	Maximum front yard depth to a wall containing a habitable room window	8.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD	
	In the case of the side of a unit which is attached to the adjoining unit there is no interior side yard requirement, provided that in the case of parallel and unattached walls above grade the minimum distance between such walls shall be	1.2 m
	In the case of a pair of semi-detached units connected below grade the side of a unit which is not attached to the adjoining unit, a minimum distance between parallel and unattached walls shall be provided, however and notwithstanding the above, the minimum distance between an unattached wall, above grade, and the interior side lot line shall be	1.2 m 0.25 m
	In the case of a pair of semi-detached units having a common party wall above and below grade the side of the unit which is not attached to the adjoining unit shall be set back from the interior side lot line on the unattached side, a minimum distance of	1.2 m
	Provided, however and notwithstanding the above	
	(a) the exterior wall of the second or third storey of the unattached side shall be set back a distance from the interior side lot line of at least	1.5 m
	(b) where no garage or carport facilities are provided on the lot then the minimum setback of the unattached side shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area

(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (f) No person shall use any lot or erect or alter or use any building or structure in any "R4A" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following uses and zone provisions:

R4A – BLOCK TOWNHOUSING

(i) USES PERMITTED

- activity building
- block townhousing and accessory resident

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	50 m
(b)	LOT AREA Minimum	1.2 ha
(c)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(d)	YARDS	
	The minimum depth from a public road allowance or 0.3 m reserve to the nearest portion of a structure shall be	5.0 m
	Except in the case of lands abutting Highway 12, the minimum depth from Highway 12 to the nearest portion of a structure shall be	7.5 m
	The minimum yard depth between any wall containing habitable room windows and the rear lot line of an adjacent residential property shall be	7.5 m
	Provided, that where such wall of a dwelling unit containing a habitable room window is immediately adjacent to an end wall containing habitable room windows and is not parallel with the adjacent rear lot line, the minimum yard depth shall be	4.5 m
	The minimum depth from any internal roadway to the nearest portion of a structure shall be	5.5 m
	except in the case of an end wall adjacent to a roadway, the minimum depth shall be	4.5 m
	except in the case of an end wall adjacent to a parking lot the minimum depth shall be	3.0 m

(e) DISTANCE BETWEEN BUILDINGS

In the case of two end walls containing no habitable room windows the minimum distance between the walls shall be 3.5 m

In the case of two walls containing habitable room windows that are parallel to each other, the minimum distance between the walls shall be 15 m

In the case of two walls containing habitable room windows that are not parallel to each other, the minimum distance between the walls shall be 10 m

(f) INTERNAL ROADWAY WIDTH

Minimum 8.5 m

(g) LANDSCAPED OPEN SPACE

Minimum 50% of the lot area

(h) HEIGHT OF BUILDINGS

Maximum 9.5 m

(i) NUMBER OF DWELLING UNITS

Maximum 43

(j) PARKING

Notwithstanding the parking provisions of Section 6(13) of By-law # 1784, the following shall apply:

- minimum of 2 parking spaces per unit shall be provided, with one (1) space being provided in a related detached or attached garage.
- minimum free-standing visitor parking spaces 11 spaces

(k) EXCLUSIVE USE PRIVACY AREA PER DWELLING UNIT

Immediate to each dwelling unit there shall be a privacy area devoted to the use of the residents of the dwelling unit having a minimum area of 25 m². The minimum area requirement for such exclusive use areas shall not be calculated in any yard adjacent to a public road allowance, a 0.3 m reserve or between a garage and an internal roadway in the case of a unit which is adjacent to a public road allowance or 0.3 m reserve.

(l) ACCESSORY BUILDINGS AND STRUCTURES

Notwithstanding Sections 6(2)(b), 6(2)(c), and 6(23) of By-law # 1784, no accessory building shall be permitted within the 'R4A' Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except for fences, retaining walls, garden trellises, and an accessory resident activity building.

(m) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Notwithstanding Section 6(23)(c) of By-law #1784, a patio may project into a required yard up to a maximum distance of 4.5 m provided that the said patio is not more than 0.5 m above grade. In addition, no patio shall be permitted in any yard adjacent to any public street, a 0.3 m reserve or between any garage and an internal roadway.

(n) ACCESSORY RESIDENT ACTIVITY BUILDING

(i) The ground floor area of an Accessory Resident Activity Building shall not exceed 100 m²

(ii) BUILDING HEIGHT
Maximum 2 storeys

(iii) The minimum distance between a wall of the Accessory Resident Activity Building and an adjacent residential building shall be 5.0 m

- (g) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone as shown on Schedule "A-1" annexed to By-law # 3041-91 except in accordance with the following provisions:

R4B – STREET TOWN HOUSE DWELLING**(i) USES PERMITTED**

- street town house dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE - INTERIOR LOT
Minimum 6.0 m

(b) LOT FRONTAGE - CORNER LOT
Minimum 10.5 m

(c) LOT DEPTH
Minimum 30 m

(d) LOT AREA
Minimum 185 m²

(e) LOT COVERAGE
Maximum 50% of the lot area

(f) FRONT YARD
Minimum Depth 4.5 m

provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of 5.5 m

- (g) REAR YARD
Minimum Depth 10 m
- except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is 15 m
- (h) INTERIOR SIDE YARD
- There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be 1.0 m
- provided, however and notwithstanding the above
- (i) the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least 1.5 m
- (ii) the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least 2.5 m
- (i) EXTERIOR SIDE YARD
Minimum Width 4.5 m
- provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of 5.5 m
- (j) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area
- (k) HEIGHT OF BUILDINGS
Maximum 9.5 m
- (l) PARKING
- In accordance with the provisions of Section 4 of By-law # 1784.

(6600-12)

(h) **Repealed by By-law Amendment 6600-12**

- (i) No person shall use any lot or erect or alter or use any building or structure in any "I/R2A" Zone as shown on Schedule "A-1" annexed to By-law # 3041-9 except in accordance with the following uses and zone provisions:

I/R2B – INSTITUTIONAL/SINGLE DETACHED DWELLING HOUSE ZONE**(i) USES PERMITTED****'I' INSTITUTIONAL**

- Arena
- Church
- community centre
- nursery school
- school (elementary and secondary)
- swimming pool

'R2B' SINGLE DETACHED DWELLING HOUSE

- single detached dwelling house

(ii) ZONE PROVISIONS

- (a) For an 'Institutional' use the zone provisions shall be in accordance with the following:

(a) FRONT YARD
Minimum Depth 15 m

(b) INTERIOR SIDE YARD
Minimum Width 10 m

(c) REAR YARD
Minimum Depth 10 m

(d) EXTERIOR SIDE YARD
Minimum Width 10 m

(e) LOT COVERAGE
Maximum for all buildings 50% of the lot area

(f) HEIGHT OF BUILDINGS
Maximum 15 m

(g) PARKING
In accordance with the provisions of Section 4 of By-law # 1784.

- (b) For a single detached dwelling house the zone provisions shall be in accordance with Subsection (Z)(b)(ii) outlined above for the 'R2B' Zone.

- (j) No person shall use any lot or erect or alter or use any building or structure in any "H-R4B" Zone as shown on Schedule "A-1" annexed to By-law # 12 except in accordance with the following uses; namely:

- bush or berry crop
- orchard

- (i) The holding zone symbol 'H' prefixed to the aforementioned zone designation shall be removed once the following matters have been satisfied or fulfilled; namely:

(a) That Ontario Hydro is satisfied that the Hydro Electric Power Corridor is no longer required for Hydro's purposes, that the transmission line is removed to the satisfaction of Ontario Hydro and that the easement in favour of Ontario Hydro has been discharged;

(b) A subdivision agreement is executed with the Town of Whitby covering the lands so zoned; and,

(c) A subdivision agreement is executed with the Town of Whitby for the adjoining lands which are necessary to provide access, form complete lots and permit the orderly development of the lands so zoned.

- (ii) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-R4B' Zone designation, the zone provisions of Subsection (Z)(g) outlined above shall then apply to the lands so designated 'H-R4B' on Schedule "A-1" annexed to By-law # 3041-91.

(6600-12)**(k) Repealed by By-law Amendment 6600-12**

- (l) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definition hereinafter set forth shall take precedence.)

(m) DEFINITIONS

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"SENIOR CITIZEN RESIDENCE"** means a building used to house senior citizens, with or without medical care facilities or other common facilities devoted to and exclusively serving the residents of the building, whether under private or public ownership.
- (vii) **"LINK DWELLING HOUSE"** means one of a group of not more than eight single family dwelling units and not less than three attached to each other, side by side, each of which dwelling unit,
 - (a) has a separate front and rear entrance or separate front and side entrance;

- (b) is attached on one or both sides by either a common party wall (either above or below grade) or a private garage or private fence or wall to another dwelling in the same row; and,
 - (c) contains a private garage within or contiguous to each unit.
- (viii) **"NURSERY SCHOOL"** means a day nursery within the meaning of the Day Nurseries Act.
- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby, the Ministry of Transportation or the Regional Municipality of Durham.
- (x) **"BLOCK TOWNHOUSING"** means one or more buildings or structures each of which contain a minimum of three dwelling units attached above and below grade but not exceeding eight dwelling units, which are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling unit under the provisions of the Condominium Act.
- (xi) **"STREET TOWN HOUSE DWELLING"** means one of a group of not more than eight single dwelling houses but not less than three single dwelling houses attached to each other by a common party wall attached above and below grade dividing the dwelling house vertically, each of which dwelling house,
 - (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) contains a private garage within each dwelling house.
- (xii) **"ACCESSORY RESIDENT ACTIVITY BUILDING"** means an accessory building or structure that is an incidental and subordinate building servicing the immediate resident needs of the 'Block Townhousing' lands on which the Accessory Residential Activity building is situated.
- (xiii) **"SEMI-DETACHED DWELLING HOUSE"** means a pair of attached dwelling houses with a common masonry wall dividing the pair vertically, each unit of which has an independent entrance from the outside.
- (3423-94) (xiv) **"GARDEN APARTMENT DWELLING HOUSE"** means a building located on a lot containing four or more dwellings, each of which as a vertical common wall and a common entrance area.

(3042-91) (9-A) **PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-89084**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 3042-91 except in accordance with the following uses and zone provisions:

R2B – SINGLE DETACHED DWELLING HOUSE

(i) **USES PERMITTED**

- single detached dwelling house

(ii) **ZONE PROVISIONS**

- (a) LOT FRONTAGE - INTERIOR LOT
Minimum

12 m

(b)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	7.5 m
	Except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.5 m
	(b) where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40%
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(b)	No person shall use any lot or erect or alter or use any building or structure in any "R2C" Zone as shown on Schedule "A-1" annexed to By-law # 3042-91 except in accordance with the following uses and zone provisions:	

R2C – SINGLE DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	10.5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	350 m ²
(e)	LOT COVERAGE Maximum for all buildings	45% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum	1.0 m
	provided, however and notwithstanding the above the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.25 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m

(I) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R3B" Zone as shown on Schedule "A-1" annexed to By-law # 3042-91 except in accordance with the following uses and zone provisions:

R3B – SINGLE SEMI-DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- single semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	9.0 m
	except in the case of two attached units, where the combined lot frontage of the lots containing the units exceeds 18 m, one interior lot of a common pair of semi-detached lots shall have a minimum frontage of	7.5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	225 m ²
	provided, however the minimum average lot area for a common pair of semi-detached lots shall be	560 m ²
(e)	LOT COVERAGE Maximum	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
	Maximum front yard depth to a wall containing a habitable room window	8.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a street having a planned width of 29 m or more or a 0.3 m reserve abutting such a street the minimum is	15 m

- (h) INTERIOR SIDE YARD
- In the case of the side of a unit which is attached to the adjoining unit there is no interior side yard requirement, provided that in the case of parallel and unattached walls above grade the minimum distance between such walls shall be 1.2 m
- In the case of a pair of semi-detached units connected below grade the side of a unit which is not attached to the adjoining unit, a minimum distance between parallel and unattached walls shall be 1.2 m
- provided, however and notwithstanding the above, the minimum distance between an unattached wall above grade and the interior side lot line shall be 0.25 m
- In the case of a pair of semi-detached units having a common party wall above and below grade the side of the unit which is not attached to the adjoining unit shall be set back from the interior side lot line on the unattached side, a minimum distance of 1.2 m
- provided, however and notwithstanding the above
- (a) the exterior wall of the second or third storey of the unattached side shall be set back a distance from the interior side lot line of at least 1.5 m
- (b) where no garage or carport facilities are provided on the lot then the minimum setback of the unattached side shall be 4.5 m
- (i) EXTERIOR SIDE YARD
Minimum Width 4.5 m
- provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of 5.5 m
- (j) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area
- (k) HEIGHT OF BUILDING
Maximum 8.0 m
- (l) PARKING

In accordance with the provisions of Section 4 of By-law # 1784.

- (d) No person shall use any lot, or erect or alter or use any building or structure in any "R4B" Zone as shown on Schedule "A-1" annexed to By-law # 3042-91 except in accordance with the following uses and zone provisions:

R4B – STREET TOWN HOUSE DWELLING

(i) USES PERMITTED

- street town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	6.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	10.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	185 m ²
(e)	LOT COVERAGE Maximum	50% of lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum Depth	10 m
	except in the case of a rear yard abutting a street having a planned width of 29 m or more or a 0.3 m reserve abutting such a street the minimum shall be	15 m
(h)	INTERIOR SIDE YARD There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
(a)	the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
(b)	the exterior wall of the third storey of any building shall be set back a minimum distance from the interior side lot line of at least	2.5 m

(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	9.5 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (e) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c) and (d) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definition hereinafter set forth shall take precedence.)
- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"A TOWN HOUSE DWELLING"** means one of a group of not more than eight dwelling houses but not less than three dwelling houses attached to each other by a common party wall (not below grade) dividing the dwelling house vertically, each of which dwelling house,
 - (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) contains a private garage within each dwelling house.
-

- (vii) **"SEMI-DETACHED DWELLING HOUSE"** means a pair of attached dwelling houses with a common masonry wall dividing the pair vertically, each unit of which has an independent entrance from the side.
- (viii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(3058-91) (9-B) PART LOT 18, CONCESSION 3
PLAN OF SUBDIVISION 18T-87038**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 3058-91 except in accordance with the following uses and zone provisions:

R2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	15 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	18.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	450 m ²
(e)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(f)	FRONT YARD Minimum Depth	4.3 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m

(h)	INTERIOR SIDE YARD Minimum width	1 m
	Provided, however and notwithstanding the above,	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.0 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 3058-91 except in accordance with the following uses and zone provisions:

R2B – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	15.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
-

(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided, however and notwithstanding the above,	
	(a) the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
	(b) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) No person shall use any lot or erect or alter or use any building or structure in any "R4A" Zone as shown on Schedule "A-1" annexed to By-law # 3058-91 except in accordance with the following uses and zone provisions:

R4A – BLOCK TOWN HOUSING

(i) USES PERMITTED

- block town housing and accessory resident activity building

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	20 m

(b)	LOT AREA Minimum	1.5 ha
(c)	LOT COVERAGE Maximum for all buildings	35% of lot area
(d)	YARDS	
	The minimum depth from a public road allowance or 0.3 m reserve to the nearest portion of a structure shall be	5.0 m
	The minimum yard depth between any wall containing habitable room windows and the rear lot line of an adjacent residential property or a public road shall be	7.5 m
	Provided, that where such wall of a dwelling unit containing a habitable room window is immediately adjacent to an end wall containing habitable room windows and is not parallel with the adjacent rear lot line, the minimum yard depth shall be	4.5 m
	The minimum depth from any internal roadway to the nearest portion of a structure shall be 5.5 m except in the case of an end wall adjacent to a roadway, the minimum depth shall be	4.5 m
	except in the case of an end wall adjacent to a parking lot the minimum depth shall be	3.0 m
(e)	DISTANCE BETWEEN BUILDINGS	
	In the case of two end walls containing no habitable room windows the minimum distance between the walls shall be	3.5 m
	In the case of two walls containing habitable room windows that are parallel to each other, the minimum distance between the walls shall be	15 m
	In the case of two walls containing habitable room windows that are not parallel to each other, the minimum distance between the walls shall be	10 m
(f)	INTERNAL ROADWAY WIDTH Minimum	8.5 m
(g)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(h)	HEIGHT OF BUILDINGS Maximum	9.5 m
(i)	NUMBER OF DWELLING UNITS Maximum	60 units

(j) PARKING

Notwithstanding the parking provisions of Section 4(n) of By-law # 1784, the following shall apply:

- minimum of 2 parking spaces per unit shall be provided, with one (1) space being provided in a related detached or attached garage
- minimum free-standing visitor parking spaces 14 spaces

(k) EXCLUSIVE USE OF PRIVACY AREA PER DWELLING UNITS

Immediate to each dwelling unit there shall be a privacy area devoted to the use of the residents of the dwelling unit having a minimum area of 25 m². The minimum area requirement for such exclusive use areas shall not be calculated in any yard adjacent to a public road allowance, a 0.3 m reserve or between a garage and an internal roadway in the case of a unit which is adjacent to a public road allowance or 0.3 m reserve.

(l) ACCESSORY BUILDING AND STRUCTURES

Notwithstanding Sections 4(x), 4(Y)(a), 4(Y)(b) and 4(Y)(c) of By-law # 1784, accessory buildings shall not be permitted within the 'R4A' Zone as shown on Schedule "A-1" annexed to By-law # 3058-91 except for fences, retaining walls, garden trellises, and an accessory resident activity building.

(m) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Notwithstanding Section 4(Y)(c) of By-law # 1784, an unenclosed porch, balcony, step and patio may project into a required yard up to a maximum distance of 3.0 m

(n) Notwithstanding any other provisions contained herein, a bay or bow window may project into any required front and rear yard up to a maximum distance of 0.5 m

(o) Notwithstanding Section 4(Y)(a) of By-law #1784, ornamental structures such as eaves and gutters shall project into any required front and rear yard where part of a bay or bow window up to a maximum distance of 0.2 m

(p) ACCESSORY RESIDENT ACTIVITY BUILDING

(i) The ground floor area of an Accessory Resident Activity Building shall not exceed 180 m²

(ii) BUILDING HEIGHT
Maximum 2 storeys

(iii) The minimum distance between a wall of the Accessory Resident Activity Building and an adjacent residential building shall be 5.0 m

- (iv) The minimum depth from any internal roadway to the nearest portion of an Accessory Resident Activity Building shall be 4.0 m

(d) DEFINITIONS

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
- (ii) **"HEIGHT OF BUILDING"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (iv) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or the Regional Municipality of Durham.
- (v) **"BLOCK TOWNHOUSING"** means one or more buildings or structures each of which contain a minimum of three dwelling units (attached) but not exceeding eight dwelling units, which are located on the same lot retained under one ownership, providing however that this definition shall not exclude the sale of any such dwelling unit under the provisions of the Condominium Act.
- (vi) **"ACCESSORY RESIDENT ACTIVITY BUILDING"** means an accessory building or structure that is an incidental and subordinate building servicing the immediate resident needs of the "Block Townhousing" lands on which the Accessory Residential Activity Building is situated.

(3061-91) (9-C) **PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-88097**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 3061-91 except in accordance with the following uses and zone provisions:

2A – SINGLE DETACHED DWELLING HOUSE

(i) **USES PERMITTED**

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	15 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	18.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	450 m ²
(e)	LOT COVERAGE Maximum for all buildings	33% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard butting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1.0 m
	Provided, however and notwithstanding the above,	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.0 m
(c)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m

(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 3061-91 except in accordance with the following uses and zone provisions.

2B – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	15.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1.0 m
	provided, however and notwithstanding the above,	
(a)	the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
(b)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	
- In accordance with the provisions of Section 4 of By-law # 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a) and (b) above, the following definitions shall apply (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):
- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its heights, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(3062-91) (9-D) ART OF LOT 18, CONCESSION 3
LAND OF SUBDIVISION 18T-88098**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 3062-91 except in accordance with the following uses and zone provisions:

R2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	8.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	450 m ²
(e)	LOT COVERAGE Maximum for all buildings	33% of lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum width	1.0 m
	Provided, however and notwithstanding the above,	
(a)	the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(b)	the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.0 m

	(c) where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2B" Zone as shown on Schedule "A-1" annexed to By-law # 3062-91 except in accordance with the following uses and zone provisions:

R2B – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	15.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	360 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more the minimum depth shall be	15 m

(h)	INTERIOR SIDE YARD Minimum width	1.0 m
	provided, however and notwithstanding the above,	
(a)	the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
(b)	where no garage or carport facilities are provided on the lot then the minimum of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	
		5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	
	In accordance with the provisions of Section 4 of By-law # 1784.	
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R4B" Zone as shown on Schedule "A-1" annexed to By-law # 3062-91 except in accordance with the following uses and zone provisions:

R4B – STREET TOWN HOUSE DWELLING

(i) USES PERMITTED

- street town house dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	6.0 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	10.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	185 m ²
(e)	LOT COVERAGE Maximum	50% of the lot area

(f)	FRONT YARD Minimum depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum depth	7.5 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth is	10 m
(h)	INTERIOR SIDE YARD	
	There is no interior side yard requirement except in the case of an unattached wall of an end dwelling unit, in which case the minimum width of such interior side yard shall be	1.0 m
	provided, however and notwithstanding the above,	
	(a) the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
	(b) the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.5 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDINGS Maximum	9.5 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b) and (c) above, the following definitions shall apply (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):
- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.

- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"A STREET TOWN HOUSE DWELLING"** means one of a group of not more than eight dwelling houses but not less than three dwelling houses attached to each other by a common party wall (Not below grade) dividing the dwelling house vertically, each of which dwelling house, (a) has separate front and rear entrances or separate front and side entrances; and, (b) contains a private garage within each dwelling house.
- (vii) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.

**(3063-91) (9-E) PART OF LOT 18, CONCESSION 2
60 and 62 MEADOW CRESCENT**

- (a) The zone requirements of Schedule "A" (Zone Requirements Table) to By-law # 1784, designated as 'R2' Residential and the General Provisions of Section 4 of the said By-law # 1784, shall apply to any development on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3063-91, except where inconsistent with the provisions thereof, the following shall apply:
 - (i) **ZONE PROVISIONS**

(a)	LOT AREA Minimum	725 m ²
(b)	LOT FRONTAGE Minimum	19 m
(c)	BUILDING HEIGHT Maximum	1 storey

**(3073-91) (3547-94) (9-F) PART OF LOT 26, CONCESSION 4
Repealed by By-law Amendment 3547-94**

**(3098-92) (9-G) PART OF LOT 18 CONCESSION 3
PLAN OF SUBDIVISION 18T-88044**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R2B' Zone as shown on Schedule "A-111 annexed to By-law #3098-92 except in accordance with the following uses and zone provisions:

'R2B' Single Detached Dwelling House

(i) Use Permitted

- single detached dwelling house

(ii) Zone Provisions

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(c)	LOT DEPTH Minimum	27 m
(d)	LOT AREA Minimum	286 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	FRONT YARD Minimum depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 metre reserve which abuts a street having a planned width of 29 metres or more the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	provided, however and notwithstanding the above:	
(i)	the exterior wall of the second and third storey of any building shall be set back a distance from the exterior side lot line of at least	1.5 m
(ii)	where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be	4.5 m

(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING In accordance with the provisions of section of By-law #1784.	

(b) Definitions

For the purpose of the interpretation of the various zone provisions set forth in Subsection (a) above, the following definitions shall apply (Where there is a conflict between the definitions set forth and those referred to in section 2 of By-law #1784, then the definitions hereinafter set forth shall take precedence):

- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings; structures or uses as are specifically permitted elsewhere in By-law #1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building;
 - and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 metre reserve.
- (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of o. 3 metres in width owned by the Corporation of the Town of Whitby, the Ministry of Transportation or the Regional Municipality of Durham.

(3133-92) (9-H) **PART OF LOT 27, CONCESSION 9**
 (6600-12) **9150 ASHBURN ROAD**
Repealed by By-law Amendment 6600-12

(3139-92) (9-I) **PART OF LOT 27, CONCESSION 3**
PLAN OF SUBDIVISION 18T-89047

- (a) The use and zone requirements of Clause (c) of Subsection 12 (8-Z) of By-law # 1784 shall apply to any development on the lands marked as 'R2C' and identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3139-92.

(3149-92) (9-J) **PART OF LOTS 32 AND 33, CONCESSION 2**
PLAN OF SUBDIVISION (18T-89075)

- (a) No person shall use any lot, or erect or alter or use any building or structure in any 'R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3149-92 except in accordance with the following uses and zone provisions:

2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE – INTERIOR LOT Minimum	15 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	18 m
(c)	LOT DEPTH Minimum	28 m
(d)	LOT AREA Minimum	465 m
(e)	LOT COVERAGE Maximum for all buildings	33%
(f)	FRONT YARD Minimum Depth	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10.0 m
	except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more, or where a rear yard directly abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m

(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
(i)	provided however, and notwithstanding the above, the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least	1.5 m
(ii)	the exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least	2.0 m
(iii)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.5 m
- (b) No person shall use any lot, or erect or alter or use any building or structure in any 'R2B' Zone as shown on Schedule 'A-1' annexed to By-law # 3149-92 except in accordance with the following uses and zone provisions:

2B – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(c)	LOT DEPTH Minimum	27 m
(d)	LOT AREA Minimum	286 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
-

(f)	FRONT YARD Minimum Depth	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
	Provided however, and notwithstanding the above	
	(i) the exterior wall of the second and third storey of any building shall be set back a distance from the side lot line of at least	1.75 m
	(ii) where no garage or carport facilities are provided on the lot, then the minimum width of one of the side yards shall be	4.3 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance from the exterior side lot line of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40%
(k)	HEIGHT OF BUILDING Maximum	8.0 m
- (c) No person shall use any lot or erect or alter or use any building or structure in any 'R3B' Zone as shown on Schedule "A-1" annexed to By-law # 3149-92 except in accordance with the following uses and zone provisions:

'R3B' – A SEMI-DETACHED DWELLING HOUSE

(i) USES PERMITTED

- semi-detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	9.0 m
	except in the case of two attached units, where the combined lot frontage of the lots containing the units exceeds 18 m, one interior lot of a common pair of semi-detached lots shall have a minimum frontage of	7.5 m

(b)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	225 m ²
	provided however, and notwithstanding the above, the minimum average lot area for a common pair of semi-detached lots shall be	560 m ²
(e)	LOT COVERAGE Maximum	40% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
	Maximum front yard depth to a wall containing a habitable room window shall be	8.5 m
(g)	REAR YARD Minimum	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD	
	In the case of the side of a unit which is attached to the adjoining unit there is no interior side yard requirement, provided that in the case of parallel and unattached walls above grade the minimum distance between such walls shall be	1.2 m
	In the case of a pair of semi-detached units connected below grade in which the side of a unit is not attached to the adjoining unit, the minimum distance between parallel and unattached walls shall be	1.2 m
	provided however, and notwithstanding the above, the minimum distance between an unattached wall above grade and the interior side lot line shall be	0.25 m
	In the case of a pair of semi-detached units having a common party wall above and below grade, the side of the unit which is not attached to the adjoining unit shall be set back from the interior side lot line on the unattached side, a minimum distance of	1.2 m
	Provided however, and notwithstanding the above	

(i)	the exterior wall of the second or third storey of the unattached side shall be set back a distance from the interior side lot line of at least	1.5 m
(ii)	where no garage or carport facilities are provided on the lot, then the minimum setback of the unattached side from the exterior side lot line shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line, a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	8.0 m
(l)	PARKING	
- In accordance with the provisions of Section 4 of By-law # 1784.
- (d) No person shall use any lot or erect or alter or use any building or structure in any 'R4A' Zone as shown on Schedule "A-1" annexed to By-law # 3149-92 except in accordance with the following uses and zone provisions:

R4A – BLOCK TOWNHOUSING

(i) USES PERMITTED

- block townhousing and accessory resident activity building

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	00 m
(b)	LOT AREA Minimum	0.55 ha
(c)	LOT COVERAGE Maximum for all buildings	35% of lot area
(d)	YARD DEPTH	
	Minimum Depth from any street line where the wall facing the lot line contains no habitable room windows shall be	7.5 m
	from any street line where the wall facing the lot line contains habitable room windows shall be	10.5 m
	from any side lot line where the wall facing the lot line contains no habitable room windows shall be	4.5 m

	from any side lot line where the wall facing the lot line contains habitable room windows or from the rear lot line shall be	7.5 m
(e)	DISTANCE BETWEEN BUILDINGS	
	Minimum distance between two exterior walls facing and parallel to each other where both walls contain a living room window shall be	21.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains a habitable window shall be	15 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows shall be	12 m
	minimum distance between two exterior walls facing and parallel to each other where both walls contain habitable room windows shall be	10.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a habitable room window and the other wall contains no habitable room windows shall be	6.0 m
	minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room windows shall be	3.0 m
(f)	INTERNAL ROADWAY WIDTH Minimum	8.5 m
(g)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(h)	HEIGHT OF BUILDINGS Maximum	9.5 m
(i)	NUMBER OF DWELLING UNITS Maximum	35 units per net hectare
(j)	PARKING	
	Notwithstanding the parking provisions of Section 6(13) of By-law # 1784, the following shall apply:	
	– a minimum of 2 parking spaces per unit shall be provided, with one (1) space being provided in a related detached or attached garage.	
	– minimum freestanding visitor parking spaces	17 spaces
(k)	SETBACK TO INTERNAL ROADWAY	
	The minimum setback between any portion of a building or structure and an internal roadway shall be	5.5 m

(l) EXCLUSIVE USE PRIVACY AREA PER DWELLING UNIT

Immediate to each dwelling unit there shall be a privacy area devoted to the use of the residents of the dwelling unit having a minimum area of 25 m². The minimum area requirement for such exclusive use areas shall be calculated in any yard adjacent to a public road allowance, a 0.3 m reserve or between a garage and an internal roadway in the case of a unit which is adjacent to a public road allowance or 0.3 m reserve.

(m) ACCESSORY BUILDINGS AND STRUCTURES

Notwithstanding Sections 4(x), 4(y)(a), 4(y)(b) and 4(y)(c) of By-law # 1784, no accessory building shall be permitted within the 'R4A' Zone as shown on Schedule "A-1" annexed to By-law # 3149-92 except for fences, retaining walls, garden trellises, and an accessory resident activity building.

(n) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

Notwithstanding Section 6(23)(c) of By-law # 1784, a patio may project into a required yard up to a maximum distance of 4.5 m provided that the said patio is not more than 0.5 m above grade. In addition, no patio shall be permitted in any yard adjacent to any public street, a 0.3 m reserve or between any garage and an internal roadway.

(o) ACCESSORY RESIDENT ACTIVITY BUILDING

(i) The ground floor area of an Accessory Resident Activity Building shall not exceed 205 m²

(ii) BUILDING HEIGHT

Maximum 2 storeys

(iii) The minimum distance between a wall of the Accessory Resident Activity Building and an adjacent residential building shall be 5.0 m

- (e) No person shall use any lot or erect or use any building or structure in any 'I/R2A' or 'I/R2B' Zone as shown on Schedule "A-1" annexed to By-law # 3149-92 except in accordance with the following uses and zone provisions:

**I/R2A OR I/R2B – INSTITUTIONAL ZONE
SINGLE DETACHED DWELLING HOUSE**

(i) USES PERMITTED

I – INSTITUTIONAL

- Arena
- Church
- community centre
- nursery school
- school (elementary and secondary)
- swimming pool

R2A – single Detached Dwelling House

R2B – single Detached Dwelling House

(ii) ZONE PROVISIONS

- (a) For an Institutional use the zone provisions shall be in accordance with the following zone provisions:

(a) FRONT YARD Minimum Depth	15 m
(b) INTERIOR SIDE YARD Minimum Width	10.0 m
(c) REAR YARD Minimum Depth	10.0 m
(d) EXTERIOR SIDE YARD Minimum Width	10.0 m
(e) LOT COVERAGE Maximum for all buildings	40% of lot area
(f) HEIGHT OF BUILDINGS Maximum	15 m
(g) PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (f) For a single detached dwelling house the zone provisions shall be in accordance with Subsections (9-J) 2(a)(ii) and 2(b)(ii) as outlined above. (f) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b), (c), (d) and (e) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).

- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
- (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vi) **"BLOCK TOWNHOUSING"** means one or more buildings or structures each of which contain a minimum of three attached dwelling units but not exceeding eleven attached dwelling units, which are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling unit under the provisions of The Condominium Act.
- (vii) **"SINGLE SEMI-DETACHED DWELLING"** means one of a pair of two attached single dwellings with a common party wall (either above or below grade) dividing the pair of dwellings vertically, each of which has an independent entrance from the outside.
- (viii) **"ACCESSORY RESIDENT ACTIVITY BUILDING"** means an accessory building or structure that is an incidental and subordinate building servicing the immediate resident needs of the 'Block Townhousing' lands on which the Accessory Resident Activity Building is situated.

**(3162-92) (9-K) PART OF LOT 35, CONCESSION 2
915 LAKERIDGE ROAD NORTH**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands identified as the "Subject Lot" as shown on Schedule "A-1" annexed to By-law # 3162-92 may be used for a single detached dwelling, provided that any such dwelling on the said lands shall be initially used for one member only of the farmer's immediate family in order to comply with the intent of Section 12.2.4 (c) of the Official Plan of the Region of Durham.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as 'A' Agricultural (Residential other than Farming) and the general provisions of Section 4 of the said By-law Np. 1784 shall apply to any development on the "Subject Lot" with the following exception:

LOT FRONTAGE	
Minimum	35 m
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which shall comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health or otherwise.

(3182-92) (9-L) 79 BALDWIN STREET, BROOKLIN

- (a) Notwithstanding Section 10 of By-law # 1784, the following uses and zone provisions shall apply as an exception to the Greenbelt zone for the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3182-92.

(i) USES PERMITTED**COMMERCIAL**

- Banks
- custom workshops
- offices
- places of entertainment
- restaurants retail stores
- service shops
- shopping centres
- studios
- undertaking establishments

RESIDENTIAL

- apartment dwelling in business buildings over a commercial use.

(ii) ZONE PROVISIONS

- (a) No person shall use any portion of the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3182-92 except in accordance with the provisions of Subsections 6A(b) and (c) of By-law #1784;
- (b) No person shall use any portion of the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3182-92 for commercial uses except within that area delineated as "Building Envelope" on the said Schedule;
- (c) No person shall use any portion of the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3182-92 for an apartment dwelling except within the second floor of the building located within that area delineated as "Building Envelope" on the said Schedule provided that no commercial uses are located on the second floor at the same time.

**(3189-92) (9-M) LOT 20, CONCESSION 1
1610 CHAMPLAIN AVENUE**

- (a) Notwithstanding Section 8 of By-law # 1784, the additional use of an "Adult Training/Education Facility" shall be permitted on the lands identified as the "Subject Property" on Schedule 'A-1' annexed to By-law # 3189-92.
- (b) Notwithstanding Section 2 (Definitions) of By-law # 1784 the following definition shall apply to the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law # 3189-92.

"ADULT TRAINING/EDUCATION FACILITY" means a building or structure or portion thereof in which instruction and training is provided to adult pupils in academic, management and technical subjects such as, and not limited to, electronics, architecture, computers, quality processes, tool and die making, woodworking and heating, ventilating and air conditioning.

(3190-92)
(6600-12) **(9-N) PART OF LOT 26, CONCESSION 9
625 TOWNLINE ROAD WEST
Repealed by By-law Amendment 6600-12**

(3194-92)
(6600-12) **(9-O) PART OF LOT 25, CONCESSION 3
Repealed by By-law Amendment 6600-12**

(3203-92) **(9-P) PART OF LOT 28, CONCESSION 4
3555 COCHRANE STREET**

- (a) Notwithstanding Section 10 of By-law # 1784, the additional use of a 'Single Detached Dwelling Unit' may be permitted on that portion of the "Subject Property" identified as the 'Building Envelope' on Schedule "A-1" annexed to By-law # 3203-92, and being further referenced by Assessment Roll Number 020-004-006.

(3202-92) **(9-Q) PART OF LOT 18, CONCESSION 3
915 TAUNTON ROAD EAST**

- (a) No person shall use any lot in any 'HC1' Zone as shown on Schedule "A-1" annexed to By-law # 3202-92 except in accordance with the following uses:

HC1 – HOLDING LOCAL COMMERCIAL

(i) USES PERMITTED

- bush or berry crop
- orchard

- (b) Council shall give consideration to delete the 'H' prefix to the aforementioned zone designation upon confirmation that all municipal water and sanitary services are available and secured; whereby the use of the "Subject Property" as shown on Schedule "A-1" annexed By-law # 3202-92, shall be in accordance to those uses and zone provisions set forth in Section 6 (Local Commercial 'C1' Zone) of By-law # 1784.

(3206-92) **(9-R) SOUTHWEST CORNER OF KENDALWOOD DRIVE AND
NICHOL AVENUE BEING BLOCK 'H', PLAN 40M-1179
1801 NICHOL AVENUE**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R4A' Zone on Schedule "A-1" annexed to By-law # 3206-92 except in accordance with the following uses and zone provisions:

R4A – BLOCK TOWNHOUSING

(i) USES PERMITTED

- block townhousing

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	61 m
(b)	LOT AREA Minimum	0.4 ha
(c)	NUMBER OF UNITS Maximum	28

(d)	LOT COVERAGE	
	Maximum for all buildings	25% of the lot area
(e)	FLOOR SPACE INDEX	
	Maximum	0.50
(f)	YARD	
	Minimum depth from any street line where the wall facing the lot line contains habitable room windows	5.0 m
	from any internal private roadway where the wall facing the internal private roadway contains habitable room windows	5.5 m
	notwithstanding the above, where the flankage of a unit faces an internal private roadway and contains habitable room windows the setback shall be	3.5 m
	from any interior side or rear lot line where the wall facing the lot line contains no habitable room windows	5.0 m
	from any interior side or rear lot line where the wall facing the lot line contains habitable room windows	10.0 m
(g)	LANDSCAPED OPEN SPACE	
	Minimum	50% of the lot area
(h)	HEIGHT OF BUILDINGS	
	Maximum	9.5 m
(i)	DISTANCE BETWEEN BUILDINGS	
	minimum distance between two exterior walls facing and parallel to each other where both walls contain a living room window	21.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains a habitable room windows	15 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows	12 m
	minimum distance between two exterior walls facing and parallel to each other where both walls contain habitable room windows	10.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a habitable room window and the other wall contains no habitable room windows	6.0 m
	minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room windows	3.0 m

- (j) **PARKING**
Minimum 2 spaces per unit plus 0.25 parking spaces per unit set aside for visitors including a handicapped parking space.

(k) **LOCATION OF PARKING SPACES**

Parking spaces for block townhousing may be located in a private attached or detached garage or on a private driveway leading to such garage except for visitor parking which shall be provided in common parking areas, which areas shall be a minimum distance from:

(i) living room or habitable room window	4.2 m
(ii) the exterior wall of any building	2.1 m
(iii) from any street line	6.0 m
(iv) from any lot line other than a street line	2.0 m

- (c) For the purpose of the interpretation of the various zone provisions set forth in this By-law, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence.)

- (i) **"EXTERIOR WALL"** shall mean a main and supporting exterior wall of the building running from the foundation footings to the roof of the building but shall exclude unenclosed porches, balconies, steps, and patios.

- (ii) **"EXTERIOR WALLS FACING AND PARALLEL TO EACH OTHER"** shall mean any exterior wall of a building having an angle of divergence of not more than 85 degrees.

"ANGLE OF DIVERGENCE" means the interior acute angle formed by and lying between two exterior walls or their projections.

- (iii) **"HABITABLE ROOM"** means a room designed for living, sleeping, eating, or food preparation including a den, library, sewing room, or enclosed sun room.

- (iv) **"LIVING ROOM"** means a habitable room used for the common social activities of the occupants of the dwelling house, but shall not include a recreation or family room located in the basement or cellar of the dwelling house.

- (v) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, basement, and cellar) to the total lot area.

- (vi) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half its height from finished floor to finished ceiling, below adjacent finished grade.

- (vii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

- (viii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building, and

- (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck line; and
 - (c) in the case of a gable, hip, or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as chimney, tower steeple, or television antenna.
- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of zero decimal three m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (x) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (xi) **"BLOCK TOWNHOUSING"** means one or more buildings or structures each of which contain a minimum of three dwelling units (attached) but not exceeding eleven dwelling units, which are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling unit under the provisions of The Condominium Act.

(3211-92) (9-S) PART OF LOT 18, CONCESSION 3

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3211-92 except in accordance with the following uses and zone provisions:

R2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	15 m
(b)	LOT DEPTH Minimum	30 m
(c)	LOT AREA Minimum	465 m ²
(d)	LOT COVERAGE Maximum	33% of the lot area
(e)	FRONT YARD Minimum Depth	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	6 m
(f)	REAR YARD Minimum	10 m

(g)	INTERIOR SIDE YARD Minimum Width	1 m
(h)	provided, however and notwithstanding the above	
(i)	the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(ii)	the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.5 m
(iii)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided, however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	6 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	9.0 m
(l)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (c) For the purpose of the interpretation of the various zone provisions set forth in this subsection, the following definitions shall apply. (Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the front of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.

- (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has more than one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grades.

(3214-92) (9-T) **PART OF LOT 20, CONCESSION 1
1627 DUNDAS STREET EAST**

- (a) No person shall use any lot, erect, alter or use any building or structure on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3214-92 except in accordance with the following uses and zone provisions:

(i) **USES PERMITTED**

- Offices
- places of entertainment and assembly
- retail stores and personal service establishment
- veterinary clinic

(ii) **ZONE PROVISIONS**

(a)	FRONT YARD Minimum	7.5 m
(b)	INTERIOR SIDE YARD Minimum	1.0 m
(c)	REAR YARD Minimum	3.0 m
(d)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(e)	HEIGHT OF BUILDING Maximum	10 m
(f)	LOT COVERAGE Maximum	30% of the lot area
(g)	PARKING	

The provision of parking spaces shall be in accordance with the provisions of Section 4 of By-law # 1784.

- (b) In applying the provisions of subsection (a) outlined above, the following definitions shall apply and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law # 1784, the following shall apply:

"PARKING SPACE" means an area of not less than 15.5 m², exclusive of any aisles or ingress and egress lanes, with a minimum perpendicular width of 2.75 m and a minimum perpendicular length of 5.5 m for the temporary parking or storage of motor vehicles and such parking space may include a private garage.

"PLACES OF ENTERTAINMENT AND ASSEMBLY" means one or more of the following uses, namely; a motion picture theatre, concert hall, dance hall, billiard or pool room, bowling alley, gymnasium, health club or community hall.

"OFFICES" means one or more of the following uses, namely; office

(6776-13) **"PERSONAL SERVICE ESTABLISHMENT"** means a building or a portion of a building used to provide direct service to the public which shall include one or more of the following uses, namely; a medical office, a bank, a trust company or similar financial institution, a drugless practitioner, a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair outlet, a dry cleaner's distribution station, an eating establishment, a family restaurant or a school of dance, art or music.

**(3222-92) (9-U) PART LOT 18, CONCESSION 8
355 MYRTLE ROAD EAST**

- (a) Notwithstanding the provisions of Section 11(a)(vii) of By-law # 1784, the Agricultural 'A' zoned lands illustrated within the area identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3222-92 may be used for a single detached residential dwelling.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as 'A' Agricultural (Residential other than Farming) and the general provisions of Section 4 of By-law # 1784 shall apply to any development on that portion of the "Subject Property" zoned 'A' with the exception that the following shall apply:

DRIVEWAY ENTRANCE WIDTH	
Maximum	6.0 m

**(3260-93) (9-V) BLOCK 'F' AND PART OF BLOCK 'B', PLAN 40M-1179
2 LICK POND WAY**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R4-A' Zone identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3260-93 except in accordance with the following uses and zone provisions:

R4-A – BLOCK TOWNHOUSING

(i) USES PERMITTED

- block townhousing

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	60 m
(b)	LOT AREA Minimum	0.4 ha
(c)	NUMBER OF UNITS Maximum	36
(d)	LOT COVERAGE Maximum for all buildings	25% of lot area
(e)	FLOOR SPACE INDEX Maximum	0.50

(f)	YARDS	7.5 m
	Minimum depth from any street line where the wall facing the lot line contains no habitable room windows	
	from any street line where the wall facing the lot line contains habitable room windows	8.0 m
	from any side lot line where the wall facing the lot line contains no habitable room windows	4.5 m
	from any side lot line where the wall facing the lot line contains habitable room windows or from the rear lot line	7.5 m
(g)	LANDSCAPED OPEN SPACE	
	Minimum 50% of the lot area	
(h)	HEIGHT OF BUILDINGS	
	Maximum 9.5 m	
(i)	DISTANCE BETWEEN BUILDINGS	
	minimum distance between two exterior walls facing and parallel to each other where both walls contain a living room window	21.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains a habitable room window	15 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a living room window and the other wall contains no habitable room windows	12 m
	minimum distance between two exterior walls facing and parallel to each other where both walls contain habitable room windows	10.5 m
	minimum distance between two exterior walls facing and parallel to each other where one wall contains a habitable room window and the other wall contains no habitable room windows 6.0 m minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room windows	3.0 m
(j)	PARKING	
	Minimum 2 spaces per unit plus 0.25 parking spaces per unit set aside for visitors	

(k) LOCATION OF PARKING SPACES

Parking spaces for group housing may be located in a private garage within or contiguous to each dwelling unit, or on a private driveway leading to such garage except for visitor parking which shall be provided in common parking areas, which areas shall be a minimum distance from:

(i) living room window	10.5 m
(ii) habitable room window	6.0 m
(iii) the exterior wall of any building	2.1 m
(iv) any street line	6.0 m
(v) any lot line other than a street line	3.0 m

(b) For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply (where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence):

- (i) **"EXTERIOR WALL"** shall mean a main and supporting exterior wall of a building running from the foundation footings to the roof of the building but shall exclude unenclosed porches, balconies, steps, and patios.
- (ii) **"EXTERIOR WALLS FACING AND PARALLEL TO EACH OTHER"** shall mean any exterior wall of a building having an angle of divergence of not more than 85 degrees.
- (iii) **"ANGLE OF DIVERGENCE"** means the interior acute angle formed by and lying between two exterior walls or their projections. (iii) **"HABITABLE ROOM"** means a room designed for living, sleeping, eating, or food preparation including a den, library, sewing room, or enclosed sun room.
- (iv) **"LIVING ROOM"** means a habitable room used for the common social activities of the occupants of the dwelling house, but shall not include a recreation or family room located in the basement or cellar of the dwelling house.
- (v) **"FLOOR SPACE INDEX"** means the ratio of the gross floor area of the dwelling house (excluding garage, basement, and cellar) to the total lot area.
- (vi) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height from finished floor to finished ceiling, below adjacent finished grade.
- (vii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (viii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevations of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,

- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower steeple, or television antenna.
- (ix) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of zero decimal three m in width owned by the Corporation of the Town of Whitby or owned by the Regional Municipality of Durham.
- (x) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (xi) **"BLOCK TOWNHOUSING"** means one or more buildings or structures each of which contain a minimum of three dwelling units (attached) but not exceeding eleven dwelling units, which are located on the same lot retained under one ownership, providing however, that this definition shall not exclude the sale of any such dwelling unit under the provisions of the Condominium Act.

**(3264-93) (9-W) PART OF BLOCK 2, ALL OF BLOCK 3 PLAN 40M-1642
WILLIAM SMITH DRIVE**

- (a) Notwithstanding Section 8A(ii)(i) of By-law # 1784 the following provisions shall apply to lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3264-93.

(i) OUTSIDE USES PERMITTED

Outside storage shall be limited to finished and containerized products and shall not include the storage of aggregate materials, vehicle scrap or discarded materials or other similar raw materials or any hazardous chemicals.

The outside storage shall be subject to the following restrictions:

- (a) outside storage shall be limited to single tenant users only;
- (b) outside storage shall be limited to the rear yard only, have a minimum setback of 3 m from any rear or interior side lot line; and, in the case of an exterior side yard, the minimum setback shall be the same as the building line;
- (c) the outside storage area shall not exceed 50% of the ground floor area of the main building on the lot;
- (d) the height of the outside storage shall not exceed 4.5 m;
- (e) any portion of the outside storage area that is adjacent to the exterior side yard or is visible from a public street, shall be screened by an impervious coniferous landscaped planting strip or screen fence having a minimum height of 1.8 m.

**(3269-93) (9-X) PART OF LOT 20, CONCESSION 4
(3984-97) 4295 THICKSON ROAD NORTH
(4581-00) Temporary Use – Expired**

**(3270-93) (9-Y) PART OF LOT 23, CONCESSION 530 ST. THOMAS STREET
Temporary Use – Expired**

(3312-93) (9-Z) **PARTS OF LOTS 19 AND 20, BROKEN FRONT CONCESSION** 1650 VICTORIA
 (3628-95) **STREET EAST**
 Repealed by By-law Amendment # 3628-95

(3313-93) (10-A) **PART OF LOTS 19 AND 20, BROKEN FRONT CONCESSION**
1700 VICTORIA STREET EAST

- (a) No persons shall use any lot or erect or alter or use any building or structure in any 'C2-S' Special Purpose Commercial Zone as shown on Schedule "A-1" annexed to By-law # 3313-93 except in accordance with the following uses and zone provisions:

C2-S – SPECIAL PURPOSE COMMERCIAL

(i) USES PERMITTED

- retail facility without food sales

(ii) ZONE PROVISIONS

(a)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(b)	FRONTAGE Minimum	30.5 m
	except where the lot abuts a 0.3 m reserve, the minimum shall be	10.0 m
(c)	FRONT YARD Minimum	7.5 m
(d)	EXTERIOR SIDE YARD Minimum	7.5 m
(e)	INTERIOR SIDE YARD Minimum	3.0 m
(f)	REAR YARD Minimum	7.5 m
	except in the case of a rear yard abutting a provincial highway corridor, the minimum shall be	13.7 m
(g)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(h)	HEIGHT OF BUILDING Maximum	10.0 m
(i)	BUILDING SIZE Minimum Gross Leasable Area	12,000 m ²
(j)	NUMBER OF PARKING SPACES Minimum	611
(k)	OUTDOOR STORAGE/DISPLAY OF GOODS Maximum	6 m from main wall of building

- (b) For the purpose of the interpretation of the various zone provisions set forth in subsection a) above, the following definitions shall apply in addition to those outlined in Section 2 of By-law # 1784. Where there is a conflict between the definitions hereinafter set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence.

- (i) **"RETAIL FACILITY WITHOUT FOOD SALES"** means a building or structure occupied by a single user, that is predominantly used for the retailing and warehousing of various goods and wares, including but not limited to those associated with the following components:

- (a) home improvement centre;
- (b) home supply centre;
- (c) equipment sales and rental - light;
- (d) major electrical supply centre;
- (e) plumbing supply centre;
- (f) retail nursery;
- (g) eating establishment; and,
- (h) does not permit the sale of food items, except as otherwise permitted herein.

- (ii) **"GROSS LEASABLE AREA"** means the total area of all floors in a building or part of a building designated for tenant occupancy and the tenant's exclusive use including basements, mezzanines, upper floor areas and integral storage areas measured from the centre line of joint partitions and from outside wall faces but not including public or common areas such as parking spaces and parking areas, walls, corridors, stairways, elevators, public washrooms, garbage storage areas, or machine or equipment rooms.

**(3317-93) (10-B) ART OF LOT 24, CONCESSION 3
2, 24, 26 FALLINGBROOK STREET**

- (a) No person shall use any lot, or erect or alter or use any building or structure in any "R2A" Zone as shown on Schedule "A-1" annexed to By-law # 3317-93 except in accordance with the following uses and zone provisions:

R2A – SINGLE DETACHED DWELLING HOUSE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE - INTERIOR LOT Minimum	5 m
(b)	LOT FRONTAGE - CORNER LOT Minimum	8.5 m
(c)	LOT DEPTH Minimum	0 m
(d)	LOT AREA Minimum	65 m ²

(e)	LOT COVERAGE Maximum for all buildings	3%
(f)	FRONT YARD Minimum Depth	0.5 m
	Provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(g)	REAR YARD Minimum	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD Minimum Width	1.0 m
(i)	provided however, and notwithstanding the above the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
(ii)	the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of the least	2.5 m
(iii)	where no garage or carport facilities are provided on the lot, then the minimum width of the interior side yards shall be	4.5 m
(i)	EXTERIOR SIDE YARD	
	in the case of an exterior sideyard abutting a street line or a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum exterior sideyard shall be	4.5 m
	provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior sideyard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of lot area
(k)	HEIGHT OF BUILDING Maximum	8.5 m

(3338-93)
(6600-12)

(10-C) PART OF LOTS 29 AND 30, CONCESSION 3
PLAN OF SUBDIVISION 18T-90044PRESERVATION PLACE
Repealed by By-law Amendment 6600-12

**(3340-93) (10-D) PART OF LOT 24, CONCESSION 8
PLAN OF SUBDIVISION 18T-87045**

- (a) No person shall use any lot, or erect or alter or use any building or structure in any 'RE' Zone as shown on Schedule "A-1" annexed to By-law # 3340-93 except in accordance with the following uses and zone provisions:

RE – R RESIDENTIAL ESTATE

(i) USES PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	50 m
(b)	LOT DEPTH Minimum	50 m
(c)	LOT AREA Minimum	0.36 ha
(d)	LOT COVERAGE Maximum for all buildings	10% of lot area
(e)	FRONT YARD Minimum Depth	15 m
(f)	REAR YARD Minimum	15 m
(g)	INTERIOR SIDE YARD Minimum Width	6.0 m
(h)	EXTERIOR SIDE YARD Minimum Width	15 m
(i)	LANDSCAPED OPEN SPACE Minimum	50% of lot area
(j)	HEIGHT OF BUILDINGS Maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

- (b) Notwithstanding Section 2(a) of By-law # 3340-93, the lands marked "Subject Property" as shown on Schedule "A-2" annexed to By-law # 3340-93 shall have a minimum frontage of 30 m.
- (c) No single detached dwelling house shall be erected on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3340-93 unless it is serviced with a private well with a watertight casing drilled to the deep aquifer and a private waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time and as administered by the Medical Officer of Health, or otherwise.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (a), (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space within a zone classification, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"ZERO DECIMAL THREE METRE RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby, the Ministry of Transportation or the Regional Municipality of Durham.

(3342-93)

**(10-E) PART OF LOT 31, CONCESSION 2
PLAN OF SUBDIVISION 18T-93006**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'R4B' Zone as shown on Schedule "A-1" annexed to By-law # 3342-93 except in accordance with the following uses and zone provisions:

R4B – A STREET TOWNHOUSE DWELLING

(i) USES PERMITTED

- street townhouse dwelling

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE - INTERIOR LOT
Minimum 6.0 m
- (b) LOT FRONTAGE - CORNER LOT
Minimum 10.5 m

(c)	LOT DEPTH Minimum	30 m
(d)	LOT AREA Minimum	180 m ²
(e)	LOT COVERAGE Maximum	50% of the lot area
(f)	FRONT YARD Minimum Depth	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back from the front lot line a minimum distance of	5.5 m
(g)	REAR YARD Minimum Depth	10 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(h)	INTERIOR SIDE YARD	
	In the case of the side of a unit which is attached, above and below ground to the adjoining unit there is no interior side yard requirement provided that in the case of parallel and unattached walls above grade the minimum separation between such walls shall be	1.0 m
	In the case of the side of a unit which is not attached to the adjoining unit, the minimum interior side yard setback shall be	1.2 m
(i)	EXTERIOR SIDE YARD Minimum Width	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side yard shall be set back from the exterior side lot line a minimum distance of	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(k)	HEIGHT OF BUILDING Maximum	9.5 m
(l)	PARKING	
	In accordance with the provisions of Section 4 of By-law # 1784.	

- (b) For the purpose of the interpretation of the various zone provisions set forth in Subsection (a) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law No, 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever it the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip, or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **"ZERO DECIMAL THREE METER RESERVE"** means a strip of land of 0.3 m in width owned by the Corporation of the Town of Whitby, the Ministry of Transportation or the Regional Municipality of Durham.
 - (vii) **"STREET TOWN HOUSE DWELLING"** means one of a group of not more than eight houses but not less than three single dwelling houses attached to each other by a common party wall, attached either above or below grade, dividing the dwelling house vertically, each of which dwelling house,
 - (a) has separate front and rear entrances or separate front and side entrances; and,
 - (b) contains a private garage within each dwelling house.

(3349-93) (10-F) **PART OF LOT 19, CONCESSION 3
PLAN OF SUBDIVISION 18T-89040**

- (a) **'R2A' – Single Detached Dwelling House**
No person shall use any lot, or erect or alter or use any building or structure in any 'R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3349-93 except in accordance with the following uses and zone provisions.

- (i) **USE PERMITTED**
 - single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE	Minimum – interior	15 m
		– corner	18.5 m
(b)	LOT DEPTH	Minimum	30 m
(c)	LOT AREA	Minimum	465 m ²
(d)	LOT COVERAGE	Maximum for 1 storey dwelling unit	40%
		Maximum for dwelling unit greater than 1 storey	33%
(e)	FRONT YARD	Minimum Depth	4.5 m
		provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD	Minimum depth to a dwelling unit or to a portion of a dwelling unit having a maximum height of 1 storey	7.5 m
		Minimum depth to a dwelling unit or to a portion of a dwelling unit having a height greater than 1 storey	10 m
		except where a rear yard abuts a 0.3 m reserve which abuts a street having a planned width of 29 m or more, or where a rear yard directly abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m
(g)	INTERIOR SIDE YARD	Minimum Width	1 m
		provided however, and notwithstanding the above	
		(1) the exterior wall of the second storey of any building shall be set back a distance from the interior side lot line of at least	1.75 m
		(2) the exterior wall of the third storey of any building shall be set back a distance from the interior side lot line of at least	2.5 m
		(3) where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m

(h)	EXTERIOR SIDE YARD	
	Minimum Width	4.5 m
	provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard shall be set back a minimum distance from the exterior side lot line of	5.5 m
(i)	LANDSCAPED OPEN SPACE	
	Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING	
	Maximum	8.5 m

(b) 'R2B' – Single Detached Dwelling House

No person shall use any lot, or erect or alter or use any building or structure in any 'R2B' Zone as shown on Schedule "A-1" annexed to By-law # 3349-93 except in accordance with the following uses and zone provisions.

(i) USE PERMITTED

- single detached dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE	
	Minimum – interior	12 m
	– corner	15.5 m
(b)	LOT DEPTH	
	Minimum	30 m
(c)	LOT AREA	
	Minimum	360 m ²
(d)	LOT COVERAGE	
	Maximum for 1 storey dwelling units	45%
	Maximum for 2 and 3 storey dwelling units	40%
(e)	FRONT YARD	
	Minimum Depth	4.5 m
	provided however, and notwithstanding the above, a garage or carport, the entrance to which is from the front yard, shall be set back a minimum distance from the front lot line of	5.5 m
(f)	REAR YARD	
	Minimum depth to a dwelling unit or to a portion of a dwelling unit having a maximum height of 1 storey	7.5 m
	Minimum depth to a dwelling unit or to a portion of a dwelling unit having a height greater than 1 storey	10.0 m
	except in the case of a rear yard abutting a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum depth shall be	15 m

(3504-94)

(g)	INTERIOR SIDE YARD Minimum Width	1.0 m
Provided, however, and notwithstanding the above		
(i)	the exterior wall of the second and third storey of any building shall be set back a distance from the interior side lot line of at least	1.5 m
(ii)	where no garage or carport facilities are provided on the lot, then the minimum width of one of the interior side yards shall be	4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width	4.5 m
provided however, and notwithstanding the above provisions, a garage or carport, the entrance to which is from the exterior side yard, shall be setback from the exterior side lot line a minimum distance of		5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40%
(j)	HEIGHT OF BUILDING Maximum	8.5 m
(c) `I/R2A'- Institutional/Single Detached Dwelling House		

No person shall use any lot or erect or use any building or structure in any 'I/R2A' Zone as shown on Schedule "A-1" annexed to By-law # 3349-93 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

'I' – INSTITUTIONAL

- Arena
- Church
- community centre
- nursery school
- school (elementary and secondary)
- swimming pool

`R2A' – SINGLE DETACHED DWELLING HOUSE

(ii) ZONE PROVISIONS

For an Institutional use the zone provisions shall be in accordance with the following zone provisions:

(a)	FRONT YARD Minimum Depth	15 m
(b)	INTERIOR SIDE YARD Minimum Width	10.0 m
(c)	REAR YARD Minimum Depth	10.0 m

(d)	EXTERIOR SIDE YARD Minimum Width	10.0 m
(e)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(f)	HEIGHT OF BUILDINGS Maximum	15 m
(g)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784.

For a single detached dwelling house the zone provisions shall be in accordance with Subsection 2(a)(ii) as outlined above.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a), (b) and (c) above, the following definitions shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law # 1784, then the definitions hereinafter set forth shall take precedence).
- (i) **"YARD"** means a space, appurtenant to a building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in By-law # 1784.
 - (ii) **"HEIGHT OF BUILDINGS"** means the vertical distance between the average elevation of the finished surface of the ground at the side of the building; and,
 - (a) in the case of a flat roof, the highest point of roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line; and,
 - (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridges, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
 - (iii) **"BASEMENT"** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
 - (iv) **"CELLAR"** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below the adjacent finished grade.
 - (v) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(3378-93)
(4611-00)

(10-G) PART OF LOT 21, CONCESSION 1
25 CONSUMERS DRIVE
 Repealed by By-Law Amendment 4611-00.

(3380-93)

(10-H) PART OF LOT 20, CONCESSION 3
90 WALLER STREET

- (a) Assessment Roll # 040-034-130-31(a) The additional use of a "Day Nursery Facility" shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3380-93:

- (b) Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definition shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3380-93:

"DAY NURSERY FACILITY" means a "day nursery" as defined in the Day Nurseries Act, R.S.O. 1990, c. D. 2, as may be amended from time to time and shall be restricted to a maximum gross floor area of 185 m²

**(3381-93) (10-I) PART OF LOT 21, CONCESSION 1
1525 NICHOL AVENUE**

- (a) The additional use of a "Day Nursery Facility" shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3381-93.
- (b) Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definition shall apply to the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3381-93:

"DAY NURSERY FACILITY" means a "day nursery" as defined in the Day Nurseries Act, R.S.O. 1990, c. D. 2, as may be amended from time to time and shall be restricted to a maximum gross floor area of 185 m²

**(3407-93) (10-J) PARTS OF LOTS 21 AND 22, CONCESSION 6
PLAN OF SUBDIVISION (18T-89099)**

- (a) **`HR2A\*', `HR2B*', `HR2C\*', `HR3A*', `HR3B\*', `HR4A*', `HR4B\*', `HR4A/B', AND `HR5A', - HOLDING RESIDENTIAL ZONES**

- (i) No person shall use any lot or erect or alter or use and building or structure in any `HR2A\*', `HR2B*', `HR2C\*', `HR3A*', `HR3B\*', `HR4A*', `HR4B\*', `HR4A/B', `HR5A-1', or `H5RA-2' Zones as shown on Schedule "A-1" annexed to By-law # 3407-93 except in accordance with the following uses:

- bush or berry crop
- field crop

- (ii) A By-law shall not be enacted to delete an `H' symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the lands to be affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities or the necessary municipal agreement(s) are in place.

- (iii) In the event that Council deems it appropriate to delete an `H' symbol prefixed to the aforementioned `HR2A*', `HR2B\*', `HR2C*', `HR3A\*', `HR3B*', `HR4A\*', and `HR4B*' Zone designations, the uses and zone provisions of Sections 5C, 5D, 5E, 5G, 5H, 5I and 5J respectively of By-law # 1784 shall then apply to the lands so designated.

- (iv) In the event that Council deems it appropriate to delete the `H' symbol prefixed to the aforementioned `HR4A/B' Zone designation, the following uses and zone provisions shall then apply to the lands so designated.

- (b) **`R4A/B' – TOWNHOUSE RESIDENTIAL**

- (i) **USES PERMITTED**

- block townhouse dwelling
- street townhouse dwelling

(ii) ZONE PROVISIONS - BLOCK TOWNHOUSE DWELLING

- (a) All zone provisions and other requirements of Section 5I of By-law # 1784 shall apply to the block townhouse dwellings proposed on the lands designated 'R4A/B'.
- (b) Notwithstanding Section (ii) (a) above;
- (i) The minimum distance between the end wall of a townhouse dwelling and the end wall of a separate townhouse dwelling and the end wall of a separate townhouse dwelling shall be 3.0 m
 - (ii) The minimum distance between the end wall of a townhouse dwelling and a wall other than an end wall of a separate townhouse dwelling shall be 9.5 m
 - (iii) The minimum distance between walls other than the end walls on separate townhouse dwellings shall be 15 m

(iii) ZONE PROVISIONS - STREET TOWNHOUSE DWELLING

- (a) All zone provisions and other requirements of Section 5J of By-law # 1784 shall apply to a street townhouse dwelling proposed on the lands designated 'R4A/B'.
- (b) Notwithstanding the provisions of Section 5J (ii) (f);
- (i) The rear yard depth may be reduced to 3.5 m where the rear yard of the street townhouse dwelling abuts a public park provided a private amenity space of 30 m², having a minimum linear dimension of 4.5 m on one side, is provided adjacent to the street townhouse dwelling unit on the side of the street townhouse dwelling unit which faces and internal roadway or local street.
 - (ii) Where the rear yard setback is less than 7.5 m, the minimum distance between a local street and the exterior wall of the dwelling unit shall be 12 m and the minimum distance between the exterior wall of an attached garage and the exterior wall of the dwelling unit shall be 3.0 m.
- (v) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H5RA-1' and 'HR5A-2' Zone designations, the following uses and zone provisions shall then apply to the lands so designated.

'R5A-1' and 'R5A-2' – Multiple Unit Residential**(i) USES PERMITTED**

- apartment dwelling
- block townhouse dwelling

(ii) ZONE PROVISIONS - APARTMENT DWELLING

- (a) LOT FRONTAGE
Minimum 50 m

(b)	LOT AREA Minimum	4 hectares
(c)	LOT COVERAGE Maximum	35% of lot area
(d)	DENSITY	
	(i) for the area shown as 'R5A-1' on Schedule "B" to By-law # 1784, the maximum number of apartment dwelling units shall be	62 units
	(ii) for the area shown as 'R5A-2' on Schedule "B" to By-law # 1784, the maximum number of apartment dwelling units permitted shall be	71 units
(e)	HEIGHT Maximum	4 storeys or 12 m whichever is less
(f)	FRONT YARD Minimum Depth	7.5 m
(g)	REAR YARD Minimum Depth	7.5 m
(h)	INTERIOR SIDE YARD Minimum Depth	7.5 m
(i)	EXTERIOR SIDE YARD Minimum Depth	7.5 m
(j)	DISTANCE BETWEEN BUILDINGS ON THE SAME LOT	
	(i) The minimum distance between an apartment dwelling and a separate building or structure shall be	15 m
	Provided however, and notwithstanding the above, this distance may be reduced to 7.5 m between the end wall of an apartment dwelling and the end wall of a block townhouse dwelling provided neither wall contains a bedroom, living-room or dining room window.	
(k)	INTERNAL ROADWAY	
	(i) Minimum Width	8.5 m
	(ii) The minimum distance from an internal roadway to the nearest exterior wall of an apartment dwelling shall be	2.0 m
	Provided however, and notwithstanding the above, the minimum distance from an internal roadway to the nearest exterior wall of an apartment dwelling containing a living room, bedroom or dining room window shall be	
		5.0 m
(l)	LANDSCAPED OPEN SPACE Minimum	35% of lot area

(m) PARKING

- (i) Parking may be located in any yard provided that no parking space shall be located closer than 2.5 m to any property line.
- (ii) The minimum distance between a parking area and the exterior wall of an apartment dwelling shall be 1.0 m
- (iii) Provided however, and notwithstanding the above; the minimum distance between a parking area and an exterior wall of an apartment dwelling containing a living room, bedroom or dining room shall be 5.0 m

(iii) ZONE PROVISIONS - BLOCK TOWNHOUSE DWELLING

- (a) All zone provisions and other requirements of Section 5I of By-law # 1784 shall apply to a block townhouse dwelling proposed on the lands designated 'R5A-1' and 'R5A-2'.

(b) DENSITY

Notwithstanding the density provisions of Section 5I(ii)(d) of By-law # 1784 the following density provisions for block townhouse dwellings shall apply to the lands designated 'R5A-1' and 'R5A-2'.

- (i) for the area shown as 'R5A-1' on Schedule "B" to By-law # 1784, the maximum number of block townhouse dwelling units permitted shall be 76 units
- (ii) for the area shown as 'R5A-2' on Schedule "B" to By-law # 1784, the maximum number of block townhouse dwelling units shall be 16 units
- (vi) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'HC2S' Zone designation, the uses and zone provisions of Section 7E of By-law # 1784 shall then apply to the lands so designated.

(4972-02)

(vii) Repealed by By-Law Amendment 4972-02.

(3440-94)

**(10-K) PART OF LOT 18, CONCESSION 1
PLAN OF SUBDIVISION 18T-93005
BURDGE COURT**

- (a) Notwithstanding the provisions of Section 5E (ii)(a) of By-law # 1784 to the contrary, the following provisions shall apply:

(i) LOT FRONTAGE

Minimum	– interior lot	10.5 m
	– corner lot	13 m

(2633-89)
(6600-12)

**(10-L) R3-BP PROPERTIES – QUEEN STREET
Repealed by By-law Amendment 6600-12**

(2633-89)
(6600-12)

**(10-M) 25 CASSELS ROAD EAST
Repealed by By-law Amendment 6600-12**

(2633-89) (6600-12)	(10-N) 450 WINCHESTER ROAD EAST Repealed by By-law Amendment 6600-12	
(3471-94) (4231-98)	(10-O) PART OF LOT 28, CONCESSION 3 PLAN OF SUBDIVISION (18T-90025) Repealed by By-Law Amendment 4231-98	
(3472-94) (4231-98)	(10-P) PART OF LOT 28, CONCESSION 3 PLAN OF SUBDIVISION (18T-90025) Repealed by By-Law Amendment 4231-98	
(3480-94)	(10-Q) PART OF LOT 21 CONCESSION 6 THICKSON ROAD NORTH Temporary Use – Expired	
(3481-94)	(10-R) PART OF LOT 21 CONCESSION 6 THICKSON ROAD NORTH Temporary Use – Expired	
(3483-94)	(10-S) PARTS OF LOT 27, CONCESSION 3 PLAN OF SUBDIVISION (18T-89061) Repealed by By-law Amendment 6600-12	
(485-94)	(10-T) PART LOT 26, CONCESSION 3 PLAN OF SUBDIVIISION (18T-87080)	
(6600-12)	(a) `HR2B*', HR2C*', `HR3A*', `HR4A*', `HR4B*', `HR4B-2', `HR5A-3', `HR5A-4' - HOLDING RESIDENTIAL ZONES Repealed by By-law Amendment 6600-12	
(6600-12)	(b) `R4B-2' – STREET TOWNHOUSE DWELLING Repealed by By-law Amendment 6600-12	
	(c) `R5A-3', `R5A-4' – MULTIPLE UNIT RESIDENTIAL	
	(i) USE PERMITTED	
	• apartment dwelling	
	(ii) ZONE PROVISIONS	
	(a) LOT FRONTAGE Minimum	70 m
	(b) LOT AREA Minimum	0.7 ha
	(c) LOT COVERAGE Maximum	35%
	(d) FLOOR SPACE INDEX	
	the minimum ratio of total gross floor space to gross lot area shall be	1.0

- (e) DENSITY
- (i) For the area shown as 'R5A-3' the following densities shall apply:
- | | |
|---------|----------------------|
| Minimum | 55 units per net ha |
| Maximum | 110 units per net ha |
- (ii) For the area shown as 'R5A-4' the following densities shall apply:
- | | |
|---------|----------------------|
| Minimum | 110 units per net ha |
| Maximum | 170 units per net ha |
- (f) HEIGHT
- | | |
|---------|-------------------------------------|
| Maximum | 12 storeys or 37m whichever is less |
|---------|-------------------------------------|
- (g) YARDS
- The minimum setback for all yards shall be 10.0 m
- Provided however, and notwithstanding the above, for the lands shown as 'R5A-3' the following additional setback shall apply:
- (i) All buildings and structures with a height greater than 21 m shall be setback from the north property boundary an additional 0.6 m for each m or portion thereof in height which exceeds 21 m
- (h) DISTANCE BETWEEN BUILDINGS ON THE SAME LOT
- The minimum distance between an apartment dwelling and a separate building or structure shall be 15 m
- Provided, however, and notwithstanding the above this distance may be reduced to 7.5 m between the end walls of separate structures provided neither of the end walls contains a bedroom, living room or dining room window.
- In no case shall the distance between buildings be less than half the height of the tallest building.
- (i) INTERNAL ROADWAY
- | | |
|---------------|-------|
| Minimum Width | 8.5 m |
|---------------|-------|
- (i) the minimum distance from an internal roadway to the nearest portion of an apartment dwelling shall be 5.0 m
- Provided however, and notwithstanding the above, this distance may be reduced to 2.0 m from an exterior wall which does not contain a bedroom, living room or dining room window.
- (j) LANDSCAPED OPEN SPACE
- | | |
|---------|---------------------|
| Minimum | 35% of the lot area |
|---------|---------------------|

(k) PARKING AND LOADING SPACE REQUIREMENTS

- (i) A maximum of 15% of the provided parking may be permitted at finished grade.
- (ii) Any portion of a parking structure fully below or being no greater than 1 m above finished grade shall not be included within the calculation of lot coverage
- (iii) Parking and loading spaces provided at or on finished grade and portions of underground parking structures above and within 1 m of finished grade shall be located no closer than the following;

to a street line or 0.3 m reserve abutting a street line, a minimum distance of 10 m

to any other property line, a minimum distance of 2.5 m

Notwithstanding the provisions set out under (k)(iii) above, a designated handicap parking space may be permitted in a front or exterior side yard provided that such parking space is located no closer than 2.5 m to the street line.

- (iv) Parking structures fully below finished grade shall be located no closer than the following;

to any property line, a minimum distance of 2.5 m

- (v) The maximum height of any portion of a parking garage or structure above finished grade shall be the lesser of 2 storeys or 10 m

- (vi) The minimum setback for a parking garage or structure located greater than 1 m above finished grade shall be

to any property line 10 m

**(3506-94) (10-U) PART OF LOT 21, CONCESSION 6
SUBDIVISION 18T-89099
PHASE 1**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the 'Subject Property' on Schedule 'A-1' annexed to By-law # 3506-94:

- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it is subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (c) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential R2B* Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the 'Subject Property' on Schedule 'A-1' annexed to By-law # 3506-94:

Where a detached garage is provided in the rear yard and no attached garage or carport is provided the minimum width of the interior side yard shall be as follows:

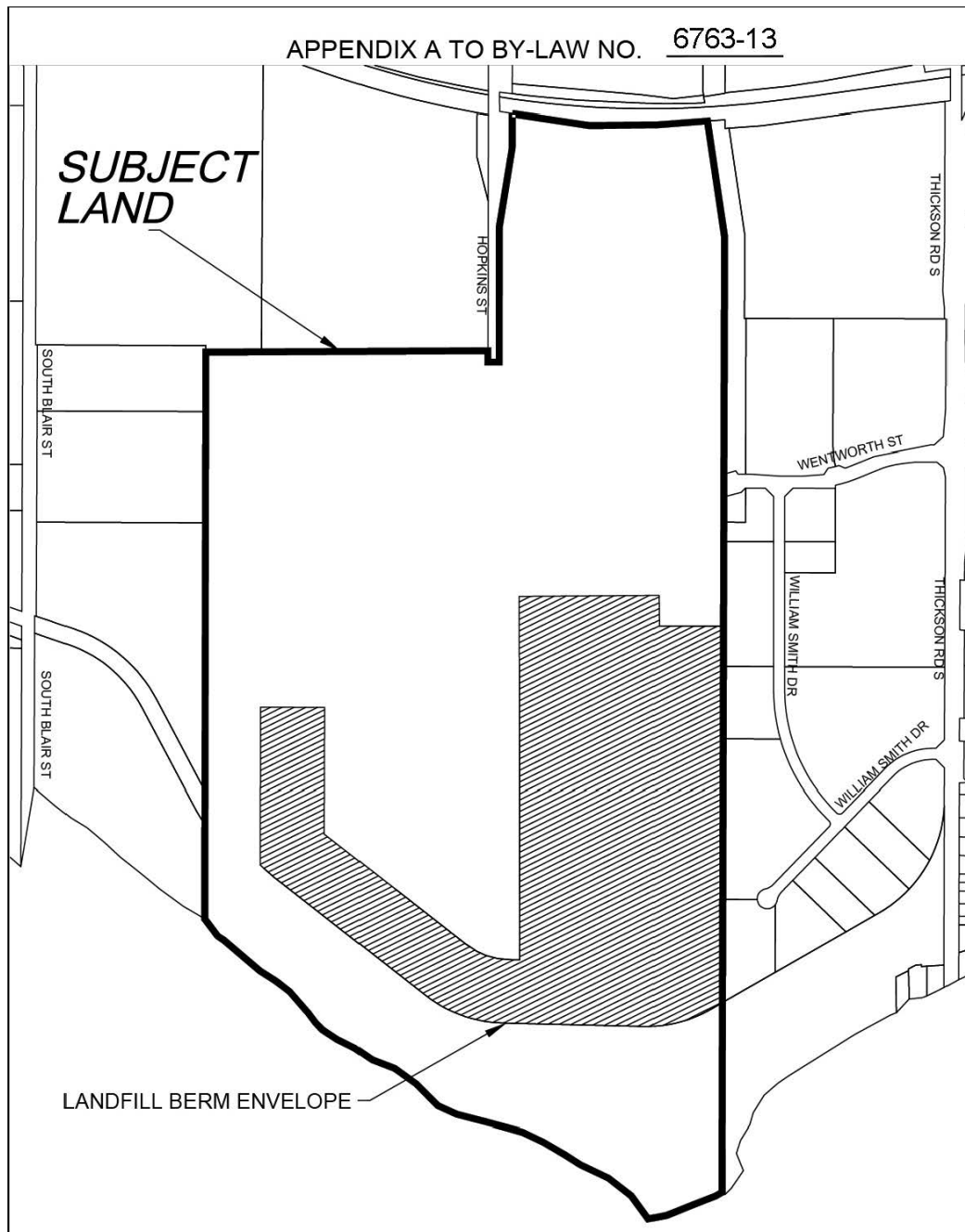
- on the interior side yard containing the driveway to the detached garage 3.1 m
- on the other side 0.6 m

provided however that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (3534-94) (10-V) **PART OF LOTS 29 AND 30, CONCESSION 3**
PLAN OF SUBDIVISION (18T-90044)
Repealed by By-law Amendment 6600-12
- (3544-94) (10-W) **640 TAUNTON ROAD EAST**
(3948-97) **Temporary Use – Expired**
(4614-00)
- (3547-94) (10-X) **PART OF LOT 26, CONCESSION 4**
(6600-12) **4101 BALDWIN STREET SOUTH**
Repealed by By-law Amendment 6600-12
- (3567-94) (10-Y) **PART OF LOT 24, CONCESSION 3**
(7715-21) **904 AND 908 ROSSLAND ROAD EAST**
Repealed by By-law Amendment 7715-21
- (3576-94) (10-Z) **PART OF LOTS 22 AND 23, BROKEN FRONT CONCESSION**
(6506-11) **1801 HOPKINS STREET SOUTH**
- (6763-13) (a) In addition to the uses permitted in an 'M1' Restricted Industrial Zone and in addition to the uses permitted in an 'M1A' Prestige Industrial Zone as referred in Sections 8 and 8A of By-law # 1784, the subject lands may also be used for an automobile shredder by-product landfill berm on the lands generally identified as the Landfill Berm Envelope shown on Appendix A to this By-law. Such additional use shall only be permitted in connection with the operation of a steel mill and automobile shredding operation on the subject property.

No new buildings for a permitted use within an 'M1' or 'M1A' Zone shall be permitted on any lands utilized for the purpose of an automobile shredder by-product landfill berm.

- (b) In addition to the zone requirements of Section 8A of By-law # 1784, as amended, the minimum lot frontage for those lands zoned 'M1A' as identified on Schedule "A-2" to By-law 3576-94 shall be 800 m.
 - (c) In addition to the zone requirements of Zoning By-law # 1784, as amended, no part of the landfill berm, as measured from the nearest toe of the berm, shall be located closer than 30 m to any 'OS' Zone or any lot line.
 - (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a) and (b) above, the following definition shall apply:
 - (i) **"AUTOMOBILE SHREDDER BY-PRODUCT LANDFILL BERM"** means a structure for private landfill used solely for the placement of the (non-metallic and non-hazardous) by-product generated by an on-site automobile shredding operation and in a manner which is subject to the approval and conditions of the Ministry of the Environment and Energy.
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**(3584-94) (11-A) PART OF LOT 24, CONCESSION 2
1509 ROSSLAND ROAD EAST**

- (a) Notwithstanding Section 5c of By-law # 1784, any permitted residential shall only be permitted on a lot within an "R2A" Zone having lot frontage and access from a local road.

- (6776-13)** (b) Notwithstanding Section 5c of By-law # 1784, the additional use of an office shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3584-94.

- (6776-13)** (c) Notwithstanding Section 5c of By-law # 1784, an office shall only be permitted on a lot having frontage and access from a designated arterial road.

- (6776-13)** (d) The following zone provisions shall apply to offices:

(i)	LOT FRONTAGE Minimum	80 m
(ii)	LOT DEPTH Minimum	40 m
(iii)	LOT AREA Minimum	3500 m ²
(iv)	LOT COVERAGE Maximum	22% of lot area
(v)	FRONT YARD Minimum depth	5.0 m
(vi)	REAR YARD Minimum	22.5 m
(vii)	INTERIOR SIDE YARD Minimum width	2.5 m
(viii)	LANDSCAPED OPEN SPACE Minimum	33% of lot area
(ix)	HEIGHT OF BUILDINGS Maximum	9.0 m
(x)	BUILDING GROSS FLOOR SPACE Maximum	1,480 m ²
(xi)	PARKING	
- In accordance with the provisions of Section 4 of By-law # 1784.

- (6776-13)** (e) For the purpose of interpreting the office use, the following definition shall apply:

- (i) **"OFFICE"** means a building or structure in which persons are employed in the management, direction and conduct of a business, agency, brokerage, consultant's firm or a labour or fraternal organization and where professionally qualified persons and their staff are employed and where clients or patients go for advice, consultation or treatment and may include but not be limited to a medical practitioner's office, the offices of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a dentist, and a chiropractor.

- (ii) **"OFFICE FLOOR SPACE"** means the office floor area within a building or structure whether any such floor is above or below grade, calculated by measuring from centre line to centre line of all interior dividing walls and from the exterior face of the building fronts and other perimeter walls, including outer building walls and walls adjoining corridors or other common areas excluding, however, a basement area and mezzanine space used exclusively for storage, washrooms, mechanical, electrical and elevator machine rooms, exterior truck loading facilities, common walkways/stairways and interior pedestrian mall spaces.

(3616-95)
(6600-12) **(11-B) PART OF LOT 28, CONCESSION 9**
HERON ROAD
Repealed by By-law Amendment 6600-12

(3617-95) **(11-C) PART OF LOT 33, CONCESSION 4**
4540 CORONATION ROAD

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule "A-1" annexed to By-law # 3617-95 and designated thereon as the "Subject Property", may be used for a single detached dwelling.
- (b) The zone requirements of Schedule "A" to By-law # 1784 designated as "A" Agricultural (Residential other than farming) and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a private waste disposal system which comply with the standards on the Ministry of the Environment and Energy as amended from time to time and as administered by the Medical Officer of Health or otherwise.

(3637-95)
(3814-96) **(11-D) 3500 BROCK STREET NORTH**
Repealed by By-law Amendment 3814-96

(3653-95) **(11-E) PART OF LOT 22, CONCESSION 2**
733 ANDERSON STREET

- (a) Notwithstanding the lot frontage provisions of Section 5c(ii)(a) of By-law # 1784 to the contrary, the following lot frontage provision shall apply to the subject lands specifically identified by dots on Schedule A-1 attached to and forming part of By-law # 3653-95:

LOT FRONTAGE		
Minimum	— interior	13 m

(3658-95) **(11-F) 12 & 14 GARRARD ROAD**

- (a) Notwithstanding Section 5(c) of By-law # 1784, the following additional uses shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 3658-95:

- (6776-13)**
(6776-13)
- Offices
 - personal service establishment

- (b) Notwithstanding Schedule "A" Zone Requirements Table of By-law # 1784, the following zone provisions shall apply to the permitted uses in clause (a) above.

(i)	LOT FRONTAGE	
	Minimum	20 m

(ii)	LOT DEPTH Minimum	60 m
(iii)	FRONT YARD Minimum Depth	7.5 m
(iv)	REAR YARD Minimum Depth	25 m
(v)	INTERIOR SIDE YARD Minimum	1.5 m
(vi)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(vii)	LOT COVERAGE Maximum	25% of the lot area
(viii)	GROSS LEASABLE AREA PER BUILDING Maximum	350 m ²
(ix)	BUILDING HEIGHT Maximum	8.5 m
(x)	PARKING In accordance with Section 4(n) of By-law # 1784.	
(xi)	The general provisions section of By-law # 1784 shall apply to the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 3658-95.	
(xii)	Notwithstanding the definitions in By-law # 1784 to the contrary, the following shall apply to the use in clause (a) above:	

(6776-13)

"OFFICE" means a building or structure in which persons are employed in the management, direction and conduct of a business, agency, brokerage, consultant's firm or a labour or fraternal organization and where professionally qualified persons and their staff are employed and where clients or patients go for advice, consultation or treatment and may include but not be limited to a medical practitioner's office, the offices of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a dentist, and a chiropractor.

"PERSONAL SERVICE ESTABLISHMENT" means a building or a portion of a building used to provide direct service to the public which shall include a law office, a real estate office, a travel agency, a tailor's shop, a barber shop, a beauty salon, a shoe repair, a dry cleaner's distribution station, a school of dance, art or music.

(3671-95)

**(11-G) PART OF LOT 23, CONCESSION 3
3800 ANDERSON STREET**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, the lands shown on Schedule A-1 annexed to By-law # 3671-95 and designated thereon as the "Subject Property" shall be used for a single detached dwelling.

- (b) The "R3" Residential Zone requirements of Schedule "A" to By-law # 1784 and the general provisions of Section 4 of the said By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above, except for the following:
- (i) FRONT YARD
minimum depth from the widened portion of Anderson Street 10 m
 - (ii) LOT AREA
Minimum 670 m²
 - (iii) REAR YARD
minimum depth measured from a Greenbelt Zone 0.0 m

(3676-94)
(6600-12) (11-H) **PART OF LOT 27, CONCESSION 3**
PLAN OF SUBDIVISION 18T-89061
Repealed by By-law Amendment 6600-12

(3684-95)
(6600-12) (11-I) **PART OF LOT 26, CONCESSION 3**
PLAN OF SUBDIVISION 18T-92005
Repealed by By-law Amendment 6600-12

(3701-95) (11-J) **PART OF LOT 21, BROKEN FRONT CONCESSION**
1549 VICTORIA STREET EAST

In addition to the permitted non-residential uses listed in Section 8A(i)(b) of this By-law, a bus depot and maintenance facility shall be permitted within that portion of the lands zoned Prestige Industrial "M1A", identified as the "Subject Property" on Schedule 'A-1' annexed to By-law # 3701-95.

(3702-95)
(6893-14) (11-K) **PART OF LOT 19, CONCESSION 1**
PLAN OF SUBDIVISION (18T-89051)
Repealed by By-law Amendment 6893-14

(3696-95) (11-L) **PART OF LOT 30, CONCESSION 2**
695 ROSSLAND ROAD WEST

- (a) Notwithstanding the permitted uses found in Section 10A (1) (b) of By-law # 1784, the following additional use of a recreational sports complex shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3696-95.

- (b) For the purpose of the interpreting the recreational sports complex, the following definition shall apply:

"RECREATIONAL SPORTS COMPLEX" shall include, but not be limited to, such uses as arenas, community centres, curling rinks, swimming pools, wading pools, court games and playgrounds.

(3718-95) (11-M) **PART OF LOT 30, CONCESSION 7**
7045 COUNTRY LANE
Temporary Use – Expired

(3719-95) (11-N) **PARTS OF LOTS 22 AND 23, CONCESSION 3**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R1A" Zone on Schedule "A-1" annexed to By-law # 3719-95 except in accordance with the following uses and zone provisions:

- (i) The respective uses and zone provisions as set out in Section 12 (6-W)(b) shall apply to the lands in any 'R1A' Zone on Schedule "A-1" to By-law # 3719-95; and,
- (ii) Notwithstanding Section (ii) of Section 12 (6-W) (b), the following provisions shall apply;
 - (a) LOT DEPTH
Minimum 26 m
 - (b) REAR YARD
Minimum 10 m
 - (c) LOT COVERAGE
Maximum 40% of the lot area
- (b) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone on Schedule "A-1" annexed to By-law # 3719-95 except in accordance with the following uses and zone provisions:
 - (i) The respective uses and zone provisions as set out in Section 12 (6-W) (c) shall apply to the lands in any "R2A" Zone on Schedule "A-1" to By-law # 3719-95; and,
 - (ii) Notwithstanding Section (ii) of Section 12 (6-W)(c), the following provisions shall apply;
 - (a) REAR YARD
Minimum 10 m
 - (b) LOT COVERAGE
Maximum 40% of the lot area

- (3723-95)
(6600-12) (11-O) **PART OF LOTS 31 AND 32, BROKEN FRONT CONCESSION,
PLAN OF SUBDIVISION (18T-90037)
Repealed by By-law Amendment 6600-12**
- (3731-95)
(6600-12) (11-P) **PART OF LOT 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-89060
Repealed by By-law Amendment 6600-12**
- (3732-95)
(6424-11) (11-Q) **PART OF LOT 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-88080
Repealed by By-law Amendment 6424-11**
- (3740-95)
(6600-12) (11-R) **PART OF LOT 22, CONCESSION 5
PLAN OF SUBDIVISION 18T-87037
Repealed by By-law Amendment 6600-12**

**(3764-95) (11-S) PART OF LOTS 21 AND 22, CONCESSION 6
SUBDIVISION 18T-89099**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A1" annexed to By-law # 3764-95:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
 - (c) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential 'R2B*' Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3764-95:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the driveway to the detached garage	3.1 m
– on the other side	0.6 m
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(3774-95)
(6600-12) (11-T) PART OF LOT 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-94005
Repealed by By-law Amendment 6600-12**

**(3786-96) (11-U) PART OF LOT 26, CONCESSION 5
5260 BALDWIN STREET SOUTH**

- (a) The zone requirements of Schedule "B" to By-law # 1784 designated as 'C2S' Special Purpose Commercial and the general provisions of Section 4 of By-law # 1784 shall apply to any development on the lands identified as the "Subject Property" on Schedule "A-1" to By-law # 3786-96 with the exception that the following shall apply:
- (i) Notwithstanding the uses permitted, only dry uses which only require and need to provide water solely for the sanitary needs of the employees shall be permitted;

- (ii) No building shall be erected or used in whole or in part unless such lands are serviced with a private drilled well and a private sanitary sewage facility which comply with the standards of the Ministry of the Environment and Energy as amended from time to time and as administered by the Medical Officer of Health or otherwise;

- (iii) OPEN STORAGE

No open storage of goods or materials shall be permitted to be located between an exterior wall of a building adjacent to an exterior side yard or a front yard to a street line and a street line, and the open storage of lumber and building materials shall not exceed the floor area of all buildings or structures;

- (iv) OUTSIDE DISPLAY OF GOODS
Maximum 6.0 m from main wall of building

- (v) PARKING

Notwithstanding the provisions of Section 4 of By-law # 1784, the following parking provisions apply:

Home Improvement Centre	1 parking space per 23 m ² of gross floor area of the retail showroom, display and office space
	1 parking space per 93 m ² of gross floor area of the warehouse.

“WAREHOUSE” means a building or part thereof for the storage of goods and materials which is not readily accessible to the public, the goods or materials are not on display to the public, and where no retail sales are made to the public.

**(3817-96) (11-V) PART OF LOTS 29 AND 30, CONCESSION 3
SUBDIVISION 18T-90044**

- (a) Notwithstanding the provisions of Section 4(n)(c)(ii) and Section 4(n)(d)(vii) of By-law # 1784, the following shall apply to the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3817-96:
 - (i) The minimum separation distance between an intersection of street lines and the nearest drive-way shall be at least 6.0 m
- (b) Notwithstanding the provisions of Section 4(y)(d)(c) of By-law # 1784, the following shall apply to the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 3817-96.
 - (i) Unenclosed balconies or decks and appurtenant stairs greater than 1.2 m and less than 3.5 m in height may encroach a maximum of 1.0 m into the required rear yard.

**(3841-96) (6600-12) (11-W) PART OF LOT 31, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-90017)
Repealed by By-law Amendment 6600-12**

**(3842-96) (11-X) PART OF LOT 26, CONCESSION 4
10 TAUNTON ROAD EAST**

- (a) Notwithstanding Section 7A(B)(1) of By-law # 1784, the additional use of a convenience retail store shall be permitted on the lands zoned Gasoline Bar "GB", identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3842-96.

**(3855-96) (11-Y) PART OF LOT 22, CONCESSION 6
PLAN OF SUBDIVISION 18T-92021**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3855-96:

- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,

- (b) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3855-96:

- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(6600-12) (c) `HR1A', `HR2A'*, `HR2B\*', AND `HR3B*' - HOLDING RESIDENTIAL ZONES
Repealed by By-law Amendment 6600-12**

**(3859-96) (11-Z) PART OF LOT 20, CONCESSION 1
PLAN OF SUBDIVISION 18T-93023**

- (a) `H-R2B\*', `H-R2C*', `H-R3B\*', AND `H-R4A*' - HOLDING RESIDENTIAL ZONES

(6600-12) (i) Repealed by By-law Amendment 6600-12

- (6600-12) (ii) **Repealed by By-law Amendment 6600-12**
- (6600-12) (iii) **Repealed by By-law Amendment 6600-12**
- (iv) Notwithstanding Sections 5D, 5E, 5H and 5I of By-law # 1784, as amended, each residential dwelling unit shall be setback a minimum of 30 m from the limit of any railway right-of-way.
- (3860-96) **(12-A) PART OF LOT 20, CONCESSION 1
PLAN OF SUBDIVISION 18T-89085**
- (a) **`H-R2B\*`, `H-R3A\*`, `H-R3B\*` AND `H-R4A\*` - HOLDING RESIDENTIAL ZONES**
- (6600-12) (i) **Repealed by By-law Amendment 6600-12**
- (6600-12) (ii) **Repealed by By-law Amendment 6600-12**
- (6600-12) (iii) **Repealed by By-law Amendment 6600-12**
- (iv) Notwithstanding Sections 5D, 5G, 5H and 5I of By-law # 1784, as amended, each residential dwelling unit shall be setback a minimum of 30 m from the limit of any railway right-of-way.
- (3861-96) **(12-B) PART OF LOTS 19 & 20, CONCESSION 1
PLAN OF SUBDIVISION 18T-93022**
- (a) **`H-R2B\*`, `H-R2C\*`, `H-R3A\*`, `H-R3B\*` AND `H-R4B\*` - HOLDING RESIDENTIAL ZONES**
- (i) **Repealed by By-law Amendment 6600-12**
- (ii) **Repealed by By-law Amendment 6600-12**
- (iii) **Repealed by By-law Amendment 6600-12**
- (iv) Notwithstanding Sections 5D, 5E, 5G, 5H and 5J of By-law # 1784, as amended, each residential dwelling unit shall be setback a minimum of 30 m from the limit of any railway right-of-way.
- (3864-96) **(12-C) PART OF LOT 21, CONCESSION 8**
(6600-12) **8880 BALDWIN STREET NORTH**
Repealed by By-law Amendment 6600-12
- (3877-96) **(12-D) PART OF LOTS 29 AND 30, CONCESSION 3
SUBDIVISION 18T-90044**
- (a) Notwithstanding the lot coverage provisions of Section 5D (ii),(d), Residential R2B* Zone, Section 5E(ii),(d), Residential R2C* Zone and Section 5H(ii), (d), Residential R3B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" and Schedule "A-2" annexed to By-law # 3877-96:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.
- (ii) notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential `R2B\*` Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" and Schedule "A-2" annexed to By-law # 3877-96:

- (a) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m
- (b) provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (iii) Notwithstanding the location provisions for accessory buildings or structures of Section 4(y)(b) of By-law # 1784, the following provisions shall apply to corner units of lots zoned R3B* identified as the "Subject Property on Schedule "A-1" and Schedule "A-2" annexed to By-law # 3877-96.
 - (a) Where a detached garage is provided in the rear yard, the minimum interior side yard setback for the detached garage shall be 0.6 m
- (b) Notwithstanding the lot coverage provisions of Section 5D (ii)(d) Residential R2B*, Section 5E(ii)(d) Residential R2C* Zone and Section 5H(ii) (d) Residential R3B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" and Schedule "A-2" annexed to By-law # 3877-96:
 - (i) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot zoned R2B*, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot;
 - (c) in the case of lots zoned R2C* and R3B*, an unenclosed porch or verandah as described in Subsection (b) will only be permitted on corner lots and corner units.

(3896-96)
(6776-13)

**(12-E) PART OF LOT 20, BROKEN FRONT CONCESSION
1650 VICTORIA STREET EAST**

In addition to the permitted non-residential uses listed in Section 7F(i)(a) of this By-law, an accessory office up to a maximum of 10% of the gross floor area of the retail warehouse unit or to a maximum of 275 m² located within the retail warehouse unit, whichever is the lesser, shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3896-96.

(3914-96)
(6600-12)

**(12-F) PART OF LOT 26, CONCESSION 3
PLAN OF SUBDIVISION 18T-95031
Repealed by By-law Amendment 6600-12**

**(3952-97) (12-G) PART OF LOTS 21, CONCESSION 3
PLAN OF SUBDIVISION 18T-90014**

- (6600-12) (a) `H-R2B\*\*`, `H-R2C\*\*`, `H-R3A\*\*`, AND `H-R3B\*\*` - HOLDING RESIDENTIAL ZONES
Repealed by By-law Amendment 6600-12**
- (b) Notwithstanding the lot coverage provisions of Section 5D (d), Residential `R2B\*\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `HR2B\*\*` on Schedule "A-1" annexed to By-law # 3952-97:
- (ii) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (iii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
- (c) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential `R2B\*\*` Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as `HR2B\*\*` on Schedule "A-1" annexed to By-law # 3952-97:
- (i) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(3966-97) (12-H) PART OF LOT 18, CONCESSION 3
PLAN OF SUBDIVISION 18T-86050**

- (a) Notwithstanding the lot coverage provisions of Section 5D(d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3966-97:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g)(i) Residential 'R2B*' Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3966-97:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (c) Notwithstanding the lot coverage provisions of Section 5E (d), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3966-97;
 - (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (d) Notwithstanding the interior side yard provisions of Section 5E (g) Residential 'R2C*' Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 3966-97:
 - (i) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m

– on the other side

0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(3987-97)
(4972-02)

**(12-I) PART OF LOT 21, CONCESSION 6
PART OF PLAN OF SUBDIVISION (18T-89099)
Repealed by By-Law Amendment 4972-02**

(4008-97)

**(12-J) SOUTHWEST CORNER OF THICKSON ROAD AND CONLIN ROAD
725 CONLIN ROAD**

- (a) Notwithstanding the permitted uses of Section 8A(1)(b) of By-law # 1784, as amended, for the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 4008-97, the following uses shall not be permitted:
 - bank or financial institution
 - restaurant
- (b) Notwithstanding the permitted uses in Section 8A(1)(b) of By-law # 1784, as amended, for the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 4008-97, the following additional uses shall be permitted:
 - fraternal organization or athletic club
 - laboratory
- (c) The zone provisions for an "M1A" Zone category shall apply to the uses found in paragraph (b) above.

(4007-97)

**(12-K) PART OF LOT 21, CONCESSION 3
PLAN OF SUBDIVISION 18T-89076**

(6058-08)

- (a) **`H-R2B\*\*`, `H-R2C\*\*`, AND `H-R3A\*\*`, – HOLDING RESIDENTIAL ZONES
Repealed by By-law Amendment 6058-08**
- (b) Notwithstanding the lot coverage provisions of Section 5D (d), Residential `R2B\*\*` Zone of By-law # 1784, as amended, the following shall be permitted on the lands identified as `HR2B\*\*` on Schedule "A-1" annexed to By-law # 4007-97:
 - (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
- (c) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential `R2B\*\*` Zone of By-law # 1784, as amended, the following additional provisions shall

apply to the lands identified as `HR2B\*\*` on Schedule "A-1" annexed to By-law # 4007-97:

- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the driveway to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4004-97) (12-L) PART OF LOT 22, CONCESSION 3
PLAN OF SUBDIVISION 18T-84047**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential `R2B\*\*` zone of By-law # 1784, as amended, the following shall be permitted on the lands identified as `R2B\*\*` on Schedule "A-1" annexed to By-law # 4004-97:
 - (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential `R2B\*\*` Zone of By-law # 1784, as amended, the following additional provisions shall apply to the lands identified as `R2B\*\*` on Schedule "A-1" annexed to By-law # 4004-97:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4006-97)
(7143-16) (12-M) PART OF LOT 22, CONCESSION 3
PLAN OF SUBDIVISION 18T-88028
Repealed by By-law Amendment 7143-16**

**(4022-97) (12-N) PART OF LOT 18, CONCESSION 1
LANDS ABUTTING PLAN OF SUBDIVISION 18T-93015**

Notwithstanding the definition of exterior side yard in Section 2 of this By-law, the street within plan of subdivision 18T-93015 shall not be deemed to be a public street for the purposes of determining the side yard requirements for properties abutting said street, which also abut Powell Road.

**(4029-97) (12-O) PART OF LOT 22, CONCESSION 1
1511 HOPKINS STREET**

- (a) In addition to the permitted non-residential uses listed in Section 8A(i)(b) of this By-law, the outside storage and display of contracting equipment, sale of new and used contracting equipment, part sales and the service of the same shall be permitted to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4029-97.
- (b) Notwithstanding the zone provisions of Section 8A(ii) of By-law # 1784, the outside storage and display of contracting equipment shall be set back a minimum of 10.0 m from any public road or 0.3 m reserve.

**(4034-97) (12-P) PART OF LOT 29, CONCESSION 3
PLAN OF SUBDIVISION 18T-88070**

- (a) Notwithstanding the lot coverage provisions of Section 5D(d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4034-97:
 - (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g)(i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4034-97:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m

- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d), Residential `R2C` Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4034-97;
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (d) Notwithstanding the interior side yard provisions of Section 5E (g) Residential `R2C` Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4034-97:
- (i) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4074-97) (12-Q) **PART OF LOT 27, CONCESSION 3**
 (6600-12) **PLAN OF SUBDIVISION 18T-89062**
Repealed by By-law Amendment 6600-12

(4076-97) (12-R) **PART OF LOT 18, CONCESSION 4**
989 CONLIN ROAD

- (a) No person shall use any lot or erect or alter or use any building or structure in any `H-M1` Zone as shown on Schedule "A-1" annexed to By-law # 4076-97 except in accordance with the following uses and zone provisions:

`H-M1` – Holding Restricted Industrial

(6600-12) (i) **Repealed by By-law Amendment 6600-12**

(6600-12)	(ii)	Repealed by By-law Amendment 6600-12	
	(iii)	USES PERMITTED AND ZONE PROVISIONS	
		The permitted uses and zone provisions found in an "M1" Zone category of By-law 1784, as amended, shall apply to the lands identified on Schedule "A-1" annexed to By-law # 4076-97.	
	(iv)	Notwithstanding the above, the following additional zone provision shall apply:	
		Any building or structure erected on the lands in an M1 Zone which is used for a manufacturing purpose shall have a minimum set back of 30 m from any residential use.	
(4089-97)	(12-S)	PART OF LOTS 19 AND 20, CONCESSION 5 5515 THICKSON ROAD NORTH Temporary Use – Expired	
(4119-98) (6600-12)	(12-T)	PARTS 2,3,4,5 AND 6, PLAN 40R-17989 SOUTHEAST CORNER OF CORONATION ROAD AND STEVENS ROAD Repealed and Relocated to Section 5(f) by By-law Amendment 6600-12	
(4151-98)	(12-U)	PART OF LOT 21, CONCESSION 6 PLAN OF SUBDIVISION 18T-89099	
	(a)	"R4A*" – RESIDENTIAL ZONE	
		The following uses and zone provisions shall apply to the lands designated "R4A*" as shown on Schedule "A-1" annexed to By-Law # 4151-98.	
	(i)	USES PERMITTED	
		• Apartment Dwelling • Block Townhouse Dwelling • Semi-Detached Duplex Dwelling	
	(ii)	ZONE PROVISIONS	
	(a)	LOT FRONTAGE Minimum	30 m
	(b)	LOT AREA minimum	0.4 ha
	(c)	LOT DEPTH minimum	30 m
	(d)	LOT COVERAGE Apartment Dwelling Maximum	35%
		Block Townhouse or Semi-Detached Duplex Maximum	40%
	(e)	MAXIMUM NUMBER OF RESIDENTIAL UNITS	48 units /ha

(f) YARDS

(i) FRONT YARD

minimum setback to any building or structure	3.5 m
maximum setback	5.0 m

(ii) REAR YARD

Minimum to a residential dwelling unit	10.0 m
Minimum to an accessory structure	1.0 m

(iii) INTERIOR SIDE YARD

minimum	5.0 m

(iv) EXTERIOR SIDE YARD

minimum	5.0 m

the minimum exterior side yard setback distance to any portion of a site triangle shall be	3.5 m

(v) BUILDING SEPARATION DISTANCES

Wall containing Window of:	Living Room	Habitable Room	Blank Wall
Living Room	15 m	13.5 m	7.5 m
Habitable Room	13.5 m	8.0 m	4.5 m
Blank Wall	7.5 m	4.5 m	1.5 m

(g) HEIGHT

Maximum	9.5 m

(h) LANDSCAPED OPEN SPACE

Minimum	30% of the lot area

(i) INTERNAL ROADWAY

(i) The minimum width of an internal roadway shall be	8.5 m

(ii) The minimum distance from an internal roadway to the nearest portion of a residential dwelling unit shall be	3.0 m

(j) PRIVATE AMENITY SPACE

Apartment

Semi-Detached Duplex

Minimum	9.0 m ² /unit

Block Townhouse minimum	6.0 m times width of unit

(k) PARKING

The minimum number of parking spaces shall be in accordance with Section 4(n) of By-law # 1784

(l) The front yard for the purpose of this subsection shall be measured from the Carnwith Street street line.

**(4141-98) (12-V) PART OF LOTS 21 AND 22, CONCESSION 6
PLAN OF SUBDIVISION 18T-89099**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands so marked R2B* on Schedule "A-1" annexed to By-law # 4141-98:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands marked R2B* on Schedule "A-1" annexed to By-law # 4141-98:
- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4153-98) (12-W) PART OF LOT 33, CONCESSION 4
4840 CORONATION ROAD**

- (a) In addition to the permitted residential uses listed in Section 11(a)(i) of this By-law, the following use shall be permitted on the lands zoned "A" Agricultural:
- one single detached dwelling unrelated to farming provided the dwelling is contained on a lot held under distinct and separate ownership as a lot of record as of December 31, 1997.
- (b) Notwithstanding the zone provisions set out in Schedule "A" of By-law # 1784,
- the minimum lot area requirement shall be 3.0 ha;
 - the minimum lot frontage requirement shall be 50 m; and,
 - the frontage shall be measured along the Coronation Road streetline within the Greenbelt Zone.
-

(4154-98) (12-X) **BLOCK 62, PLAN 40M-1743**
 (6600-12) **TIMBER MILL AVENUE**
 Repealed by By-law Amendment 6600-12

(4168-98) (12-Y) **PART OF LOT 27, CONCESSION 3**
 (6684-12) **PLAN OF SUBDIVISION 18T-90006**
 Repealed by By-law Amendment 6684-12

(4183-98) (13-A) **1909 DUNDAS STREET EAST**
 (5956-07) Repealed and relocated to 7G by By-law Amendment 5956-07

(4186-98) (13-B) **PART OF LOTS 21 & 22, CONCESSION 5**
PLAN OF SUBDIVISION, 18T-94010

(a) Notwithstanding the lot coverage provisions of Section 5D(d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4186-98:

- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(b) Notwithstanding the interior side yard provisions of Section 5D (g)(i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4186-98:

- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the driveway to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d), Residential `R2C`* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4186-98:
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (d) Notwithstanding the interior side yard provisions of Section 5E (g) Residential `R2C`* Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4186-98:
- (i) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

— on the interior side yard containing the drive-way to the detached garage	3.1 m
— on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4209-98) (13-C) PARTS 2, 3 AND 4, PLAN 40R -17943
70 & 72 WINCHESTER ROAD EAST**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands so marked R2B* on Schedule "A-1" annexed to By-law # 4209-98:
- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;

- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands marked R2B* on Schedule "A-1" annexed to By-law # 4209-98:
- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- | | |
|--|-------|
| – on the interior side yard containing the driveway to the detached garage | 3.1 m |
| – on the other side | 0.6 m |
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4204-98) (13-D) PART OF LOT 22, CONCESSION 6, SUBDIVISION 18T-89099
SOUTHEAST CORNER of BALDWIN STREET NORTH AND CARNWITH STREET EAST**

(a) R4A* – RESIDENTIAL ZONE

The following uses and zone provisions shall apply to the lands designated "R4A*" as shown on Schedule "A-1" annexed to By-Law # 4204-98:

(i) USES PERMITTED

- apartment dwelling
- block townhouse dwelling
- semi-detached duplex dwelling

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	30 m
(b)	LOT AREA Minimum	0.4 ha
(c)	LOT DEPTH Minimum	30 m
(d)	LOT COVERAGE Apartment Dwelling Maximum	35%
	Block Townhouse or Semi-Detached Duplex Maximum	40%
(e)	Maximum number of residential units	48 units/ha

(f) YARDS

- (i) Front Yard minimum setback to any building or structure 3.5 m
maximum setback 5.0 m
- (ii) Rear Yard to a residential dwelling unit minimum 10.0 m
to an accessory structure minimum 1.0 m
- (iii) Side Yard - Interior minimum 5.0 m
and to an accessory structure 1.0 m
- (iv) Side Yard - Exterior minimum 5.0 m
except where adjacent to any portion of a site triangle the minimum distance shall be 3.5 m

(v) Building Separation Distances

Wall containing Window of:	Living Room	Habitable Room other than a living room	End Wall Contains no habitable room window
Living Room	15 m	13.5 m	7.5 m
Habitable Room other than a living room	13.5 m	8.0 m	4.5 m
End Wall containing no habitable room windows	7.5 m	4.5 m	1.5 m

- (g) HEIGHT
Maximum 9.5 m
- (h) LANDSCAPED OPEN SPACE
Minimum 30% of the lot area
- (i) INTERNAL ROADWAY
- (i) The minimum width of an internal road-way shall be 8.5 m
- (ii) The minimum distance from an internal roadway to the nearest portion of a residential dwelling unit shall be 3.0 m
- (j) PRIVATE AMENITY SPACE
- Apartment
- Semi-Detached Duplex mini-mum 9.0 m²/unit
Block Townhouse minimum 6.0 m times width of unit

(k) PARKING

The minimum number of parking spaces shall be in accordance with Section 4(n) of By-law # 1784

(l) The front yard for the purpose of this subsection shall be measured from the Carnwith Street streetline.

(4214-98) (13-E) 725 TAUNTON ROAD EAST, PART OF LOT 20, CONCESSION 3
Temporary Use – Expired(4212-98) (13-F) PART OF LOTS 21 AND 22, CONCESSION 6
SUBDIVISION 18T-97024

(a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law #4212-98;

(i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

(ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;(b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,

(c) notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4212-98:

(i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the driveway to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4213-98) (13-G) PART OF LOT 26, CONCESSION 6
PLAN OF SUBDIVISION, 18T-96007**

- (6600-12) (a) 'H-R2A*', 'H-R2B*', 'H-R2C*', 'H-R3B*', 'H-R4A*', 'H-R4B*' - HOLDING
RESIDENTIAL ZONES
Repealed by By-law Amendment 6600-12**
- (b) Notwithstanding the lot coverage provisions of Section 5C(d), Residential R2A* Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2A*' on Schedule "A-1" annexed to By-law # 4213-98:
- (i) detached garage having a maximum area of 42 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.
- (c) Notwithstanding the lot coverage provisions of Section 5C(d), Residential 'R2A*' Zone of By-law # 1784, the following shall apply to the lands identified as 'Subject Property' on Schedule "A-2" annexed to By-law # 4213-98:
- (i) Maximum lot coverage for a one storey dwelling unit backing onto Ferguson Avenue 45%
- (d) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4213-98:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (e) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as "R2C*" on Schedule "A-1" annexed to By-law # 4213-98;
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (iii) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

— on the interior side yard containing the drive-way to the detached garage	3.1 m
— on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4231-98)
(6600-12) **(13-I) PART OF LOT 28, CONCESSION 3**
PLAN OF SUBDIVISION, 18T-900253717 COCHRANE STREET
 Repealed by By-law Amendment 6600-12

(4229-98)
(6600-12) **(13-J) PART OF LOT 24, CONCESSION 3**
3975 GARDEN STREET
 Repealed and relocated to Section 6 by By-law 6600-12

(4263-98) **(13-K) PART OF LOTS 21 & 22, CONCESSION 5**
PLAN OF SUBDIVISION, 18T-94010

- (a) Notwithstanding the lot coverage provisions of Section 5E (d), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4263-98:
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5E (g) Residential 'R2C*' Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4263-98:
 - (i) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4280-98)
(4608-00)

**(13-L) PART OF LOT 33, CONCESSION 5
PART 1 ON PLAN 40R-18332
5500 CORONATION ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, a single detached dwelling shall be permitted as a retirement residence on property identified as the "Subject Property" on Schedule A-1 attached to By-law # 4608-00.
- (b) The "A" Residential (other than farming) zone provisions of Schedule "A" to By-law # 1784 and the general provisions of Section 4 of By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a drilled well and a waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time as administered by the Durham Region Medical Officer of Health and the Corporation of the Town of Whitby.

(4288-98)

**(13-M) PART OF LOT 21, CONCESSION 6
PLAN OF SUBDIVISION 18T-89099
KNOX CRESCENT**

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands so marked R2B* on Schedule "A-1" annexed to By-law # 4298-98:
 - (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential "R2B*" Zone of By-law # 1784, the following additional provisions shall apply to the lands marked R2B* on Schedule "A-1" annexed to By-law # 4288-98:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4298-98)

(13-N) 737 ANDERSON STREET

- (1) Notwithstanding the uses permitted in an R2A* Residential Zone, the additional use of a senior's home care facility shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 4298-98.
- (2) Notwithstanding the zone provisions of Section 5C of By-law # 1784, the following provisions shall apply to a seniors home care facility:
 - (i) GROSS FLOOR AREA
Maximum 375 m²
 - (ii) PARKING
Minimum 0.60 parking spaces per bedroom
- (3) DEFINITIONS

 Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definition shall apply to the subject property.

"SENIORS HOME CARE FACILITY" means a building or a portion of a building used for the purpose of a supervised lodging house residence for the respite care of senior citizens accommodating up to a maximum of eight (8) guest tenants and one (1) supervisor's residence.

**(4320-99) (13-O) PART OF LOT 18, CONCESSION 3
935 AND 945 TAUNTON ROAD EAST**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "H-C2-S" Zone as shown on Schedule A-1 annexed to By-law # 4320-99 except in accordance with the following uses and zone provisions:

"H-C2-S" – HOLDING – SPECIAL PURPOSE COMMERCIAL

- (i) No person shall use any lot or erect or alter or use any building or structure in any "H-C2-S" Zone as shown on Schedule A-1 annexed to By-law # 4320-99 except in accordance with the following uses:

- bush or berry crop
- field crop

- (ii) A by-law shall not be enacted to delete the "H" symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that municipal services are available to the site for the development of the subject property.

- (iii) **USES PERMITTED AND ZONE PROVISIONS**

The permitted uses and zone provisions found in a "C2-S" Zone category of By-law # 1784, as amended, shall apply to the lands identified on Schedule A-1 annexed to By-law # 4320-99.

**(4341-99) (13-P) PART OF LOT 26, CONCESSION 6
PLAN OF SUBDIVISION, 18T-96007**

**(6600-12) (a) `H-R2A\*`, `H-R2B\*`, `H-R2C\*`, `H-R3B\*`, `H-R4A\*`, `H-R4B\*` – HOLDING
RESIDENTIAL ZONES
Repealed by By-law Amendment 6600-12**

- (b) Notwithstanding the lot coverage provisions of Section 5C(d), Residential R2A* Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2A\*` on Schedule "A-1" annexed to By-law # 4341-99:

- (i) detached garage having a maximum area of 42 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.

- (c) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential `R2B\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2B\*` on Schedule "A-1" annexed to By-law # 4341-99:

- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding

the lot coverage provisions provided it is located in the front yard area of the lot;

- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (d) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4341-99;
 - (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (iii) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the driveway to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4350-99) (13-Q) PART OF LOT 19, CONCESSION 8
285 HAMERS ROAD**

- (a) Notwithstanding the provisions of Section 11(a) of By-law # 1784, a single detached dwelling shall be permitted as a retirement residence in accordance with Section 12.3.13 of the Official Plan of the Region of Durham for the lands identified as the "Subject Property" on Schedule A-1 attached to By-law # 4350-99.
- (b) The "A" Residential (other than farming) zone provisions of Schedule "A" to By-law # 1784 and the general provisions of Section 4 of By-law # 1784 shall apply to any development on the "Subject Property" pursuant to Subsection (a) above.
- (c) The aforesaid non-farm residential use shall be serviced with a private well and a waste disposal system which comply with the standards of the Ministry of the Environment as amended from time to time as administered by the Medical Officer of Health or otherwise.

**(4351-99) (13-R) LOTS 51 TO 63 INCLUSIVE, PLAN 40M-1917
MATTHEWSON PLACE**

- (a) Notwithstanding the front yard minimum depth for the detached garage provision of Section 5F Residential R2D* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 4351-99.

- (i) An attached garage or carport, the entrance to which is from the front yard shall be set back a minimum distance from the front lot line of

5.5 m

**(4378-99) (13-S) 6560 BALDWIN STREET NORTH
(6600-12) Repealed by By-law Amendment 6600-12**

**(4380-99) (13-T) 1549 DUNDAS STREET EAST
(5152-02) Replaced by Section 12(17-A) By-law 5152-02**

**(4379-99) (13-U) 205 TAUNTON ROAD WEST
(6600-12)**

- (a) No person shall use any lot or erect, or alter or use any building or structure in any R3A-1 or R5A-6 Zone except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

In a Residential R3A-1 Zone

- block linked dwelling houses

In a Residential R5A-6 Zone

- church
- multi-unit dwelling houses
- religious education centre
- retirement home

(ii) ZONE PROVISIONS**(a) SEPARATION DISTANCES****Within a R3A-1 Zone**

(i)	The minimum distance between the rear wall of a Block Linked Dwelling House and any side lot line, zone line or the front lot line shall be	7.5 m
(ii)	The minimum distance between the rear wall of a Block Linked Dwelling House and any lot line parallel to the front lot line shall be	10.0 m
(iii)	The minimum distance between a front or rear wall of a Block Linked Dwelling House and a parallel front or rear wall of another Block Linked Dwelling House shall be	15 m
(iv)	The minimum distance between an end wall of a Block Linked Dwelling House and a parallel front or rear wall of another Block Linked Dwelling House shall be	9.0 m
(v)	The minimum distance between an internal roadway and a garage shall be	5.5 m
(vi)	The minimum distance between end walls of Block Linked Dwelling Houses shall be 3.0 m, except where the walls of the Block Linked Dwelling Houses are not parallel, in which case it shall be	2.0 m
(vii)	The minimum distance between any end wall of a Block Linked Dwelling House and an internal roadway or zone line shall be	3.5 m

Within a R5A-6 Zone:

(i)	The minimum distance between any buildings in the R5A-6 Zone shall be 15 m, provided however, that one level corridors linking buildings shall be permitted.	
(ii)	The minimum distance between the end wall of a Multi-Unit Dwelling House and an internal roadway shall be	3.5 m

(b) LOT COVERAGE
Maximum

For all structures located in an R3A-1 Zone	40%
For all structures located in an R5A-6 Zone	50%

(c) LANDSCAPED OPEN SPACE
Minimum

In an R3A-1 Zone	40%
In an R5A-6 Zone	35%
-

(d)	HEIGHT OF BUILDINGS Maximum	
	Within an R3A-1 Zone	5 m
	Within an R5A-6 Zone	4 storeys not to exceed 15 m
(e)	NUMBER OF DWELLING UNITS Maximum	
	Within the R3A-1 Zone	83 units
	Within the R5A-6 Zone	170 units
(f)	PARKING	
	Within an R3A-1 Zone	
	In accordance with Section 4(n) of By-law # 1784	
	Within an R5A-6 Zone	
	The provisions of Section 4(n) of By-law # 1784 shall not apply to any development referred to in an R5A-6 Zone as shown on Schedule A-1 annexed to By-law # 4379-99, wherein the following provisions shall apply:	
	Multi-Unit Dwelling Houses and Dwelling Units Within the Religious Education Centre	1.25 parking spaces per dwelling unit of which 0.25 spaces per dwelling unit shall be designated for visitor use.
	Retirement Home Minimum	22 spaces
	Church Minimum	49 spaces
- (b) ADDITIONAL SETBACK
- Notwithstanding any other provision of this By-law, no building, structure or parking area shall be permitted west of the Line of Building Limit shown on the plan of survey annexed to By-law # 4379-99 as Schedule A-2.
- (c) GREENBELT ZONE
- The precise boundaries of the Greenbelt Zone as shown on Schedule A-1 annexed to By-law # 4379-99 shall be as shown on Schedule A-2 annexed to By-law # 4379-99.
- (d) For the purposes of the interpretation of the various zone provisions set forth in By-law # 4379-99, the definitions set forth hereunder shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law # 1784, the definitions hereinafter set forth shall govern:
- “BLOCK LINKED DWELLING HOUSE”** means a building or group of buildings, each containing not more than 8 linked dwelling units and a minimum of 3 linked dwelling units, each of which:

- (a) has a separate front and rear entrance or separate front and side entrance;
- (b) is attached to another linked dwelling unit by either common party wall above grade, or private garage, or a privacy fence, or wall.

(6776-13)

“MULTI-UNIT DWELLING HOUSE” means a building, whether linked to another Multi-Unit Dwelling House or not, containing a minimum of 4 dwelling units, not exceeding four storeys in height with one or more common entrances and which may contain ancillary personal service establishment and retail store uses serving the residents of the building and any linked building, provided the principal means of access is through an internal corridor or hallway and provided that the total floor space of any ancillary personal service establishment and retail store uses on the lot does not exceed 1.0 m² for each dwelling unit permitted on the lot. Ancillary personal service establishment and retail store uses shall not be located above the ground floor.

(6776-13)**(6925-14)**

“RETIREMENT HOME” means a building in which the proprietor supplies lodging, with or without meals, primarily for persons 65 years of age or older, and in addition, may provide nursing, medical or similar care or treatment if required and includes a long term care facility. A Retirement Home may contain ancillary personal service establishment and retail store uses serving the residents of the building and any linked building, provided the principal means of access is through an internal corridor or hallway and provided that the total floor space of any ancillary personal service establishment and retail store uses on the lot does not exceed 1.0 m² for each dwelling unit permitted on the lot. Ancillary personal service establishment and retail store uses shall not be located above the ground floor.

(6776-13)

“RELIGIOUS EDUCATION CENTRE” means a centre under the jurisdiction of a religious organization used for the education and training of students and the advancement of religion in which lodging with or without meals may be provided and contains offices of the religious organization.

“CHURCH” means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, convent, monastery, accessory office uses, day care centre or parish hall.

“LOT” means the land shown on Schedule A-1 annexed to By-law # 4379-99 with the front lot line designated as Valleywood Drive. Notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act RSO 1990, C.P. 13 as amended from time to time, the land shown on Schedule A-1 shall continue to be one lot.

(4416-99)**(6600-12)**

**(13-V) PART OF LOT 27, CONCESSION 3
PLAN OF SUBDIVISION 18T-88053
Repealed by By-law Amendment 6600-12**

(4417-99)**(6600-12)**

**(13-W) PART OF LOT 27, CONCESSION 3
PLAN OF SUBDIVISION 18T-93002
Repealed by By-law Amendment 6600-12**

(4438-99)**(5880-07)**

**(13-X) SOUTHWEST CORNER OF VICTORIA STREET EAST AND HOPKINS STREET
SOUTH
Repealed by By-Law Amendment 5880-07**

- (4470-99) (13-Y) PART OF LOT 27, CONCESSION 3
3500 BROCK STREET NORTH**
- (a) No person shall use any lot or erect or alter or use any building or structure in any "C1" Zone shown as the Subject Property on Schedule "A-1" annexed to By-law # 4470-99 except in accordance with the following uses and zone provisions:
- (i) **USES PERMITTED AND ZONE PROVISIONS**
- The permitted uses and zone provisions found in a "C1" Zone category of By-law 1784, as amended, shall apply to the lands identified as the Subject Property on Schedule "A-1" annexed to By-law # 4470-99.
- (ii) Notwithstanding the above, no drive-thru restaurants will be permitted on the subject property as shown on Schedule "A-1" annexed to By-law # 4470-99.
- (iii) Notwithstanding the above, a minimum front yard setback of 5.0 m shall apply on the lands identified as the Subject Property on Schedule "A-1" annexed to By-law # 4470-99.
- (4481-99) (13-Z) PART OF LOT 22, CONCESSION 6
PARTS 5 AND 6, PLAN 40R-1912
991 COLUMBUS ROAD EAST
Temporary Use – Expired
(6600-12) Repealed by By-law Amendment 6600-12**
- (4489-99) (14-A) LOTS 30 AND 31, PLAN 40M-1914
2 AND 4 TWIN STREAMS ROAD
Temporary Use – Expired**
- (4528-99) (14-B) PART OF LOT 18, CONCESSION 1
(6600-12) 2000 CHAMPLAIN AVENUE
Repealed and relocated to section 8C by By-law Amendment 6600-12**
- (4560-00) (14-C) PART OF LOT 18, CONCESSION 3
(6600-12) GARRARD ROAD
Repealed by By-law Amendment 6600-12**
- (4590-00) (14-D) SOUTHEAST CORNER OF TAUNTON ROAD EAST AND ANDERSON STREET
(6600-12) 3975 ANDERSON STREET
Repealed and relocated to section 5O by By-law Amendment 6600-12**
- (4610-00) (14-E) 1519 DUNDAS STREET EAST**
- (a) Notwithstanding the uses permitted in Section 7(B)(1) GB Zone of By-law # 1784, the following additional uses shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 4610-00.
- one retail store not exceeding 115 m² within which an eating establishment may be permitted, without seating, provided the floor area does not exceed 45 m²;
 - drive-thru window associated with the eating establishment provided the automobile queue accommodates a minimum of 13 vehicles.

**(4208-98) (14-F) PART OF LOT 35, CONCESSION 3, SUBDIVISION 18T-93019.
R2C*/R4A* – RESIDENTIAL ZONE**

- (a) Where the lands designated "R2C*/R4A*" as shown on Schedule "A-1" annexed to By-law # 4208-98, are developed in accordance with the provisions of Section 5E, Residential (R2C*) Zone, the following additional provisions shall apply:

- (i) a garage shall be set back a minimum distance
from the front lot line of 20 m

(ii) **INTERIOR SIDE YARD**

Where a detached single car garage is provided in the rear yard, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot

- (b) Where the lands designated "R2C*/R4A" as shown on Schedule "A-1" annexed to By-law # 4208-98, are not developed in accordance with the provisions of Section 5E, Residential (R2C*) Zone, the following provisions shall apply:

(i) **USES PERMITTED**

- apartment dwelling
- block townhouse dwelling
- semi-detached duplex dwelling

(ii) **ZONE PROVISIONS**

(a)	LOT FRONTAGE Minimum	30 m
(b)	LOT AREA Minimum	0.2 ha
(c)	LOT DEPTH Minimum	35 m
(d)	LOT COVERAGE Maximum	
	• apartment dwelling	35%
	• block townhouse	40%
	• semi-detached duplex	40%
(e)	MAXIMUM NUMBER OF RESIDENTIAL UNITS	48 units /ha
(f)	YARDS	
	(i) Front Yard minimum setback to any building or structure	3.5 m
	maximum setback	5.0 m

- (ii) Rear Yard minimum
- | | |
|--------------------------------|--------|
| to a residential dwelling unit | 10.0 m |
| to an accessory structure | 1.0 m |
- (iii) SIDE YARD – Interior
- | | |
|---------------------------|-------|
| Minimum | 5.0 m |
| to an accessory structure | 1.0 m |
- (iv) SIDE YARD – Exterior minimum
- | | |
|---|-------|
| | 5.0 m |
| except where adjacent to any portion of a site triangle the minimum distance shall be | 3.5 m |

(v) BUILDING SEPARATION DISTANCES

Wall containing Window of:	Living Room	Habitable Room other than a living room	End Wall Contains no habitable room window
Living Room	15 m	13.5 m	7.5 m
Habitable Room other than a living room	13.5 m	8.0 m	4.5 m
End Wall containing no habitable room windows	7.5 m	4.5 m	1.5 m

- (g) HEIGHT
- | | |
|---------|-------|
| Maximum | 9.5 m |
|---------|-------|
- (h) LANDSCAPED OPEN SPACE
- | | |
|---------|---------------------|
| Minimum | 30% of the lot area |
|---------|---------------------|
- (i) INTERNAL ROADWAY
- (i) the minimum width of an internal roadway shall be
- | | |
|--|-------|
| | 6.0 m |
|--|-------|
- (ii) the minimum distance from an internal roadway to the nearest portion of a residential dwelling unit shall be
- | | |
|--|-------|
| | 3.0 m |
|--|-------|
- (j) PRIVATE AMENITY SPACE
- | | |
|------------------------|--------------------------|
| Minimum | |
| • apartment | 9.0 m ² /unit |
| • semi-detached duplex | 9.0 m ² /unit |
| • block townhouse | 6.0m times width of unit |
- (k) PARKING
- The minimum number of parking spaces shall be in accordance with Section 4(n) of By-law # 1784
- (l) The front yard for the purpose of this subsection shall be measured from the adjacent designated collector road streetline.

"R5A" – Residential Zone

- (c) The following uses and zone provisions shall apply to the lands designated "R5A" as shown on Schedule "A-1" annexed to By-law # 4208-98.

(4932-01)**(i) USES PERMITTED**

- apartment dwelling for a site building manager or supervisor
- block townhouse
- retirement home
- street townhouse

(4932-01)**(ii) ZONE PROVISIONS:**

- apartment dwelling for a site building manager or supervisor
- retirement home

(a) LOT AREA
Minimum 0.50 ha

(b) LOT COVERAGE
Maximum 35% of the lot area

(c) FRONT YARD (east)
minimum Depth 5.0 m

(d) REAR YARD (west)
minimum Depth 13.5 m

(e) INTERIOR SIDE YARD (north)
minimum Depth 8.5 m

(f) EXTERIOR SIDE YARD (south)
minimum Depth 5.0 m

(g) LANDSCAPED OPEN SPACE
minimum 30% of the lot area

(h) HEIGHT OF THE BUILDING
maximum 7 storeys

(i) PARKING

Notwithstanding the parking provisions of Section 4 (n) of By-law # 1784, the following shall apply:

0.6 spaces for each suite, with 0.2 spaces per unit allocated and assigned for visitor parking

(j) **PARKING LOCATION**

Notwithstanding the parking provisions of Section 4 (n) of By-law # 1784, the following shall apply:

No parking area shall be located closer than 3.0 m from any lot line and no more than 10% of the required parking may be permitted in the front or exterior side yards and notwithstanding any yard provision contained herein, an underground parking structure may be located within 1.0 m of any property line provided the roof deck or finished top level of the structure is no more than 0.5 m above the finished grade.

No vehicular access to a parking lot shall be provided from a local street.

(k) **NUMBER OF DWELLING UNITS**
Maximum

127 units

(ii) **ZONE PROVISIONS**

- block townhouse
- street townhouse

(a) Where the lands designated "R5A" as shown on Schedule "A-1" annexed to By-law 4208-98 are developed to include block townhouse units, the provisions of Section "5I" of By-law # 1784 shall apply to the development of the block townhouses.

(b) Where the lands designated "R5A" as shown on Schedule "A-1" annexed to By-law 4208-98 are developed to include street townhouse units, the provisions of Section "5K" of By-law 1784 shall apply to the development of the street townhouses.

(c) Notwithstanding Section c) (ii) (j) above, the maximum number of townhouse units of either or both block townhouse or street townhouse permitted within any portion of the lands zoned "R5A" as shown on Schedule "A-1" annexed to By-law 4208-98 shall be 14.

(d) Street townhouse units shall only be permitted driveway access to a local street.

"I/R4B" – INSTITUTIONAL/RESIDENTIAL ZONE

(a) Where the lands designated "I/R4B" as shown on Schedule "A-1" annexed to By-law 4208-98 are developed for institutional uses, the provisions of Section "10B" of By-law 1784 shall apply.

(b) Where the lands designated "I/R4B" as shown on Schedule "A-1" annexed to By-law 4208-98 are developed for residential purposes, the provisions of Section "5K" of By-law 1784 shall apply.

(c) Notwithstanding the definition of street townhouse dwelling contained in Section 2 of By-law 1784, the minimum number of dwelling units permitted on a lot or lots shall be 2.

- (d) Notwithstanding any provision to the contrary, where all or a portion of the lands designated "I/R4B" as shown on Schedule "A-1" annexed to By-law 4208-98 are developed in accordance with the provisions of Section "5K" of By-law 1784, the minimum density of all such lands shall be 35 units per net hectare.

**(4621-00) (14-G) PART OF LOTS 21 AND 22, CONCESSION 6
PLAN OF SUBDIVISION, 18T-89099**

- (a) Notwithstanding the provisions of Section 5C(ii) of By-law # 1784 to the contrary, the lands zoned 'R2A*-A', as identified on Schedule A-1 attached to and forming part of By-law # 4621-00, shall have the following exception:
- (i) all permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.
- (b) Notwithstanding the provisions of Section 5C(ii) of By-law # 1784 to the contrary, the lands zoned 'R2A*-B', as identified on Schedule A-1 attached to and forming part of By-law # 4621-00, shall have the following exception:
- (i) all permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 4.5 m from said right-of-way.
- (c) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" attached to By-law # 4621-00:
- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
- (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- | | |
|---|-------|
| – on the interior side yard containing the drive-way to the detached garage | 3.1 m |
| – on the other side | 0.6 m |

provided however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (d) Notwithstanding the provisions of Section 5D(ii) of By-law # 1784 to the contrary, the lands zoned "R2B*-A", as identified on Schedule A-1 attached to and forming part of By-law # 4621-00, shall have the following exception:
 - (i) all permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.
- (e) Notwithstanding the provisions of Section 5H(ii) of By-law # 1784 to the contrary, the lands zoned "R3B*-A", as identified on Schedule A-1 attached to and forming part of By-law # 4621-00, shall have the following exception:
 - (i) all permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 10.0 m from said right-of-way.
- (f) Notwithstanding the provisions of Section 5H(ii) of By-law # 1784 to the contrary, the lands zoned "R3B*-B", as identified on Schedule "A-1" attached to and forming part of By-law # 4621-00, shall have the following exception:
 - (i) all permanent buildings or structures shall be setback from the pipe line right-of-way, as owned by Trans Canada Pipe Lines or any of its successors, a minimum of 4.5 m from said right-of-way.

**(4622-00) (14-H) PART OF LOTS 19 & 20, CONCESSION 6
PLAN OF SUBDIVISION 18T-97023**

- (6425-11) (a) Repealed by By-law Amendment 6425-11**
- (c) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4622-00:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(d) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4622-00;

- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(iii) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(5956-07)	(e)	Repealed by By-law Amendment 5956-07
(5956-07)	(f)	Repealed by By-law Amendment 5956-07
5956-07)	(g)	Repealed by By-law Amendment 5956-07
5956-07)	(h)	Repealed by By-law Amendment 5956-07
(5956-07)	(i)	Repealed by By-law Amendment 5956-07
(5956-07)	(j)	Repealed by By-law Amendment 5956-07
(5956-07)	(k)	Repealed by By-law Amendment 5956-07

**(4645-00) (14-I) PART OF LOTS 19 AND 20, BROKEN FRONT CONCESSION
1602 STELLAR DRIVE**

(a) PRESTIGE INDUSTRIAL

(i) Notwithstanding the permitted uses of Section 8A of By-law # 1784, as amended, the following additional uses may be permitted on the lands zoned 'M1A' Prestige Industrial:

- (a) automobile complex of two or more new automobile sales establishments;
- (b) adult training/education facility.

(ii) Notwithstanding the permitted uses of Section 8A of By-law # 1784, as amended, the use of a new single automobile sales dealership shall only be permitted on the lands identified with hatching, as shown on Schedule "A-1" annexed to By-law # 4644-00.

**(iii) ZONE PROVISIONS
PRESTIGE INDUSTRIAL USES**

The zone provisions for any permitted industrial use shall be in accordance with the zone provisions of the M1A Zone, Section 8A of By-law # 1784.
New Single Automobile Sales Dealership and Automobile Complex

- (a) LOT FRONTAGE

Minimum	60 m
however, in the case of an automobile complex, the minimum lot frontage shall be	120 m
- (b) LOT AREA

Minimum per automobile sales establishment	0.8 ha
- (c) YARDS

Interior or Rear Yards Minimum	7.5 m
Front Yard Minimum	5.0 m
- (d) GROSS FLOOR AREA

Minimum for each automobile sales establishment	1000 m ²
- (e) LOT COVERAGE

Maximum	35%
- (f) LANDSCAPED OPEN SPACE

Minimum	10%

(iv) No person shall use any lot or erect or alter or use any building or structure in any H-M1A Zone as shown on Schedule A-1 annexed to By-law # 4645-00 except in accordance with the following uses, namely:

- bush or berry crop
- orchard

- (v) The holding zone symbol "H" prefixed to the aforementioned zone designation shall be removed once the following matters have been satisfied or fulfilled, namely:
 - (a) it has been demonstrated to the satisfaction of the Town of Whitby that the lands to be affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities and the contributions for shared facilities have been made or the necessary municipal agreement(s) are in place; and
 - (b) that the operating standards for Champlain Avenue are acceptable to the authority having jurisdiction.
- (b) Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definitions shall apply to the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law # 4644-00:
 - (i) **"NEW AUTOMOBILE SALES ESTABLISHMENT"** means a building or part of a building where new automobiles and trucks are kept for sale, including the servicing of the same.
 - (ii) **"AUTOMOBILE DEALERSHIP COMPLEX"** for the purpose of this By-law # 4644-00 shall be composed of a minimum of two (2) building sites on a lot for the development and use of new automobile or motor vehicle sales establishments.
 - (iii) **"ADULT TRAINING/EDUCATION FACILITY"** means a building or structure or portion thereof in which instruction and training is provided to adult pupils in academic, management and technical subjects such as, and not limited to, electronics, architecture, computer, quality processes, tool and die making, woodworking and heating, ventilating and air conditioning.

(4646-00)

**(14-J) PART OF LOT 29, CONCESSION 5
615 WINCHESTER ROAD EAST, 5850 & 5900 GARRARD ROAD**

- (a) **HOLDING – PRESTIGE INDUSTRIAL**
 - (i) No person shall use any lot or erect or alter or use any building or structure in any H-M1A Zone as shown on Schedule A-1 annexed to By-law # 4646-00 except in accordance with the following uses, namely:
 - bush or berry crop.
 - (ii) The holding zone symbol "H" prefixed to the aforementioned zone designation shall be removed once it has been demonstrated to the satisfaction of the Town of Whitby that the lands affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities.
- (b) Notwithstanding the uses permitted by the Holding provision of Section (a)(i) above or the Prestige Industrial Zone of Section 8A of By-law 1784, the additional use of a "9 Hole Golf Course" shall be permitted on the lands identified with crosshatching on Schedule A-1 annexed to By-law # 4646-00.

**(4662-00) (14-K) PART OF LOTS 19 & 20, CONCESSION 6
PLAN OF SUBDIVISION 18T-97023**

- (a) 'HR4B*', 'HR5A*-2', 'H-GB' – HOLDING RESIDENTIAL AND
HOLDING GAS BAR ZONES**
Repealed by By-law Amendment 6600-12
- (b) Repealed by By-law Amendment 5956-07**
- (c) Repealed by By-law Amendment 6600-12**
- (d) Repealed by By-law Amendment 6600-12**

**(4669-00) (14-L) PARTS 1, 2 AND 3 ON PLAN 40R-19731
1025 DUNDAS STREET WEST**

- (a)** Notwithstanding Section 7E(1)(b) of Zoning By-law # 1784, as amended, the non-residential use for the subject property shall be limited to an automobile dealership which shall not include as an accessory use a motor vehicle paint and body shop.
- (b)** Section 4 General Provisions and Section 7E(2) Zone provisions of the C2-S Zone of Zoning By-law # 1784 shall apply to the subject property except as provided below:

 - (i)** no garage door openings shall be permitted along the east walls of the building;
 - (ii)** a minimum 6 m landscape strip shall be provided along the east property line, between the front wall of the existing building and the rear lot line.

(4663-00) (14-M) 113 KENDALWOOD ROAD
Repealed by By-Law Amendment 4808-01

**(4659-00) (14-N) PART OF LOT 30, CONCESSION 3
PLAN OF SUBDIVISION, 18T-96001**

- (a) 'H-R2B*', 'H-R2C*', 'H-R2D*', 'H-R3B*', 'H-R4B*' - HOLDING
RESIDENTIAL ZONES**
Repealed by By-law Amendment 6600-12
- (b)** Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4659-00:

 - (i)** a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii)** a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

 - (a)** in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b)** in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive--way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4659-00;
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (d) Notwithstanding the interior side yard provisions of Section 5F (g), Residential 'R2D*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2D*' on Schedule "A-1" annexed to By-law # 4659-00.
- (i) in the case of a dwelling unit with an attached garage, the width of the interior side yard shall be as follows:
- | | |
|-------------------------------------|-------|
| INTERIOR SIDE YARD
minimum Width | 1.0 m |
|-------------------------------------|-------|

- (ii) in the case of a dwelling unit with an attached garage, the maximum projection of the garage from the front portion of the main building shall be 1.5 m

(4661-00) (14-O) 4000 GARDEN STREET

(a) GAS BAR – CAR WASH “GB-CW” ZONE

(i) USES PERMITTED

- car wash
- gasoline bar

(ii) ZONE PROVISIONS

The zone provisions in the "GB-CW" Zone as contained in Sections 7(B), 7(C) and 7(D) of By-law # 1784 shall apply to the permitted gas bar and car wash save and except the following:

REAR YARD
minimum for a Car Wash 1.0 m

**(4671-00) (14-P) PART OF LOT 21, CONCESSION 2
407 CRAWFORTH STREET**

**(a) HOLDING – SPECIAL PURPOSE COMMERCIAL
Repealed by By-law Amendment 6357-10**

- (b) Notwithstanding the uses permitted in a "C2-S" Zone in Section 7E (1) of By-law # 1784, as amended, the following uses shall be prohibited on the lands identified by the "H-C2-S" Zone as shown on Schedule "A-1" attached to By-law # 4671-00 and shall continue to be prohibited if the prefixed "H" is removed.

- motor vehicle paint and body shop

**(4672-00) (14-Q) PART OF LOT 21, CONCESSION 5
Repealed by By-Law Amendment 4673-00**

**(4673-00) (14-R) PART OF LOT 21, CONCESSION 5
5909 AND 5959 ANDERSON STREET**

- (a) No person shall use any lot or part of a lot or erect or alter or use any building or structure in the "MU" Zone except in accordance with the following uses and zone provisions:

(i) USES PERMITTED – RESIDENTIAL

- retirement home

(ii) USES PERMITTED – COMMERCIAL

- (5163-02)**
- day nursery
 - medical clinic
- (6776-13)**
- office building

(iii) ZONE PROVISIONS – RESIDENTIAL

- (a) LOT FRONTAGE

	Minimum	60 m
(b)	LOT DEPTH Minimum	80 m
(c)	LOT AREA Minimum	0.5 ha
(d)	LOT COVERAGE Maximum	40%
(e)	YARDS	
	(i) Front and exterior side yards shall be	5.5 m
	provided, however that the average setback measured across the street face of the structure is not less than	5.75 m
	and further provided that porches shall be permitted a minimum setback of	3.0 m
	(ii) INTERIOR SIDE YARD minimum	7.5 m
	(iii) REAR YARD minimum	7.5 m
(f)	LANDSCAPED OPEN SPACE minimum	30% of the lot area
(g)	HEIGHT maximum	3 storeys
(h)	PARKING Retirement Home minimum	0.6 spaces per suite
(i)	NUMBER OF UNITS Guest Suites within a Retirement Home maximum	115 suites
(j)	Notwithstanding any other definition contained in this zoning by-law for the purpose of this subsection,	

(6776-13)

“RETIREMENT HOME” shall mean a boarding or lodging house comprised entirely of guest suites and dwelling units and which includes one or more accessory common use areas for uses such as dining lounges, fitness recreational facilities, workshops, consultation rooms, and offices.

(iv) ZONE PROVISIONS – COMMERCIAL

(a)	MINIMUM LOT FRONTAGE	70 m
(b)	MINIMUM LOT AREA	0.5 ha

	(c)	YARDS	
	(i)	FRONT YARD OR EXTERIOR SIDE YARD	
		minimum	3.0 m
		maximum	7.0 m
	(ii)	minimum Interior Side Yard or Rear Yard	7.5 m
(6776-13)	(d)	maximum Gross Floor Area for Accessory Uses to offices or a medical clinic:	
		• appliances/equipment	100 m ²
		• pharmacy	150 m ²
		• retail Store for medical supplies,	
		• tuck shop/café	100 m ²
	(e)	LOT COVERAGE	
		maximum	35%
	(f)	LANDSCAPED OPEN SPACE	
		minimum	10% of the lot area
	(g)	BUILDING HEIGHT	
		maximum	11 m
	(h)	PARKING	
		minimum for floors above grade	5.0 spaces per 93 m ² of gross floor area
		minimum for floors below grade	2.5 spaces per 93 m ² of gross floor area
(4694-00)	(14-S)	PART OF LOT 20, CONCESSION 4 4295 THICKSON ROAD NORTH Repealed by By-law Amendment 6952-15	
(4724-00)	(14-T)	PART OF LOT 18, CONCESSION 3 PLAN OF SUBDIVISION, 18T-93012	
	(a)	'H-R2B*', 'H-R2C*' AND 'H-R3B*' – HOLDING RESIDENTIAL ZONES AND 'H-I*/H-R2B*' – HOLDING INSTITUTIONAL ZONE. Repealed by By-law Amendment 6600-12	
	(b)	Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4724-00:	
	(i)	a detached garage having a maximum area of 38 m ² , provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,	

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential "R2C*" Zone of By-law # 1784, the following shall be permitted on the lands identified as "R2C*" on Schedule "A-1" annexed to By-law # 4724-00;
- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4726-00) (14-U) PART OF LOT 21, CONCESSION 5
445 WINCHESTER ROAD EAST
Repealed by By-law Amendment 6600-12**

**(4727-00) (14-V) PART OF LOTS 27 & 28, CONCESSION 4
PLAN OF SUBDIVISION 18T-99023**

**(a) 'HR1A*', 'HR2A*', 'HR2B*', AND 'HR3A*' – HOLDING RESIDENTIAL
Repealed by By-law Amendment 6600-12**

(b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4727-00:

(i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

(ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;

(b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4728-00) (14-W) PART OF LOT 27, CONCESSION 4
PLAN OF SUBDIVISION 18T-99024**

**(a) 'HR2A*', 'HR2B*', 'HR2C*', 'HR3A*', AND 'H-I*/HR2B*' – HOLDING RESIDENTIAL
AND HOLDING INSTITUTIONAL ZONES
Repealed by By-law Amendment 6600-12**

(b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4728-00:

(i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4728-00;

- (i) a detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (iii) Where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(14-X) 1724 DUNDAS STREET EAST**(4738-00)**

- (a) Notwithstanding the permitted uses found in Section 5(a) of By-law # 1784, as amended, the following additional uses of a 'business, professional and/or medical office' shall be permitted on the subject property shown on Schedule 'A-1' annexed to By-law # 4738-00.
- (b) Notwithstanding Schedule 'A' the zone requirements table of By-law 1784, as amended, the following zone provisions shall apply:

(i)	LOT FRONTAGE minimum	12 m
(ii)	LOT COVERAGE maximum for all Buildings	20% of the lot area
(iii)	FRONT YARD minimum Depth	3 m
(iv)	REAR YARD minimum Depth	7.5 m
(v)	INTERIOR SIDE YARD minimum Depth	2 m
(vi)	EXTERIOR SIDE YARD minimum depth	4 m
(vii)	LANDSCAPED OPEN SPACE minimum	10% of the lot area
(viii)	HEIGHT OF BUILDING maximum	10 m
(ix)	PARKING, ACCESSORY BUILDINGS	
	In accordance with the provisions of Section 4 of By-law # 1784.	
(x)	OPEN STORAGE	

The permitted uses and other operations incidental thereto, including storage of goods, chattels and materials, shall be carried on within the confines of a building, provided, however, that nothing herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers.

(4790-01)**(14-Y) PART OF LOT 22, CONCESSION 4
PLAN OF SUBDIVISION S-W-2000-02**

- (a) **'H-R2A*', 'H-R2B*', 'H-R2C*', 'H-R2D*-1', 'H-R3C*', 'H-R4B*', 'H-R5A*-3', and 'H-I*/H-R2B*' – Holding Residential and Holding Institutional Zones
Repealed by By-law Amendment 6600-12**
- (b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4790-01:

- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) In the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot;
- (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4790-01;
 - (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot;

- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4797-01) (14-Z) **PART OF LOT 20, CONCESSION 4**
PLAN OF SUBDIVISION 18T-95002
 Repealed by By-law Amendment 6600-12

(4812-01) (15-A) **PART OF LOT 23, CONCESSION 6**
30 & 36 BAGOT STREET

Notwithstanding the permitted uses found in Section 13.3.1 of By-law # 1784, as amended, the additional use of a parking lot shall be permitted on the subject property as shown on Schedule A-1 annexed to By-law # 4812-01.

(4809-01) (15-B) **PART OF LOTS 29 AND 30, CONCESSION 3**
PLAN OF SUBDIVISION 18T-90044
 Repealed by By-law Amendment 6600-12

(4832-01) (15-C) **PART OF LOTS 31 AND 32, CONCESSION 3**
PLAN OF SUBDIVISION, 18T-98001

(a) **`H-R2A\*`, `H-R2B\*`, `H-R2C\*`, `H-R3B\*`, `H-R3C\*`, `H-R4B\*`, `H-I\*/H-R2B\*`, `H-I\*/H-R3D\*-1` – HOLDING RESIDENTIAL ZONES**
 Repealed by By-law Amendment 6206-09

(b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential `R2B\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2B\*` on Schedule "A-1" annexed to By-law # 4832-01:

- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4832-01;

- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4833-01)

**(15-D) PART OF LOTS 31 AND 32, CONCESSION 3
PLAN OF SUBDIVISION, 18T-94013**

(a) 'H-R2A*', 'H-R2B*', 'H-R2C*', 'H-I*/H-R3D*-1' – HOLDING
RESIDENTIAL ZONES

Repealed by By-law Amendment 6600-12

(b) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4833-01;

- (i) detached single car garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4833-01;
 - (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot;

- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot

(4834-01) (15-E) **PART OF LOT 20, CONCESSION 3**
PLAN OF SUBDIVISION 18T-99020
 Repealed by By-law Amendment 5956-07

(3912-96) (15-F) **PART LOT 22, CONCESSION 1**
1311 HOPKINS STREET

- (a) Notwithstanding the uses permitted in the Prestige Industrial Zone as referred to in Section 8A of By-law # 1784, the additional uses of retail truck sales, including parts, service and repairs, and a distribution centre for heavy construction machinery including parts, service and repairs shall be permitted on land identified as the subject property on Schedule "A-1" to By-law # 3912-96.

(4689-00) (15-G) **PART OF LOT 26, CONCESSION 3**
3775 BROCK STREET NORTH
 Repealed by By-law Amendment 6600-12

(4706-00) (15-H) **PART OF LOTS 32 AND 33, CONCESSION 2**

- (a) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4706-00:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

3. Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4706-00;

- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4739-00) (15-I) PART OF LOT 35, CONCESSION 1
1755 DUNDAS STREET WEST**

(1) Notwithstanding the uses permitted in Section 7(B)(1) GB Zone of By-law # 1784, the following additional uses shall be permitted on the lands identified as "GB" on Schedule "A-1" attached to and forming part of By-law # 4739-00.

- one retail store not exceeding 220 m² within which an eating establishment may be permitted, without seating, provided the floor area does not exceed 30 m²
- drive-thru window associated with the eating establishment provided the automobile queue accommodates a minimum of 13 vehicles.

No person shall use any lot or erect or alter or use any building or structure in any "D(NR)" Zone as shown on Schedule "A-1" annexed to By-law # 4739-00 except in accordance with the following uses and zone provisions:

(a) USES PERMITTED

- Apiary
- Aviary
- berry or bush crop
- field crop
- flower garden
- greenhouse
- horticultural nursery
- market garden
- orchard
- private sewage disposal and stormwater management facility for the uses permitted in "GB" zone as shown on Schedule "A-1" annexed to By-law # 4739-00
- public use in accordance with the provisions of Section 4(a) of By-law # 1784
- tree crop

(b) ZONE PROVISIONS

(i)	LOT AREA minimum	0.7 ha
(ii)	LOT COVERAGE maximum for all buildings	30%
(iii)	FRONT YARD DEPTH minimum	10 m
(iv)	REAR YARD DEPTH minimum	10 m
(v)	INTERIOR SIDE YARD minimum	10 m
(vi)	EXTERIOR SIDE YARD DEPTH minimum	10 m
(vii)	BUILDING HEIGHT maximum	10 m

(viii) PARKING AND LOADING REQUIREMENTS

In accordance with Sections 4(n) and (o) of By-law # 1784.

**(4751-01) (15-J) PART OF LOT 18, CONCESSION 3
PLAN OF SUBDIVISION, 18T-93011615 WINCHESTER ROAD EAST
5850 & 5900 GARRARD ROAD**

- (a) **`H-R2B\*`, `H-R3B\*` AND `H-R4B\*` – HOLDING RESIDENTIAL ZONES, `H-C2-S` – HOLDING SPECIAL PURPOSE COMMERCIAL ZONE AND “OS” – OPEN SPACE ZONE.**

Repealed by By-law Amendment 6600-12

- (b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential `R2B\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2B\*` on Schedule "A-1" annexed to By-law # 4751-01:
- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4752-01) (15-K) 36 HABITANT CRESCENT

- (a) Notwithstanding the permitted uses found in Section 12(N)(f)(i) of By-law # 1784, as amended, one accessory "single bedroom" dwelling unit shall be permitted on the lands identified on the lands as the subject property shown on Schedule 'A-1' annexed to By-law # 4752-01.
- (b) Notwithstanding the parking area requirements of Section 4(n)(i)(a) of By-law # 1784, as amended, a minimum of one parking space shall be provided for each dwelling unit within the existing structure.

**(4771-01) (15-L) 5100 GARDEN STREET
5155 BALDWIN STREET**

- (a) Notwithstanding the permitted uses in an "A" Agricultural Zone, the additional uses of a cemetery, chapel, columbarium, private mausoleum, crematorium and associated office shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 4771-01.
- (b) That the All Zones (Institutional) Zone provisions of Schedule "A" to By-law # 1784 and the General Provisions of Section 4 of By-law # 1784 shall apply to the subject property.

**(4782-01) (15-M) PART OF LOT 18, CONCESSION 3
PLAN OF SUBDIVISION, 18T-93010**

- (a) **'H-R2A*', 'H-R2B*', 'H-R2C*' AND 'H-R4B*' – HOLDING RESIDENTIAL ZONES
AND 'H-I*/H-R2B*' – HOLDING INSTITUTIONAL ZONE.
Repealed by By-law Amendment 6600-12**
- (b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4782-01:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
 - (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential `R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4782-01;
- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,
 - (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4789-01) (15-N) NORTHWEST CORNER OF DUNDAS STREET EAST AND GARRARD ROAD
1818 DUNDAS STREET EAST**

- (a) Notwithstanding Section 7E(1)(b) of Zoning By-law # 1784, as amended, the additional use of a bank or financial institution shall be permitted on the Subject Property as shown on Schedule A-1 attached to By-law # 4789-01.
- (b) Notwithstanding the general provisions of Section 7E(2) of By-law # 1784, the following shall apply to the Subject Property:
 - (i) EXTERIOR SIDE YARD
minimum width 0.0 m

**(4808-01) (15-O) 113 AND 117 KENDALWOOD ROAD
Repealed and relocated to Section 7G by By-law 5956-07**

**(4854-01) (15-P) PART OF LOT 27, CONCESSION 3
Repealed and relocated to Section 5P by By-law 5956-07**

**(4867-01) (15-Q) PART OF LOTS 21 & 22, CONCESSION 4
Repealed and relocated to Section 10 by By-law 5956-07**

**(4887-01) (15-R) PART LOT 26, CONCESSION 4
PLAN OF SUBDIVISION S-W-2000-08**

(a) 'HR2B*', 'HR2C*', 'HR3A*' AND 'HR4B*' – HOLDING RESIDENTIAL ZONE.

(i) **Repealed by By-law Amendment 6600-12**

(ii) **Repealed by By-law Amendment 6600-12**

(iii) **Repealed by By-law Amendment 6600-12**

(iv) Notwithstanding the lot coverage provisions of Section 5D(ii)(d), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4887-01.

(a) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(i) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and

(ii) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(v) Notwithstanding the lot coverage provisions of Section 5E(ii)(d), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4887-01.

(a) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(i) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,

(ii) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

(vi) Notwithstanding the lot coverage provisions of Section 5G(ii)(d), Residential 'R3A*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R3A*' on Schedule "A-1" annexed to By-law # 4887-01.

(a) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

(i) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 8.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,

(ii) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 15 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (vii) Notwithstanding the lot coverage provisions of Section 5K(ii)(d), Residential 'R4B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R4B*' on Schedule "A-1" annexed to By-law # 4887-01.
 - (a) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (i) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 8.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - (ii) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 15 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (viii) Notwithstanding the lot depth provisions of Section 5K (ii)(b), Residential 'R4B*' Zone of By-law # 1784, the following shall be permitted on those lands that are hatched and identified as 'R4B*' on Schedule "A-1" annexed to By-law # 4887-01:
 - (a) LOT DEPTH 29 m

(4888-01) (15-S) **PART LOT 22, CONCESSION 2**
 Repealed and relocated to Section 5 by By-law Amendment 5956-07

(4886-01) (15-T) **PART OF LOT 22, CONCESSION 6**
PLAN OF SUBDIVISION 18T-92021

- (a) Notwithstanding the lot coverage provisions of Section 5D(d), Residential R2B* Zone of By-law # 1784, the following shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 4886-01.
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and, notwithstanding the interior side yard provisions of Section 5D(g)(i) Residential 'R2B*' Zone of By-law # 1784, the following additional provisions shall apply to the lands identified as the "Subject Property" on Schedule A-1 annexed to By-law # 4886-01.

- (iii) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

Provided however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(4913-01) (15-U) PART OF LOT 22, CONCESSION 3
PLAN OF SUBDIVISION 18T-99022**

(a) HR2B*, "HR2C*/HR3B*" – HOLDING RESIDENTIAL ZONES

(i) **Repealed by By-law Amendment 6600-12**

(ii) **Repealed by By-law Amendment 6600-12**

- (iii) In the event that Council deems it appropriate to delete the "H" symbol prefixed to the aforementioned "H-R2B*", "H-R2C*/H-R3B*" Zone designations, the uses and zone provisions of Sections 5D, 5E and 5H respectively of By-law # 1784 shall then apply to the lands so designated. Notwithstanding the provisions of Section 5D(ii) of By-law # 1784 to the contrary, where a lot within an 'R2B*' Zone has a frontage of 15 m or greater, the zone provisions of Section 5C(ii) of By-law # 1784 shall apply.

**(4917-01) (15-V) PART LOT 21, CONCESSION 4
PLAN OF SUBDIVISION S-W-2000-07**

- (a) Notwithstanding the provisions of Section 5D(ii) of By-law # 1784 to the contrary, where a lot within an 'R2B*' Zone has a frontage of 15 m or greater, the zone provisions of Section 5C(ii) of By-law # 1784 shall apply.
- (b) Notwithstanding the provisions of Section 5E(ii) of By-law # 1784 to the contrary, where a lot within an 'R2C*' Zone has a frontage of 12 m or greater, the zone provisions of Section 5D(ii) of By-law # 1784 shall apply.
- (c) Notwithstanding the provisions of Section 5H(ii) of By-law # 1784 to the contrary, a lot within an 'R3B*' Zone shall have a maximum frontage of 21 m.
- (d) Notwithstanding the lot coverage provisions of Section 5D (d) and the interior side yard provisions of Section 5D (g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4917-01;
- (i) detached single car garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;

- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (e) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4917-01;
 - (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot;
 - (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4926-01) (15-W) 730 ANDERSON STREET

(6776-13) Notwithstanding Section 1(b) of By-law # 1784, as amended, the additional use of a home based business - bed and breakfast shall apply to the lands identified as the "Subject Property" on Schedule A-1 attached to By-law # 4926-01.

- (a) The following home based business definition shall apply to the lands identified as the "Subject Property" on Schedule A-1 attached to By-law # 4926-01.

(6776-13) **"HOME BASED BUSINESS – BED AND BREAKFAST"** means a dwelling unit occupied as the principal residence of a person or persons in which temporary accommodation is available to members of the travelling public wherein meals may be served to those persons, but shall not include a boarding or lodging house.

- (b) The following zone provisions shall apply to the home based business - bed and breakfast use:
- (i) the floor area of the bed and breakfast within the existing dwelling unit shall not exceed 150 m²;
 - (ii) the bed and breakfast shall not exceed three (3) guest bedrooms; and
 - (iii) a minimum of two (2) parking spaces shall be provided for the single detached dwelling house and one (1) additional parking space for each guest bedroom in the bed and breakfast use shall be provided.

(4922-01) (15-X) 4505 BALDWIN STREET
ASSESSMENT ROLL # 010-037-00900

- (a) Notwithstanding Section 7 (B)(1) of By-law 1784, the following additional uses shall also be permitted on the lands zoned 'H-GB-CW' - (Holding) Gasoline Bar /Car Wash Zone, as shown as the "Subject Property" outlined on Schedule "A-1", attached to By-law # 4922-01:

NON-RESIDENTIAL USES

- (i) convenience retail store;
 - (ii) one eating establishment with drive-thru.
- (b) Notwithstanding any other provisions of By-law # 1784 to the contrary, the subject property shall also be subject to the following provisions:
- (i) the drive-thru for the eating establishment shall provide a queue accommodating a minimum of 12 vehicles and such queue shall not block or occupy any traffic aisle or parking space; and shall be located a minimum of 10 m from the front lot line;
 - (ii) the eating establishment with drive-thru, convenience retail store, and the gasoline bar kiosk shall be located within the same building and the gross floor area for such building shall be a maximum of 200 m²; and
-

- (iii) prior to Council approving an application for rezoning of the "Subject Property" as shown on Schedule "A-1", attached to By-law # 4922-01, to remove the 'H' holding symbol or to change the 'D(NR)' Zone to a residential zone designation, preparation and completion of all of the following is required, to the satisfaction of the Town:
 - 1. environmental impact study;
 - 2. Phase 1 environmental site assessment;
 - 3. storm water management plan;
 - 4. conceptual servicing plan;
 - 5. archaeological report;
 - 6. provision of full municipal services to the site; and
 - 7. execution of a site plan agreement.
- (iv) if Council deems it advisable to delete the 'H' symbol prefixed to the aforementioned 'H-GB-CW' Zone, then the provisions of By-law 4922-01, and the provisions in Section 7B and 7D of By-law 1784, as amended, shall apply to the subject lands identified on Schedule "A-1" attached to By-law # 4922-01; and
- (v) the general provisions under Section 4 of By-law 1784, as amended, shall apply to subject lands identified on Schedule "A-1" attached to By-law # 4922-01.

**(4904-01) (15-Y) PART OF LOT 26, CONCESSION 6
PLAN OF SUBDIVISION, 18T-96001**

**(a) 'H-R2B*' and 'H-R2C*' – Holding Residential Zones
Repealed by By-law Amendment 6600-12**

- (b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 4904-01:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,

- (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E (g), Residential 'R2C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2C*' on Schedule "A-1" annexed to By-law # 4904-01;

- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;

- (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:

- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot; and,

- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

- on the interior side yard containing the drive-way to the detached garage 3.1 m
- on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(4942-01)

**(15-Z) PART OF LOT 21, CONCESSION 5
WINCHESTER ROAD EAST / THICKSON ROAD NORTH**

"H-C2-S" – Holding – Special Purpose Commercial Zone

- (i) No person shall use any lot or erect or alter or use any building or structure in any "H-C2-S" Zone as shown on Schedule A-1 annexed to By-law # 4942-01 except in accordance with the following uses:

- bush or berry crop, field crop;

- (ii) A by-law shall not be enacted to delete the “H” symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the following items have been addressed:
 - (a) that the said lands to be affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities and that contribution for shared facilities has been made or the necessary municipal agreement(s) are in place; and
 - (b) that the developer provide the municipality with an easement in favour of the Town for the purpose of securing a block concept for internal vehicular traffic for the subject property and adjacent lands.
- (iii) The minimum lot area for the lands zoned “H-C2-S” shall be 17,150 m² until such time as a common driveway or an agreement for the construction of a common driveway has been provided to the Town connecting the “H-C2-S” lands fronting Thickson Road to an ‘all turn’ driveway entrance on to Winchester Road East.
- (iv) In the event that Council deems it appropriate to delete the “H” symbol prefixed to the aforementioned “H-C2-S” Zone, the uses and zone provisions of Section 7E of By-law # 1784 shall then apply to the lands so designated.

**(4949-01) (16-A) PART OF LOT 21, CONCESSION 1
300 THICKSON ROAD SOUTH**

(a) PRESTIGE INDUSTRIAL

- (i) Notwithstanding the permitted uses of Section 8A of By-law # 1784, as amended, the additional use(s) of a new automobile sales dealership, or an automobile dealership complex, shall also be permitted on the subject lands identified as “Subject Property” as shown on Schedule “A-1” annexed to By-law # 4949-01.

**(ii) ZONE PROVISIONS
PRESTIGE INDUSTRIAL USES**

The zone provisions for any permitted industrial use shall be in accordance with the zone provisions of the M1A Zone, Section 8A of By-law # 1784.

SINGLE NEW AUTOMOBILE SALES DEALERSHIP AND AUTOMOBILE DEALERSHIP COMPLEX

- (a) LOT FRONTAGE
minimum 60 m
- (b) LOT AREA
minimum per automobile sales dealership 0.8 ha
- (c) YARDS
 - FRONT YARD
minimum 5.0 m
 - REAR YARD
minimum 7.5 m
 - INTERIOR SIDE YARD
minimum 7.5 m

	EXTERIOR SIDE YARD minimum	7.5 m
(d)	GROSS FLOOR AREA FOR EACH AUTO-MOBILE SALES DEALERSHIP minimum	1000 m ²
(e)	LOT COVERAGE maximum	35 %
(f)	LANDSCAPED OPEN SPACE Minimum	10 %
- (b) Notwithstanding Section 2 (Definitions) of By-law # 1784, the following definitions shall apply to the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law # 4949-01:
- (i) **"NEW AUTOMOBILE SALES DEALERSHIP"** means a building or part of a building where new automobiles are kept for sale, including the servicing of the same.
- (ii) **"AUTOMOBILE DEALERSHIP COMPLEX"** for the purpose of this By-law # 4949-01 shall be composed of a minimum of two (2) building sites on a lot, for the development and use of new automobile sales dealerships.
- (c) The general provisions of Section 4 of By-law # 1784 shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law # 4949-01.

(4960-01) (16-B) 216 POWELL ROAD

- (a) Notwithstanding the permitted uses of Section 5(a) of By-law # 1784, 'a converted dwelling house' containing a maximum of three (3) self-contained dwelling units shall be permitted on the lands identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law # 4960-01.
2. Notwithstanding Section 2 (Definitions) of By-law # 1784, the minimum width of a parking space for a converted dwelling house as permitted in paragraph (a) above shall be 2.4 m.

**(4971-02) (16-C) PART LOT 22, CONCESSION 6 (Z-62-01)
DODGE DRIVE
Repealed by By-law Amendment 6600-12**

**(4972-02) (16-D) "H-C1" – HOLDING LOCAL COMMERCIAL ZONE – CARNWITH AND THICKSON
200 CARNWITH STREET EAST (18T-89099)**

- (i) **Repealed by By-law Amendment 6600-12**
- (ii) **Repealed by By-law Amendment 6600-12**

- (iii) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-C1' Zone designation, the following zone provisions shall apply to the lands so designated.

(5605-05)

(a) USES PERMITTED

- day nursery
- medical clinic
- office
- personal service establishment
- restaurant
- retail stores

(6776-13)

(6776-13)

(b) ZONE PROVISIONS

- (i) GROSS FLOOR AREA
maximum 1860 m²
- (ii) PARKING QUEUE
Any parking queue for a drive thru restaurant shall accommodate a minimum of 12 vehicle spaces having a minimum length of 6 m, within a dedicated aisle that does not interfere with vehicle ingress or egress.
- (iii) All other zone provisions and requirements of the 'C1' Zone designation of By-law # 1784 shall apply to the lands so designated.

(4985-02)

(16-E) PART LOT 26, CONCESSION 4

Repealed and relocated to Section 5D by By-law Amendment 6600-12

(5004-02)

**(16-F) PART LOT 24, CONCESSION 3
PLAN OF SUBDIVISION S-W-2001-05**

- (a) Notwithstanding the provisions of Section 51(ii)(b), Residential 'R3C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R3C*' on Schedule "A-1" annexed to By-law # 5004-02.

LOT DEPTH
Minimum 27 m

- (b) Notwithstanding the provisions of Section 51(ii)(f), Residential 'R3C*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R3C*' on Schedule "A-1" annexed to By-law # 5004-02.

REAR YARD
Minimum 7.5 m

(5023-02)

(16-G) 1903 DUNDAS STREET EAST AND 109 KENDALWOOD DRIVE

- (a) Notwithstanding the uses permitted in Section 7(B)(1) GB-CW Zone of By-law # 1784, the following additional use shall be permitted on the lands identified as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5023-02.
- one retail store not exceeding 240 m² within which an eating establishment may be permitted. A drive-thru window for the eating establishment or retail store is prohibited.

- (b) Notwithstanding the zone provisions in Section 7(B)(2), the following provisions shall apply:

EXTERIOR SIDE YARD minimum	7.5 m
INTERIOR SIDE YARD minimum	2.0 m
REAR YARD minimum	4.5 m

(5037-02) (16-H) **PART OF LOT 21, CONCESSION 4**
NORTH-WEST CORNER - TAUNTON ROAD EAST AND RIVERS EDGE PLACE
Temporary Use – Expired

(5038-02) (16-I) **VARIOUS PROPERTIES**

- (a) No person shall erect, alter or use any building or structure in the "H-I*" Zone as shown on Schedules "A1" and "A2" annexed to By-law # 5038-02 except to continue the use established prior to the enactment of this By-law, so long as it continues to be used for that purpose.
- (b) A by-law shall not be enacted to delete the 'H' symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the lands to be affected by the said by-law are serviced by municipal water and sanitary sewer facilities.
- (c) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-I*' Zone designation, the uses and zone provisions of Section 10B of By-law # 1784 shall then apply to the lands so designated.
- (d) Notwithstanding the permitted uses found in Section 5 of By-law # 1784, as amended, the additional uses of a daycare centre and clinic shall only be permitted subject to the zone provisions contained in Sections 4 General Provisions and 10B(ii) on the subject property as shown on Schedules "A-7" and "A-8" annexed to By-law 5038-02.

(5041-02) (16-J) **PART LOT 23, CONCESSION 4**
PARTS 1, 2, AND 9, PLAN 40R-20901
Repealed by By-Law Amendment 6505-11

(5043-02) (16-K) **PART OF LOT 21, CONCESSION 5**
Repealed by By-law Amendment 6600-12

(5044-02) (16-L) **PART OF LOT 27, CONCESSION 3**
Repealed by By-law Amendment 5956-07

(5046-02) (16-M) **PART OF LOT 26, CONCESSION 6**
PLAN OF SUBDIVISION, 18T-96007

- (a) Notwithstanding the lot coverage provisions of Section 5C(d), Residential R2A* Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2A*' on Schedule "A-1" annexed to By-law # 5046-02:
- (i) detached garage having a maximum area of 42 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit.
- (ii) maximum lot coverage for a one (1) storey dwelling unit 45%

- (b) Notwithstanding the lot coverage provisions of Section 5D(d) and the interior side yard provisions of Section 5D(g)(i), Residential `R2B\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2B\*` on Schedule "A-1" annexed to By-law # 5046-02:
- (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
 - (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:

– on the interior side yard containing the drive-way to the detached garage	3.1 m
– on the other side	0.6 m

Provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.
- (c) Notwithstanding the lot coverage provisions of Section 5E (d) and the interior side yard provisions of Section 5E(g), Residential `R2C\*` Zone of By-law # 1784, the following shall be permitted on the lands identified as `R2C\*` on Schedule "A-1" annexed to By-law # 5046-02;
- (i) detached single car garage having a maximum area of 24 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit;
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 10.0 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 17.5 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.

- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(5061-02) (16-N) **BLOCK 1, PLAN 40M-2044**
900 Victoria Street West
Temporary Use – Expired

(5071-02) (16-0) **PART OF LOT 23, CONCESSION 6**
PLAN OF SUBDIVISION S-W-2001-02

- (a) Notwithstanding the lot coverage provisions of Section 5D (d), Residential “R2B*” Zone of By-law # 1784, the following shall be permitted on the lands so marked “R2B*” on Schedule “A-1” annexed to By-law # 5071-02:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (b) Notwithstanding the interior side yard provisions of Section 5D(g)(i) Residential “R2B*” Zone of By-law # 1784, the following additional provisions shall apply to the lands marked “R2B*” on Schedule “A-1” annexed to By-law # 5071-02:
 - (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

- (c) Notwithstanding the lot coverage and height provisions of Section 5C(d) and (j), Residential "R2A*" Zone of By-law # 1784, the following shall apply to the lands identified and hatched as 'Subject Property' on Schedule "A-2" annexed to By-law # 5071-02:
- (i) maximum lot coverage for a one storey dwelling unit 45%
 - (ii) maximum building height 1 Storey

**(5073-02) (16-P) PART OF LOT 35, CONCESSION 4
4400 HALLS ROAD NORTH**

- (1) The following additional uses shall be permitted within the 'A' - Agricultural Zone on the lands outlined on Schedule "A-1" attached to By-law # 5073-02, more specifically as follows:

USES PERMITTED

- (i) BUFFER AREA:

The "Buffer Area" as indicated on Schedule "A-1" to By-law # 5073-02 shall only be used for one or more of the following:

- berming
- drainage facilities
- driveway access
- landscaping

- (ii) RELATED USE AREA:

The "Related Use Area" as indicated on Schedule "A-1" to By-law # 5073-02, shall only be used for one or more of the following:

- berming
- drainage facilities
- employee and visitor parking area
- landscaping office
- septic tile bed
- stormwater management pond
- weigh scale

- (iii) TOPSOIL PROCESSING AREA:

The "Topsoil Processing Area" as indicated on Schedule "A-1" to By-law # 5073-02, shall only be used for one or more of the following:

- (5802-06)**
- processing topsoil;
 - sale and storage of landscape retaining wall materials, paving stones and other related products
 - storage of landscape aggregates accessory to topsoil processing
 - storage of processed topsoil

- (2) Notwithstanding any other by-law provision for the lands zoned A as outlined on Schedule A-1 attached to By-law # 5073-02, the following zone provisions shall apply:

- (a) FRONT YARD
minimum Depth 15 m

(b)	REAR YARD minimum Depth	20 m
(c)	INTERIOR SIDE YARD minimum Width	15 m
(d)	HEIGHT OF TOPSOIL STOCKPILE maximum	15 m
(e)	ACCESSORY STORAGE maximum	5 % of the "Topsoil Processing Area"
(f)	BUILDING(S) maximum	1500 m ²
(g)	PARKING	
	In accordance with Section 4(n) of By-law # 1784.	
(h)	DEFINITIONS	

The following definitions shall apply, and where there is a conflict between such definitions and the definitions set forth elsewhere in By-law 1784, as amended, the following shall govern:

"TOPSOIL PROCESSING" means land(s) where topsoil is screened and mixed with finished compost, peat moss and/or peat loam or similar material.

"BUFFER AREA" means landscaped areas including berms, drainage facilities and driveway access.

"OFFICE" means a building or part of a building used as an office directly related to the topsoil processing operation and shall include a sales outlet for material stored or produced on the site.

"LANDSCAPING" means grading and planting, and shall include berming, fencing and other forms of screening.

(5081-02) (16-Q) PART OF LOT 21, CONCESSION 4, SUBDIVISION S-W-2000-05

- (a) **'H-R3A*', 'H-R4A*', 'H-R4B*', 'H-CMU*-7', Holding Residential and Commercial Mixed Use**
Repealed by By-law Amendment 6129-08

(6129-08)

- (b) (i) Notwithstanding the use provisions of Section 5K of By-law # 1784, the following additional uses shall be permitted in any R4A* Zone as shown on Schedule "A-1" attached to and forming part of this By-law.

(6925-14)

- long term care facility
- retirement home
- street townhouse dwellings

(6925-14)

- (ii) Where the lands are developed for the purpose of a long term care facility or retirement home, the lands shall be developed in accordance with the provisions of Section 5O 'CMU' and Exception 16N, 'CMU*-7'.

- (iii) Where the lands are developed for the purpose of street townhouse dwellings, the lands shall be developed in accordance with the provisions of Section 5L - 'R4B'.
- (6129-08)** (c) (i) Notwithstanding the use provisions of Section 5L of Zoning By-law # 1784, the following additional uses shall be permitted in any R4B* Zone as shown on Schedule "A-1" attached to and forming part of this By-law:
- link dwellings
 - semi-detached dwellings
 - single detached dwellings
- (ii) Where the lands are developed for the purpose of single detached, link, or semi-detached dwellings, the lands shall be developed in accordance with the provisions of Sections 5E, 5G and 5H, respectively.
- (6129-08)** (d) (i) Notwithstanding the use provisions of Section 5G of Zoning By-law # 1784, the following additional uses shall be permitted in any R3A* Zone as shown on Schedule "A-1" attached to and forming part of this By-law:
- semi-detached dwellings
 - single detached dwellings
- (ii) Where the lands are developed for the purpose of single detached, or semi-detached dwellings, the lands shall be developed in accordance with the provisions of Section 5E and 5H respectively.
- (5093-02)** **(16-R) PART OF LOTS 25 AND 26, CONCESSION 44101 BALDWIN STREET SOUTH**
333 MCKINNEY DRIVE
 Repealed and relocated to Section 10B by By-law Amendment 5956-07
- (5093-02)** **(16-S) PART LOT 25, CONCESSION 4**
100 TAUNTON ROAD EAST
 Repealed and relocated to Section 10B by By-law Amendment 6600-12
- (5095-02)** **(16-T) 105 WINCHESTER ROAD WEST**
(6600-12)
- (a) **PRESTIGE INDUSTRIAL**
- (i) No person shall use any lot or erect or alter or use any building or structure in the M1A Zone as shown on Schedule A-1 annexed to By-law # 5094-02 except in accordance with the following existing uses, namely:
- residential apartment
 - veterinary clinic
- (ii) **Repealed by By-law Amendment 6600-12**
- (b) Notwithstanding the uses permitted by Section (a)(i) above or the Prestige Industrial Zone of Section 8A of By-law 1784, the additional use of a car wash shall be permitted in accordance with the zone provisions contained in Section 7A(D)(7) and Section 8A(ii) of By-law 1784 on the lands identified on Schedule A-1 annexed to By-law # 5094-02.
- (5096-02)** **(16-U) 205 TAUNTON ROAD WEST**
 Repealed by By-law Amendment 5956-07

**(5103-22) (16-V) PART OF LOT 26, CONCESSION 3
REVISED PLAN OF SUBDIVISION (18T-87080)**

- (a) **`H-R2B\* ', H-R2C\* ', `H-R3C* ', `H-R4B\* ', `H-R4B*-3', `H-R4B\*-4', `H-R5A-4' –
HOLDING RESIDENTIAL ZONES**
Repealed by By-law Amendment 6600-12
- (b) **`R4B*-3' – STREET TOWNHOUSE DWELLING**
Repealed by By-law Amendment 5956-07
- (c) **`R4B*-4' – STREET TOWNHOUSE DWELLING**
Repealed by By-law Amendment 5956-07
- (d) **`R5A-4' – MULTIPLE UNIT RESIDENTIAL**
- (i) USE PERMITTED
- apartment dwelling(s)
- (ii) ZONE PROVISIONS
- (a) LOT FRONTAGE
minimum 70 m
- (b) LOT AREA
minimum 0.7 ha
- (c) LOT COVERAGE
maximum 35%
- (d) FLOOR SPACE INDEX
the minimum ratio of total gross floor space to gross lot area shall be 1.0
- (e) DENSITY
For the area shown as `R5A-4' the following densities shall apply:
- | | |
|---------|----------------------|
| Minimum | 110 units per net ha |
| Maximum | 170 units per net ha |
- (f) HEIGHT
maximum 12 storeys or 37 m whichever is less
- (g) YARDS
The minimum setback for all yards shall be 10.0 m
- Provided however, and notwithstanding the above, for the lands shown as `R5A-4' the following additional setback shall apply:
- (i) All buildings and structures with a height greater than 21 m shall be setback from the north property boundary an additional 0.6 m for each m or portion thereof in height which exceeds 21 m.

(h) DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

The minimum distance between an apartment dwelling and a separate building or structure shall be 15 m

Provided, however, and notwithstanding the above this distance may be reduced to 7.5 m between the end walls of separate structures provided neither of the end walls contains a bedroom, living room or dining room window.

In no case shall the distance between buildings be less than half the height of the tallest building.

(i) INTERNAL ROADWAY

(i) minimum width 8.5 m

(ii) the minimum distance from an internal roadway to the nearest portion of an apartment dwelling shall be 5.0 m

Provided however, and notwithstanding the above, this distance may be reduced to 2.0 m from an exterior wall which does not contain a bedroom, living room or dining room window.

(j) LANDSCAPED OPEN SPACE
minimum 35% of the lot area

(k) PARKING AND LOADING SPACE REQUIREMENTS

(i) A maximum of 15% of the provided parking may be permitted at finished grade.

(ii) Any portion of a parking structure fully below or being no greater than 1.0 m above finished grade shall not be included within the calculation of lot coverage

(iii) Parking and loading spaces provided at or on finished grade and portions of underground parking structures above and within 1.0 m of finished grade shall be located no closer than the following;

to a street line or 0.3 m reserve abut-ting a street line, a minimum distance of 10 m

to any other property line, a minimum distance of 2.5 m

Notwithstanding the provisions set out under (k)(iii) above, a designated handicap parking space may be permitted in a front or exterior side yard provided that such parking space is located no closer than 2.5 m to the street line.

- (iv) Parking structures fully below finished grade shall be located no closer than the following;
to any property line, a minimum distance of 2.5 m
- (v) The maximum height of any portion of a parking garage or structure above finished grade shall be the less of 2 storeys or 10 m.
- (vi) The minimum setback for a parking garage or structure located greater than 1.0 m above finished grade shall be to any property line 10 m

(5120-02) (16-W) **4900 THICKSON ROAD NORTH**
Repealed by By-law Amendment 5740-06

(5121-02) (16-X) **20 BALDWIN STREET**
Repealed by By-law Amendment 5956-07

(5129-02) (16-Y) **PART OF LOT 27, CONCESSION 3**
BLOCK 62, PLAN 40M-1743
Repealed by By-law Amendment 5956-07

(5137-02) (16-Z) **PART OF LOT 20, CONCESSION 3**
4 BACH AVENUE

- (a) Notwithstanding the permitted uses found in Section 12, 8-P(a)(i) of By-law # 1784, as amended, one 63.2 m² accessory "single bedroom" dwelling unit shall be permitted on the lands identified as the subject property shown on Schedule 'A-1' annexed to By-law # 5137-02.

(5152-02) (17-A) **DUNDAS/THICKSON – SOUTH SIDE OF DUNDAS STREET EAST BETWEEN GLEN HILL DRIVE AND THICKSON ROAD SOUTH**

- (1) No person shall erect, alter or use any building or structure in the "H-C3" Zone as shown on Schedule A-1 annexed to By-law # 5152-02 except to continue the use established prior to the enactment of By-law # 5152-02, so long as it continues to be used for that purpose.
- (2) A by-law shall not be enacted to delete the "H" symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the lands to be affected by the said by-law are serviced by municipal storm sewers and an Environmental Phase 1 Report has been prepared for the lands identified as being contaminated.
- (3) In the event that Council deems it appropriate to delete the "H" symbol prefixed to the aforementioned H-C3 Zone designation, the uses and zone provisions of the C3 Zone shall then apply to the lands so designated.
- (4) **Repealed and relocated to Section 7H by By-law Amendment 5956-07**
- (5) **Repealed and relocated to Section 7H by By-law Amendment 6600-12**

(5168-02) (17-B) **PART LOT 23, CONCESSION 6**

- (a) **'R5A*-4' APARTMENT DWELLING RESIDENTIAL ZONE – EXCEPTION 4**
Repealed and relocated to Section 5O by By-law Amendment 5956-07
- (b) **'R3D*-2' LOW DENSITY CLUSTER DWELLING RESIDENTIAL ZONE – EXCEPTION 2**

Repealed and relocated to Section 5K by By-law Amendment 5756-07**(5223-03)****(17-C) PART OF LOT 18, CONCESSION 3
Temporary Use Expired****(5228-03)****(17-D) PART OF LOT 31, CONCESSION 5****(5754-06)****745 WINCHESTER ROAD WEST****(6163-09)****Repealed by By-law Amendment 6592-12****(5292-03)****(17-E) PART OF LOT 21, CONCESSION 4
695 CONLIN ROAD**

- (ii) No person shall use the lands or erect or alter or use any building or structure in the 'H-M1' Zone as shown on Schedule "A-1" attached to and forming part of By-law # 5292-03 except in accordance with the following uses:

- assembly plant that does not utilize water
- bank or financial institution
- fraternal organization
- indoor storage
- manufacturing that does not utilize water
- office building
- processing that does not utilize water
- radio or television transmission establishment
- warehouse

(6776-13)

- (iii) The zone requirements of Schedule "A" to By-law # 1784 designated as 'M1' Industrial Commercial and the general provisions of Section 4 of By-law # 1784 shall apply to the 'H-M1' lands for development of the uses in clause (i) above with the following exception:

LOT COVERAGE

maximum for all buildings

10%

- (iv) A by-law shall not be enacted to delete the 'H' symbol until such time as it has been demonstrated to the satisfaction of the Region of Durham and the Town of Whitby that the site can be adequately serviced with municipal water and sanitary services.
- (v) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-M1' Zone designation the uses and zone provisions of Section 8 of By-law # 1784 and the uses identified in clause (i) above shall then apply to the lands so designated.

(5296-03)**(17-F) PART LOT 22, CONCESSION 6
PLAN OF SUBDIVISION S-W-2002-06**

- (a) **'H-R2A*/H-R2B*', 'H-R2B*', 'H-R3A*' – HOLDING RESIDENTIAL ZONE.
Repealed by By-law Amendment 6600-12**

- (b) Notwithstanding the lot coverage provisions of Section 5D (d), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands so marked 'R2B*' on Schedule "A-1" annexed to By-law # 5296-03:

- (i) a detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
- (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
- (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (c) Notwithstanding the interior side yard provisions of Section 5D (g) (i) Residential 'R2B*' Zone of By-law # 1784, the following additional provisions shall apply to the lands marked 'R2B*' on Schedule "A-1" annexed to By-law # 5296-03:
- (i) Where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
- | | |
|--|-------|
| on the interior side yard containing the driveway to the detached garage | 3.1 m |
| on the other side | 0.6 m |
- provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

(5293-03) (17-G) 727 AND 728 ANDERSON STREET

- (a) Notwithstanding Section 5C (i) of By-law # 1784, the following additional uses shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" attached to and forming part of By-law # 5293-03.

(6776-13)

- medical clinic
- offices

- (b) Notwithstanding the zone provisions of Section 5C (ii) of By-law # 1784 the following zone provisions shall apply to the permitted uses in clause (a) above:

(i) LOT AREA minimum	3610 m ²
(ii) FRONT YARD minimum depth	3.0 m
(iii) INTERIOR SIDE YARD minimum width	12 m
(iv) EXTERIOR SIDE YARD minimum	4.5 m
(v) LOT COVERAGE maximum	27%
(vi) LANDSCAPE OPEN SPACE minimum	22%

(vii)	BUILDING HEIGHT maximum	2 storeys or 10 m
(viii)	PARKING minimum	57 spaces

**(5331-03) (17-H) PART LOT 19, CONCESSION 1
26 GARARD ROAD**

- (6776-13)**
- (1) Notwithstanding the uses permitted in an R3, Residential Type 3 Zone in Section 5 of By-law # 1784, as amended, the additional use of an office and personal service establishment uses shall be permitted for the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 5331-03.
 - (2) Notwithstanding anything to the contrary, the gross floor area of the permitted uses noted in paragraph (a) above shall not exceed 140 m².
 - (3) Notwithstanding anything to the contrary, the parking for the permitted uses in paragraph (a) above shall only be provided behind the minimum front yard set back or front elevation of the existing building, whichever is the greater.
 - (4) Unless otherwise provided herein, the provisions of Section 4(n)(i) of By-law # 1784, as amended, shall apply.

**(5330-03) (17-I) PART LOT 22, CONCESSION 6
Repealed by By-law Amendment 6600-12**

**(5338-03) (17-J) PART OF LOT 18, CONCESSION 2 – MOUNT LAWN CEMETERY
2000 DUNDAS STREET EAST
Repealed by By-law Amendment 6876-14**

**(5346-03) (17-K) PART LOTS 24 AND 25, CONCESSION 6
PLAN OF SUBDIVISION S-W-2002-03**

- (a) **HOLDING RESIDENTIAL ZONE**
Repealed by By-law Amendment 6372-10
- (b) **R2A*-WS – RESIDENTIAL – WIDE SHALLOW ZONE**
Repealed and relocated to Section 5Q by By-law Amendments 5612-05 and 5956-07
- (c) **R2A*-WS-1 – RESIDENTIAL – WIDE SHALLOW EXCEPTION ZONE**
Repealed and relocated to Section 5Q by By-law Amendment 5956-07.
- (d) **R2B*-WS – RESIDENTIAL – WIDE SHALLOW ZONE**
Repealed and relocated to Section 5R by By-law Amendments 5599-05 and 5956-07
- (e) **R2B*-WS-1 – RESIDENTIAL – WIDE SHALLOW EXCEPTION ZONE**
Repealed and relocated to Section 5R by By-law Amendment 5956-07.
- (f) **R2C*-WS – RESIDENTIAL – WIDE SHALLOW ZONE**
Repealed and relocated to Section 5S by By-law Amendments 5599-05 and 5956-07
- (g) **R3A*-WS – RESIDENTIAL – WIDE SHALLOW ZONE**
Repealed and relocated to Section 5U by By-law Amendment 5956-07
- (h) **Repealed by By-law Amendment 6600-12**

- (5393-04) (17-M) PART OF LOT 21, CONCESSION 5
485 WINCHESTER ROAD EAST**
- (a) Notwithstanding the uses permitted in Section 7(B)(1) GB-CW Zone of By-law # 1784, the following additional use shall be permitted on the lands identified as the Subject Property on Schedule A-1 attached to and forming part of By-law # 5393-04.
- retail store not exceeding 300 m² shall be permitted within the kiosk within which an eating establishment and drive thru may be permitted therein, provided that the minimum length of the queue shall be equivalent to a minimum of 14 automobiles, measured from the pick-up window, assuming a minimum length of 6.0 m per vehicle, where such vehicles do not stand perpendicular to the access to any parking space and where the entrance to the queue does not cross a municipal street line.
- (b) Notwithstanding the zone provisions in Section 7(B)(2) of this By-law, the following provisions shall apply:
- | | |
|-------------------------------|--------|
| FRONT YARD
minimum | 6.0 m |
| EXTERIOR SIDE YARD
minimum | 10.0 m |
| REAR YARD
minimum | 2.5 m |
- (6600-12) (c)** The General Provisions of Section 4 and Section 7D of By-law # 1784, as amended, shall continue to apply.
- (5403-04) (17-N) 4900 THICKSON ROAD NORTH
Repealed by By-law Amendment 5740-06**
- (5411-04) (17-O) PART OF LOT 21, CONCESSION 4
4750 AND 4830 THICKSON ROAD NORTH
Repealed and relocated to Section 10 by By-law Amendment 5956-07**
- (5439-04) (17-P) LOTS 45 – 58, INCLUSIVE AND BLOCKS 90, 91 AND 92
REGISTERED PLAN OF SUBDIVISION 40M-2194**
- (a) **Repealed and relocated to Section 5C by By-law Amendment 6600-12**
- (b) **Repealed and relocated to Section 5C by By-law Amendment 6600-12**
- (5453-04) (17-Q) NORTHEAST CORNER OF TAUNTON ROAD EAST AND THICKSON ROAD
NORTH
720 TAUNTON ROAD EAST**
- (a) Notwithstanding the uses permitted in Section 7(B)(1) GB-CW Zone of By-law # 1784, as amended, the following additional use shall be permitted on the lands identified as the “Subject Property” on Schedule A-1 attached to and forming part of By-law # 5453-04.
- retail store not exceeding 175 m² shall be permitted within the kiosk
- (b) Notwithstanding the zone provisions in Section 7(B)(2) of this By-law, the following provisions shall apply:
- FRONT YARD
-

minimum 11 m

EXTERIOR SIDE YARD
minimum 1.0 m

REAR YARD
minimum 0.7 m

- (c) Notwithstanding the zone provisions in Section 7(D)(6) of this By-law, the following provisions shall apply:

Notwithstanding any other yard provisions of this By-law to the contrary, a kiosk may be located within any yard provided that the minimum distance between the kiosk and any lot line shall be 1.0 m

- (d) The General Provisions of Section 4 of By-law # 1784, as amended, shall continue to apply.

(5451-04) (17-R) **PART OF LOTS 27 & 28, CONCESSION 4**
PLAN OF SUBDIVISION 18T-99023
Repealed by By-law Amendment 6600-12

(5465-04) (17-S) **PART OF LOT 28, CONCESSION 3 (PHASE 3)**
205 CULLEN WAY (P)

- (a) Notwithstanding Section 12, subsection 16-U (a) of By-law # 1784, the following additional use shall be permitted within an R5A-6 Zone shown as the subject property on Schedule A-1 annexed to By-law # 5464-04.

- block linked dwelling houses

- (b) The zone provisions for block linked dwellings houses within the R5A-6 Zone category shall be subject to the zone provisions of Section 12, subsection 16-U(a)(ii)(a) of By-law # 1784, as amended, except where amended below:

ZONE PROVISIONS

SEPARATION DISTANCES

(i)	The minimum distance between the rear or end wall of a block linked dwelling house and any zone line shall be	0.3 m
(ii)	the minimum distance between the rear wall of a block linked dwelling house and an internal roadway shall be	8.0 m
(iii)	the minimum distance between an internal roadway and a garage shall be	5.5 m
(iv)	the minimum distance between the end walls of block linked dwelling houses shall be 3 m, except where the walls of the block linked dwelling house are not parallel, in which case it shall be	2.0 m
(v)	the minimum distance between any end wall of a block link dwelling house and an internal roadway shall be	3.0 m
(vi)	the minimum distance between a rear wall at grade patio and any zone line shall be	0.0 m

(c) NUMBER OF DWELLING UNITS (PHASE 3)

BLOCK LINKED DWELLINGS
maximum within the R5A-6 Zone

37 units

(d) PARKING

Within an R5A-6 Zone for Block Linked Dwelling Houses in accordance with Section 4(n) of By-law # 1784.

**(5466-04) (17-T) PART OF LOT 25, CONCESSION 6
10 WINCHESTER ROAD WEST
Temporary Use Expired**

(5467-04) (17-U) 1618 DUNDAS STREET EAST

(a) Notwithstanding the uses permitted in a "C2-S" Special Purpose Commercial Zone in Section 7E of By-law # 1784, as amended, the additional uses of a dance studio, hair stylist, barber shop, spa/beauty salon and tailor shop shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" attached to and forming part of By-law # 5467-04.

(b) Unless otherwise provided herein, the provisions of Section 4 of By-law # 1784, as amended, shall apply.

**(5474-04) (17-V) PART OF LOT 21, CONCESSION 3
PLAN OF SUBDIVISION S-W-2003-06
Repealed by By-law Amendment 6600-12**

**(5476-04) (17-W) PART OF LOTS 25 AND 26, CONCESSION 4
PLAN OF SUBDIVISION S-W-2003-07
Repealed by By-law Amendment 6600-12**

**(5474-04) (17-X) SOUTHWEST CORNER OF TAUNTON ROAD EAST AND THICKSON ROAD
NORTH
685 TAUNTON ROAD EAST**

(a) Notwithstanding the uses permitted in Section 7(B)(1) GB-CW Zone of By-law # 1784, as amended, the following additional use shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law # 5474-04.

(i) retail store not exceeding 186 m² in gross floor area shall be permitted within the kiosk.

(b) Notwithstanding any provision of this By-law to the contrary, the calculation of gross floor area shall not include a garbage enclosure.

(c) Notwithstanding the zone provisions in Section 7(B)(2) of this By-law to the contrary, the following provisions shall apply:

FRONT YARD
Minimum 6.0 m

EXTERIOR SIDE YARD
Minimum 11.4 m

REAR YARD
Minimum 3.0 m

- (d) Notwithstanding the zone provisions in Section 7(D)(6) of this By-law, the following provisions shall apply:

Notwithstanding any other yard provisions of this By-law to the contrary, a kiosk may be located within any yard provided that the minimum distance between the kiosk and any lot line shall be 6.0 m

- (e) **'H-GB-CW' – HOLDING – GASOLINE BAR / CAR WASH ZONE.**
Repealed by By-law Amendment 6600-12

- (f) **Repealed by By-law Amendment 6600-12**

- (g) **Repealed by By-law Amendment 6600-12**

(5498-04) (17-Y) PART OF LOT 22, BROKEN FRONT CONCESSION
Repealed by By-law Amendment 6600-12

(5497-04) (17-Z) 72 WINCHESTER ROAD EAST

- (a) Notwithstanding the permitted uses found in Section 5D (i) of By-law # 1784, as amended, one (1) accessory "single bedroom" dwelling unit shall be permitted on the lands identified as the subject property shown on Schedule 'A-1' annexed to By-law # 5497-04.

(5494-04) (18-A) 105 COLSTON AVENUE

- (a) Notwithstanding the uses permitted in Section 5A(c) of By-law # 1784, as amended, a one (1) bedroom dwelling unit shall be permitted on the lands identified as the subject property shown on Schedule "A-1" annexed to By-law # 5494-04.
- (b) Notwithstanding the Schedule "A" Zone Requirements Table of By-law # 1784, as amended, the following zone provision shall apply to the subject property:
- (i) **FRONT YARD**
Minimum depth 6.5 m
- (c) Notwithstanding the requirements of Section 4(n)(i)(a) of By-law # 1784, as amended, a minimum of 1.5 parking spaces shall be provided for each dwelling unit within the existing structure.

(5509-04) (18-B) PART OF LOT 25, CONCESSION 3
SOUTHEAST CORNER CIVIC CENTRE DRIVE / KENNETH HOBBS AVENUE
Repealed and relocated to Section 5L by By-law 6600-12

(5514-04) (18-C) PART LOT 27, CONCESSION 4
Repealed by By-law Amendment 6600-12

(5524-04) (18-D) PART OF LOTS 24 AND 25, CONCESSION 6
PLAN OF SUBDIVISION SW-2002-03

Notwithstanding the zone provision for maximum building heights in the 'H-R2A-WS', 'H-R2B-WS', 'H-R2C-WS' and 'H-R3A-WS' Zone categories as identified on Schedule "A-1" annexed to By-law # 5524-04, the following shall apply:

- (i) **HEIGHT OF BUILDING**
Maximum 9.5 m

All other provisions of this By-law shall apply.

- (5597-05) (18-E) **PART OF LOT 23, CONCESSION 6**
(6600-12) **SOUTHWEST CORNER OF BALDWIN STREET AND CENTRE STREET**
Repealed and relocated to Section 5C by By-law Amendment 6600-12
- (5597-05) (18-F) **PART OF LOT 18, CONCESSION 3**
PLAN OF SUBDIVISION SW-2004-01
Repealed by By-law Amendment 6795-13
- (5596-05) (18-G) **NORTHEAST CORNER OF BROADLEAF AVENUE AND BALDWIN STREET**
SOUTH
Repealed and relocated to Section 5P by By-Law Amendment 5956-07
- (5598-05) (18-H) **PART OF LOT 21, CONCESSION 4**
PLAN OF SUBDIVISION SW-2003-10
Repealed by By-law Amendment 6600-12
- (5599-05) (18-I) **PART OF LOT 26, CONCESSION 4**
PLAN OF SUBDIVISION SW-2003-03
Repealed by By-law Amendment 6600-12
- (5612-05) (18-J) **PART OF LOTS 24 AND 25, CONCESSION 6**
PLAN OF SUBDIVISION SW-2002-03
Repealed by By-law Amendment 6600-12
- (5620-05) (18-K) **PART OF LOT 31, CONCESSION 3**
- (a) **'H-R2B*' – HOLDING RESIDENTIAL ZONE**
Repealed by By-law Amendment 6600-12
 - (b) Notwithstanding the lot coverage provisions of Section 5D (d) and the interior side yard provisions of Section 5D (g) Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands so marked 'R2B*' on Schedule "A-1" annexed to By-law # 5620-05:
 - (i) detached garage having a maximum area of 38 m², provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75 m, and where a garage or carport is not integral or attached to the dwelling unit; and,
 - (ii) single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot;
 - (b) in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 m² shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
-

- (iii) where a detached garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

provided, however, that the exterior wall of the building set at the minimum setback of 0.6 m is setback a minimum of 1.6 m from the dwelling unit on the abutting lot.

**(5621-05) (18-L) PART OF LOT 24, CONCESSION 6
PLAN OF SUBDIVISION SW-2004-03**

- (a) Repealed by By-law Amendment 6071-08

**(5632-05) (18-M) NORTHEAST QUADRANT OF TAUNTON ROAD EAST AND BALDWIN STREET
SOUTH
Repealed and relocated to Section 5P by By-law Amendment 5956-07**

**(5634-05) (18-N) PART OF LOT 25, CONCESSION 4
PLAN OF SUBDIVISION S-W-2003-07; MR-04-04
Repealed by By-law Amendment 6600-12**

(5649-05) (18-O) 95 TAUNTON ROAD EAST

- (i) Notwithstanding the permitted uses found in Section 10B of By-law 1784, as amended, the following use shall be permitted on the land identified as the subject property shown on the attached Schedule A-1' annexed to and forming part of By-law # 5649-05:
 - (i) A private elementary school with a maximum gross floor area of 1117 m² within an existing church.

**(5650-05) (18-P) PART LOTS 31 AND 32, CONCESSION 3
PLAN OF SUBDIVISION SW-2003-02**

- (a) **HOLDING RESIDENTIAL ZONE**
Repealed by By-law Amendment 6206-09
- (b) **R3A*-WS – RESIDENTIAL – WIDE SHALLOW ZONE**
Repealed and relocated to Section 5U by By-law Amendment 5956-07

**(5677-05) (18-Q) PART OF LOTS 31 AND 32, CONCESSION 3
PLAN OF SUBDIVISION, 18T-94013**

- (a) **'H-R2B*', 'H-R2C*' AND 'H-R3D*' – HOLDING RESIDENTIAL ZONES**
Repealed by By-law Amendment 6600-12
- (b) Notwithstanding the lot coverage provisions of Section 5D(ii)(d) and the interior side yard provisions of Section 5D(ii)(g), Residential 'R2B*' Zone of By-law # 1784, the following shall be permitted on the lands identified as 'R2B*' on Schedule "A-1" annexed to By-law # 5677-05:
 - (i) a detached single car garage having a maximum area of 38 square metres, provided the detached garage is located in the rear yard, has access to a public street by a driveway having an unimpeded minimum width of 2.75

metres, and where a garage or carport is not integral or attached to the dwelling unit; and,

- (ii) a single storey covered and unenclosed porch or verandah having no habitable space above it, subject to the following:
 - in the case of an interior lot, an unenclosed porch or verandah up to a maximum floor area of 12 square metres shall be permitted notwithstanding the lot coverage provisions provided it is located in the front yard area of the lot; and,
 - in the case of a corner lot, an unenclosed porch or verandah having up to a maximum floor area of 20 square metres shall be permitted notwithstanding the lot coverage provisions provided it is located in the front and/or exterior side yard area of the lot.
- (iii) where a detached single car garage is provided in the rear yard and no attached garage or carport is provided, the minimum width of the interior side yard shall be as follows:
 - on the interior side yard containing the drive-way to the detached garage 3.1 m
 - on the other side 0.6 m

Provided, however, that the exterior wall of the building set at the minimum setback of 0.6 metres is setback a minimum of 1.6 metres from the dwelling unit on the abutting lot.

(c) **Repealed by By-Law Amendment 6541-11**

(d) **Repealed by By-Law Amendment 6541-11**

(5709-05) (18-R) **PART OF LOTS 24 AND 25, CONCESSION 6
PLAN OF SUBDIVISION S-W-2002-03
Repealed by By-law Amendment 6371-10**

(5716-05) (18-S) **PART OF LOT 20, CONCESSION 1
PLAN OF SUBDIVISIONS, 18T-93023 and 18T-89085**

(a) H-R4B* – Holding Residential Zone

- (i) **Repealed by By-law Amendment 6600-12**
 - (ii) **Repealed by By-law Amendment 6600-12**
 - (iii) **Repealed by By-law Amendment 6600-12**
 - (iv) Notwithstanding Sections 5M of By-law # 1784, as amended, each residential dwelling shall be setback a minimum of 30 m from the limit of any railway right-of-way.
- (b) The provision of Section 5L(ii)(a) of Residential R4A* Zone of By-law # 1784 is hereby replaced with the following on the lands identified with cross hatching on Schedule A-1" annexed to By-law # 5716-05:

LOT FRONTAGE
minimum

37 m

**(5740-06) (18-T) 4900 THICKSON ROAD NORTH
665 CONLIN ROAD**

- (a) Notwithstanding the uses permitted in Section 8(a)(i) M1 Restricted Industrial Zone of By-law # 1784, as amended, the following additional uses shall be permitted on the lands identified as the "Subject Property" and zoned M1 on Schedule A-1 attached to and forming part of By-law # 5740-06.
- contractor's yard
 - processing and outside storage of aggregate, concrete and asphalt products
 - ready mixed concrete batch plant
 - sales, service and office uses accessory to a permitted use above
- (b) Notwithstanding Section 10(b) Greenbelt Zone – zone provisions of By-law # 1784, as amended, no person shall erect or alter or use any building or structure or conduct a use as permitted in paragraph (a) above, unless a minimum set back is provided from a 'G' Greenbelt Zone category of 7.5 m
- (c) Notwithstanding the permitted uses in Section 8A(i)(b) M1A Prestige Industrial of By-law # 1784, as amended, the following uses shall be deleted from the M1A Zone for the "Subject Property", namely:
- bank or financial institution
 - family restaurant
- (d) **'H-M1 AND H-M1A' – HOLDING INDUSTRIAL ZONES**
- (i) No person shall use any lot or erect or alter or use any building or structure in any zone marked 'H-M1 or H-M1A' as shown on Schedule "A-1" annexed to By-law # 5740-06 except in accordance with the following uses:
- bush or berry crop
 - field crop
- (ii) A by-law shall not be enacted to delete the 'H' Holding Symbol until such time as a development application has been submitted accompanied by updated stormwater management plans, hydrogeologic investigation reports and environmental impact studies to the satisfaction of the Town and Conservation Authority.
- (iii) In the event that Council deems it appropriate to delete the 'H' Holding Symbol prefixed to the aforementioned 'H-M1 and H-M1A' Zone designations, the uses and zone provisions of Sections 8 and 8A respectively of By-law # 1784, as amended, shall apply to the lands as designated.

**(5857-06) (18-T) PART OF LOT 20, CONCESSION 6, 40R19680, PART 1
520 WINCHESTER ROAD EAST**

- (a) Notwithstanding the uses permitted in Section 7B (1) GB Zone of By-law # 1784, as amended, the following additional use shall be permitted on the lands identified as the "Subject Property" on Schedule A-1, attached to and forming part of By-law # 5857-06:
- retail store not exceeding 255 m² shall be permitted within the kiosk.

- (b) Notwithstanding the zone provisions in Section 7B (2), the following provisions shall apply:
- | | | |
|------|-------------------------------|-------|
| (i) | FRONT YARD
minimum | 5.0 m |
| (ii) | EXTERIOR SIDE YARD
minimum | 5.0 m |
- (c) The general provisions of Section 4 and 7D of By-law # 1784, as amended, shall continue to apply.

(18-U) 75 BALDWIN STREET
Repealed by By-law Amendment 5956-07

(5862-06) (18-U) 75 BALDWIN STREET

- (i) Notwithstanding the permitted uses found in Section 10(a)(i) of Zoning By-law # 1784, as amended, the following additional use shall be permitted within an existing building constructed on or prior to January, 2000 on the lands as shown on Schedule A-1 annexed to By-law # 5862-06.

- (6776-13)** (ii) office to a maximum of 190 m²

(5820-06) (18-V) PART OF LOT 20, CONCESSION 5
5295 THICKSON ROAD NORTH
Repealed and replaced in Section 19-G by By-law Amendment 6192-09

(5871-06) (18-V-A) PART OF LOTS 23 AND 24, CONCESSION 4
PLAN OF SUBDIVISION SW-2002-01
Repealed by 6875-14

(5825-06) (18-W) PART OF LOT 24, CONCESSION 5
BALDWIN STREET SOUTH
Repealed by By-law Amendment 7907-22

(a) 'H-M1A' – HOLDING PRESTIGE INDUSTRIAL ZONE

- (i) No person shall use any lot or erect or alter or use any building or structure in any zone marked 'H-M1A' as shown on Schedule A-1 annexed to By-law # 5825-06 except in accordance with the following uses:
- bush or berry crop
 - field crop
- (ii) A by-law shall not be enacted to delete the "H" symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby and the Region of Durham that the lands to be affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities or the necessary municipal agreement(s) are in place; and that the final Highway # 407 alignment has been determined by the Ministry of Transportation.
- (iii) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the 'H-M1A' Zone, the uses and zone provisions of Section 8A shall then apply to the lands, including the following additional uses:
- Hotel
 - medical clinic
 - motel
 - personal service establishment

(6776-13)

- place of worship
- veterinary clinic

(5880-07)

(18-W-A)

**PART OF LOT 23, BROKEN FRONT CONCESSION
SOUTHWEST CORNER VICTORIA STREET EAST & HOPKINS STREET**

(5956-07)

No person shall use any lot or erect or alter or use any building or structure in any "H-C2-S-RW-9" and "H-M1" Zone as shown on Schedule A-1 annexed to By-law #5880-07 except in accordance with the following uses, namely;

- bush or berry crop
- orchard

(i) The holding zone symbol "H" prefixed to the aforementioned zone designations shall be removed once the following matters have been satisfactorily fulfilled, namely:

- The construction of an adequate storm sewer system including stormwater management facilities and storm sewer service connections and the posting of securities to the satisfaction of the Director of Public Works of the Town of Whitby.
- Full municipal services are to be provided to the satisfaction of the Commissioner of Public Works for the Region of Durham.
- The requirements of the Central Lake Ontario Conservation.

(5848-06)

(18-X)

**PART OF PART 1, PLAN 40R22504
655 TAUNTON ROAD EAST
Repealed by By-law Amendment 7499-19**

(A) "C1*" – LOCAL COMMERCIAL

(i) Notwithstanding the permitted uses in a C1* Zone under Section 6 of By-law # 1784, the following use only shall be permitted on the lands identified on Schedule A-1 attached to and forming part of this By-law:

- Clinic

(ii) Notwithstanding the zone provisions in a C1* Zone under Section 6 of By-law # 1784, the zone provisions are replaced with the following:

(a)	LOT COVERAGE maximum for all buildings	50%
(b)	FRONT YARD minimum depth	5.5 m
(c)	REAR YARD minimum depth	10 m
(d)	INTERIOR SIDE YARD minimum width	5.5 m
(e)	EXTERIOR SIDE YARD minimum width	10 m
(f)	HEIGHT OF BUILDINGS maximum height	15 m
(g)	LANDSCAPE STRIP	

minimum width

2.75 m

- (B) All of the zone provisions found in Section 4, General Provisions of By-law # 1784, as amended, shall apply to the C1* Zoned lands.

(5913-07)

**(18-X) PARTS 2 AND 3, PLAN 40R-25067
7510 THICKSON ROAD NORTH**

Notwithstanding Schedule "A" Zone Requirements Table for an "A" – Agricultural Zone – Residential (other than farming) use under Zoning By-law # 1784, as amended, the following zone provision shall apply to the lands shown as crosshatched on Schedule "A-1" of By-law # 5913-07

REAR YARD SETBACK FOR AN ACCESSORY BUILDING
minimum

5.0 metres

(5936-07)

**(18-Y) NORTHEAST CORNER OF CONSUMERS DRIVE AND SUNRAY STREET,
5 SUNRAY STREET**
Repealed and relocated to Section 8C by By-law Amendment 5956-07

(6004-07)

**(19-A) EAST SIDE OF BALDWIN STREET SOUTH - PART OF LOT 26, CONCESSION 4
PLAN OF SUBDIVISION SW-2004-06**
Repealed by By-law Amendment 6278-09

(6007-07)

(19-B) 10 WINCHESTER ROAD WEST
Repealed by By-law Amendment 6459-11

(6010-07)

(19-C) PART OF LOT 22, CONCESSION 1 PLAN OF SUBDIVISION MR-01-06 (S-201-89)
Repealed by By-law Amendment 6526-11.

(6024-08)

**(19-D) PART OF LOT 23, CONCESSION 4
PLAN OF SUBDIVISION S-W-2004-02**
Repealed by By-law Amendment 6253-09

(6023-08)

**(19-E) PART OF LOT 23 AND 24, CONCESSION 4
PLAN OF SUBDIVISION S-W-2002-01**
Repealed by By-law Amendment 6762-13

(6043-08)

**(19-F) PART OF LOT 24, CONCESSION 5
PLAN OF SUBDIVISION S-W-2004-05, BLOCK 5**
Repealed and relocated to Section 10B by By-law Amendment 6600-12

(6600-12)

(6192-09)

**(19-G) PART OF LOT 20, CONCESSION 5
5295 THICKSON ROAD NORTH**
Repealed by By-law Amendment 6618-12

(4967-01)

**(19-H) PART OF LOTS 32 AND 33, CONCESSION 7
PLAN OF SUBDIVISION 18T-98003**

No person shall use any lot, or erect or alter or use any building or structure in any 'RE' Zone as shown on Schedule "A-1" annexed to By-law # 4967-01 except in accordance with the following uses and zone provisions:

'RE' – Residential Estate

(i) USES PERMITTED

- accessory structure provided the use of such structure is subordinate and incidental to the permitted residential use and located in the rear yard.

- single detached dwelling house

(ii) **ZONE PROVISIONS**

(a)	LOT FRONTAGE minimum	50 m
(b)	LOT DEPTH minimum	50 m
(c)	LOT AREA minimum	0.5 ha
(d)	LOT COVERAGE maximum for all buildings and structures	10% of lot area
(e)	FRONT YARD minimum depth	15 m
(f)	REAR YARD minimum	15 m
(g)	INTERIOR SIDE YARD minimum	6 m
(h)	EXTERIOR SIDE YARD minimum	15 m
(i)	LANDSCAPED OPEN SPACE minimum	70% of the lot area
(j)	HEIGHT OF BUILDINGS maximum	8.0 m
(k)	PARKING	

In accordance with the provisions of Section 4 of By-law # 1784

Section 4(s) of By-law # 1784 shall not apply to any portion of a lot zoned 'G' as identified on Schedule "A-1" annexed to By-law # 4967-01.

No buildings or structures shall be erected on the "Subject Property" as shown on Schedule "A-1" annexed to By-law # 4967-01 unless it is serviced with a drilled well to the satisfaction of the Durham Region Health Department or the jurisdiction having authority.

(6374-10) (19-I) 300 TAUNTON ROAD WEST

(1) USES PERMITTED

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

- artist and/or photographic studio
- banquet hall
- centre for education and interpretive studies related to cultural activities, arts and/or natural heritage
- conference and/or convention centre
- eating establishment with no drive-thru facilities
- hotel
- Museum

(6943-15)

(6943-15)

- office
- public uses in accordance with the provisions of Section 4(a) of By-law # 1784
- retail store
- tourist establishment
- wellness centre and/or spa

(2) RETAIL STORE FLOOR AREA

The maximum amount of gross floor area devoted to retail store facilities shall be 700 m²

Provided however and notwithstanding the above, the maximum amount of gross floor area devoted to an individual retail store shall be 250 m²

Provided further that any retail store facilities shall only be situated within buildings existing at the date of the passage of this By-law.

(3) ZONE PROVISIONS

No person shall within any TRN-1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT FRONTAGE minimum	40 m
(b)	LOT AREA minimum	1.0 ha
(c)	FRONT YARD minimum depth	7.5 m
(d)	REAR YARD minimum depth	3.0 m
(e)	INTERIOR SIDE YARD minimum width	3.0 m
(f)	EXTERIOR SIDE YARD minimum width	7.5 m
(g)	LOT COVERAGE maximum	40 %
(h)	LANDSCAPED OPEN SPACE minimum	20 %

(6943-15)

(i)	HEIGHT OF BUILDING maximum	15 m

Notwithstanding the maximum height provision cited above, the maximum height of a hotel shall be 20 m

(j) PARKING AREA REQUIREMENTS

Parking area requirements shall be in accordance with subsection 4(n) of By-law # 1784 save and except for the following requirements:

(i)	Assembly Hall, Banquet Hall Conference and/or Convention Centre	1 parking space per 4

		persons of permitted capacity
(ii)	Eating Establishment	1 parking space per 19 m ² of gross floor area
(iii)	Retail Store	1 parking space per 23 m ² of gross floor area on the first storey and 1 parking space per 50 m ² of gross floor area on any floor other than the first storey
(iv)	Wellness Centre and/or Spa	1 parking space per 5.5 m ² of gross floor area
(k)	DEFINITIONS AND GENERAL PROVISIONS	

Unless otherwise provided herein, the Definitions of Section 2 and the General Provisions of Section 4 of By-law # 1784, as amended, shall apply.

**(7884-22) (19-J) 6760 and 6900 Baldwin Street North
Plan of Subdivision SW-2021-02**

1. Defined Area

The lands located at 6760 and 6900 Baldwin Street North and zoned LD, MD, MX, OS and G 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. Definitions

For the purpose of the interpretation of the various uses permitted and various zone provisions set forth within this By-law amendment, the provisions and definitions of Section 14.1(a) of By-law #1784 shall apply. Where there is a conflict between the definitions of Subsection 14.1(a) and Section 2 of By-law #1784, the definitions of Subsection 14.1(a) shall take precedence.

3. General Provisions

3.1 Setbacks to Ministry of Transportation (MTO) Corridors

Notwithstanding any required yard setbacks within this By-law to the contrary, a minimum setback of 0.0m or as required by the MTO, whichever is greater, shall be required along any public street that is subject to MTO corridor control.

4. Residential Zone Provisions

Notwithstanding any provisions of the By-law to the contrary, in any LD or MD Zone, no person shall use any lot or erect, alter or use any building or structure except in accordance with the following uses permitted and zone provisions:

4.1 Uses Permitted

Table 4(A) establishes the uses permitted in the LD Zone and MD Zone. The uses permitted in the LD and MD Zones are identified in Table 4(A) through a checkmark (✓) symbol under the column related to each zone. The uses not permitted in the LD and MD Zones are identified in Table 4(A) through a not permitted (n/p) symbol under the column related to each zone.

Table 4(A) – Uses Permitted

Residential Use	LD Zone	MD Zone
Single-detached dwelling	✓	n/p
Street townhouse dwelling unit with a front access garage	n/p	✓
Stacked townhouse dwelling	n/p	✓
Back-to-back townhouse dwelling	n/p	✓

4.2 Low Density (LD) and Medium Density (MD) Zone Provisions

Table 4(B) and additional provisions establish the zone standards that apply to the LD and MD Zone.

Table 4(B) - Low Density (LD) and Medium Density (MD) Zone Provisions

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Single detached dwelling	240 m ²	8.0 m, except 11.0 m for a corner lot	3.0 m ⁽¹⁾	1.2 m on one side & 0.6 m on the other side	3.0 m ⁽¹⁾	7.0 m	NR	25%	NR	12.0 m
Street townhouse dwelling unit with a front access garage	160 m ²	6.0 m, except 9.0 m for a corner lot	3.0 m ⁽¹⁾	1.2 m ⁽²⁾	3.0 m ⁽¹⁾	7.0 m	NR	20%	2 storeys ⁽⁴⁾	4 storeys
Stacked townhouse dwelling	NR	30.0 m	3.0 m ⁽³⁾⁽⁵⁾	1.8 m ⁽³⁾	3.0 m ⁽³⁾⁽⁵⁾	3.0 m ⁽³⁾	NR	NR	2 storeys ⁽⁴⁾	4 storeys
Back-to-Back townhouse dwelling	75 m ² /unit	5.5 m/unit, except 9.0 m/unit for a corner lot	3.0 m ⁽¹⁾⁽³⁾	1.5 m	3.0 m ⁽¹⁾⁽³⁾	NR	7.5 m ²	NR	2 storeys ⁽⁴⁾	4 storeys

Notes NR = No Requirement

- (1) Except that for the wall of a private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (2) Where no common wall exists.
- (3) Except that for an underground parking area, the minimum setback shall be 0m.
- (4) Except that the minimum building height shall be 3 storeys abutting arterial roads.
- (5) Except where a yard abuts Camber Court, the at grade setback shall be a minimum of 17.0m.

4.3 Additional Provisions

4.3.1 The following provisions apply to stacked townhouse dwellings:

- (a) The minimum separation distance between stacked townhouse dwellings shall be 2.4 metres for an end wall to end wall condition, 13 metres for a rear wall to rear wall condition, 6.0 metres for an end wall to front wall condition, 6.0 metres for an end wall to rear wall condition, and 13 metres for a front wall to front wall condition.
- (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
- (c) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 metres.
- (d) The minimum landscaped open space on the lot shall be 30%.

4.3.2 The following provisions apply to back to back townhouse dwelling units:

- (a) The minimum lot depth for a back to back townhouse dwelling unit shall be 13.5 metres.
- (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
- (c) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 metres
- (d) The minimum distance from an integral garage of a back to back townhouse dwelling unit containing the opening for a vehicle to an internal roadway shall be 5.8 m.

4.4 Yard Encroachments Permitted

Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any LD or MD Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.

4.5 Accessory Structure

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 to house and store equipment and utility devices related to the principal uses on the lot. The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m.

4.6 Zone Provisions That Do Not Apply

The following subsections of Section 4 — General Provisions shall not apply to the lands zoned LD and MD by this By-law:

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

5. Mixed Use Zone Provisions

Notwithstanding any provisions of the By-law to the contrary, in any MX Zone, no person shall use any lot or erect, alter or use any building or structure except in accordance with the following uses permitted and zone provisions:

5.1 Uses Permitted

Table 5(A) establishes the uses permitted in the MX Zone. The uses permitted in MX Zone are identified through a checkmark (✓) symbol under the column related to each zone. Any qualifications applicable to the uses permitted within the MX Zone are described following Table 5(A).

Table 5(A) – Uses Permitted

Residential Use	MX Zone
Apartment building	✓
Street townhouse dwelling	✓
Stacked townhouse dwelling	✓
Non-Residential Use	MX Zone
Animal care establishment	✓
Art gallery	✓
Assembly hall	✓
Catering service establishment	✓
Clinic	✓
Commercial school	✓
Community centre	✓
Day care establishment	✓
Eating establishment	✓
Eating establishment, take-out	✓
Financial institution	✓
Food store	✓
Hotel	✓
Library	✓
Museum	✓
Office	✓
Personal service establishment	✓
Place of entertainment	✓
Place of worship	✓
Private school	✓
Recreational club or facility	✓
Retail shop	✓
Service shop	✓
Studio	✓
Supermarket	✓
Veterinary clinic	✓
Wellness clinic	✓

Qualifications:

Each area zoned MX must have a mix of residential and non-residential uses and the uses may be integrated in the same building.

5.2 Mixed Use (MX) Zone Provisions

Table 5(B) and additional provisions establishes the zone standards that apply to the MX Zone.

Table 5 (B) – Mixed Use (MX) Zone Provisions

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Apartment building/ Retirement home/ Long term care home	NR	NR	0.0 m/Max. 3.0m ⁽¹⁾	0.0 m	0.0 m/Max. 3.0m ⁽¹⁾	3.0 m ⁽¹⁾	5m ² per dwelling unit	NR	4 storeys	12 storeys
Stacked townhouse dwelling	NR	30.0 m	3.0 m ⁽¹⁾	1.8 m ⁽²⁾⁽¹⁾	3.0 m ⁽¹⁾	3.0 m ⁽¹⁾	NR	NR	2 storeys ⁽³⁾	4 storeys
Non-residential building	NR	NR	0.0 m/Max. 3.0m ⁽¹⁾	0.0m ⁽¹⁾	3.0 m ⁽¹⁾	0.0m ⁽¹⁾	NR	NR	4 storeys	12 storeys

Notes NR = No Requirement

1. Except that for an underground parking area, the minimum setback shall be 0.0 metres.
2. Where no common wall exists.
3. Except that the minimum building height shall be 3 storeys abutting arterial roads.

5.3 Additional Provisions

5.3.1 The following provisions apply to an apartment building, long term care home, retirement home and a non- residential building:

- (a) Where buildings are 8 storeys or more in height, a podium shall be provided and the point tower portion of the building shall be set back a minimum of 3 metres from the outer edge of the exterior wall of the podium.
- (b) The minimum landscaped open space on the lot, which may include shared roof top amenity space shall be 25%.
- (c) In no case shall a parking area be permitted between a building and Baldwin Street North or Columbus Road West.
- (d) Parking areas adjacent to a street shall be separated from the street by a landscaped open space area having a minimum width of 2.5 metres excluding any driveways.
- (e) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door shall be 0.3 metres.
- (f) The minimum height of the first storey for all non-residential uses shall be 3.5 metres.
- (g) A minimum gross leasable floor space dedicated to non-residential uses shall be 1,600.0 square metres.

5.3.2 The following provisions apply to stacked townhouse dwellings:

- (a) The minimum separation distance between stacked townhouse dwellings shall be 2.4 metres for an end wall to end wall condition, 13 metres for a rear wall to rear wall condition, 6.0 metres for an end wall to front wall condition, 6.0 metres for an end wall to rear wall condition, and 13 metres for a front wall to front wall condition.
- (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
- (c) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 metres.
- (d) The minimum landscaped open space on the lot shall be 30%.

5.3.3 Yard Encroachments Permitted

Notwithstanding any provisions of this By-law to the contrary, including the provisions of subsection 4(y) Yard Encroachments Permitted, in any MX Zone, the provisions of subsection 14.2.15 of By-law #1784 shall apply.

5.3.4 Accessory Structure

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 to house and store equipment and utility devices related to the principal uses on the lot. The maximum height of an accessory structure measured from grade level to the ridge of any roof structure shall be 4.5 m.

5.3.5 Zone Provisions That Do Not Apply

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

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

5.3.6 Determination of Lot – MX Zone

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 of any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned MX by this By-law shall be considered to be one lot.

6. Greenbelt (G) Zone Provisions

The Greenbelt (G) Zone provisions in Section 10 of By-law #1784, as amended, shall apply to the lands zoned G as shown on Schedule “A-1” attached to and forming part of this By-law, except as described as follows:

- (a) The extent and exact location of the Greenbelt Zone boundary shall be determined by the Central Lake Ontario Conservation Authority, the Town and any other applicable agency. The determination of the boundary shall be based on the most up-to-date detailed mapping provided by the Conservation Authority or as a result of an Environmental Impact Study.
- (b) No development, site alteration or the placing or removal of fill of any kind, whether originating on the site or elsewhere shall be permitted without the approval of the Conservation Authority and any other applicable agency.
- (c) No habitable buildings or structures are permitted without the approval of the Conservation Authority and any other applicable agency.
- (d) A public park shall be permitted subject to the approval of the Conservation Authority and any other applicable agency.

7. Parking and Loading Provisions

The parking and loading provisions in Section 4A of By-law #1784, as amended, shall apply to the Subject Land shown on Schedule “A-1” attached to and forming part of this By-law, except as described as follows:

- (a) The minimum number of parking spaces for a back-to-back townhouse dwelling unit shall be 2 spaces per dwelling unit plus 0.25 spaces per dwelling unit for visitor parking.
 - (b) The minimum number of parking spaces for a stacked townhouse dwelling unit shall be 1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitor parking.
 - (c) Subsection 3.9 of Section 4A of By-law #1784 shall not apply.
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Section 13	Village of Brooklin Central Core Area	
(3760-95)		
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13.1 DEFINITIONS

- 13.1.1 Notwithstanding Section 2 of By-law # 1784, as amended, the following definitions apply to all Village of Brooklin (VB) Zones. Where a word or term is not herein defined, the definitions of Section 2, as amended, shall apply.

(6312-10)
(8141-24)

“ACCESSORY APARTMENT”
Repealed by By-law Amendment 8141-24.

(5993-07)

“ACCESSORY STRUCTURE” means any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such accessory structure is located but does not include a structure used for human habitation, or any occupation for gain or profit. Such accessory structure shall be separate from the main building.

(8141-24)

“ADDITIONAL DWELLING UNIT” means a self-contained dwelling unit either located within a permitted residential dwelling or located within an accessory structure which is secondary to the main residential building on the same lot.

“AMUSEMENT MACHINE” means any machine or device for playing any game of skill and/or chance which is used for entertainment or amusement to the player of the device and without limiting the generality of the foregoing, includes a pinball machine, electronic game, video game, and shooting gallery but shall not include pool tables, billiard tables, and bowling alleys or any machine that would render the premises a common gaming house with the meaning of The Criminal Code of Canada.

“ARTERIAL ROAD” means a street designated as an Arterial Road right-of-way in the Official Plan.

“ARTIST OR PHOTOGRAPHIC STUDIO” means a building or structure, or portion thereof, used for the creation and/or retail sales of photography, paintings, art, needlework, jewellery, sculpture, pottery, glass, weaving, or plastic art.

“BAKESHOP” means a building, or structure, or portion thereof wherein baked goods are manufactured and sold on a retail basis to the general public for consumption off the premises.

“BOARDER” means a person who lives in rented living accommodation which has no individual kitchen facilities or areas for food preparation.

“BOARDING OR LODGING HOUSE” means a building, or structure, or portion thereof, licensed by the Town where the owner or lessee supplies for compensation, with or without meals, lodging to a boarder or boarders as the principal use, and may include an accessory dwelling unit for the owner or caretaker, but shall not include a hotel, motel, a bed and breakfast establishment, or any other residential use unless otherwise defined herein.

“CARETAKERS RESIDENCE” means a dwelling unit occupied by the owner, or a full-time caretaker or watchman employed by those who carry on the principal use on the lot to which the dwelling unit is an accessory use.

“CARWASH” means a building or structure or portion thereof used for the operation of automobile washing equipment which is automatic, semi-automatic or coin operated.

“COLLECTOR ROAD” means a street designated as a Collector Road right-of-way in the Official Plan.

“COMMON WALL” means a wall above the finished grade level of which 50% or more of its length or height is constructed for the purposes of separating two or more dwelling units within a building including a vertical extension thereof.

- (6776-13)** **"CRISIS CENTRE"** means building or portion thereof containing offices wherein counselling or support services are provided to persons who, by reason of their emotional, mental, social, or physical state require such specialized services on an immediate emergency basis. A crisis centre shall not include a clinic or any residential use including a crisis residence.
- (6925-14)** **"CRISIS RESIDENCE"** means a dwelling unit that is licensed and/or approved for funding under Provincial or Federal statute for the temporary accommodation of three or more persons, exclusive of staff, living under supervision in a single housekeeping unit who, by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement on a short term basis for their well-being, and in which counselling or support services are provided. A crisis residence in this By-law shall not include: a group home, a clinic, a boarding or lodging house, a long term care facility, or a retirement home.
- "DAY NURSERY"** means a "day nursery" as defined by the Day Nurseries Act as amended or replaced.
- "DRIVE-THROUGH SERVICE"** means a building or structure, or portion thereof, used for the serving of food or beverages to the public, where the public is situated within a motor vehicle.
- "DRY CLEANER'S DISTRIBUTION STATION"** means building or structure, or portion thereof, used for the collection, storage, and return of articles of clothing and fabrics which are dry cleaned, dyed, cleaned, or pressed elsewhere, and may include as an accessory use, the repair or alteration of clothing and fabrics.
- "DRY CLEANING ESTABLISHMENT"** means a building or structure, or portion thereof, where dry cleaning, dying, cleaning, or pressing of articles of clothing and fabrics is carried on, and in which only non-inflammable solvents are used which emit no odours or fumes, and in which no noise or vibration causes a nuisance or inconvenience within or without the premises.
- "DWELLING, NON-PROFIT"** means an apartment or block townhouse dwelling provided or funded under a Federal or Provincial housing program (as defined by that program).
- "ESTABLISHED FRONT BUILDING LINE"** means the average front yard as measured from the street line to the main wall of existing buildings situated on two lots on the same side of the same street which abut the property at the time of application for a building permit. In the case of a corner lot, or where one or both of the abutting lots are vacant, the next adjacent non-vacant lot shall be used in calculating the Established Front Building Line. In a Residential Zone, that portion of the main wall containing an integral garage or carport may be setback beyond the Established Front Building Line required for the dwelling unit, where a required parking space is provided in a driveway.
- "EXISTING"** means existing at the date of the final passing of By-law # 3760-95.
- "FINISHED GRADE LEVEL"** means the mean elevation of the finished surface of the ground abutting the external wall of the building or structure nearest to a public street, but shall not include any embankment created in lieu of steps.
- "GROUND FLOOR AREA"** means the total horizontal area of the first floor of a building measured from the outside face of the exterior walls, but excluding any part of the building which is used for steps, terraces, cornices, porches, stoops, verandas, ramps for physically disabled persons, or breezeways.
- "HEALTH CLUB"** means a building, or structure, or portion thereof, which is used for the purpose of a gymnasium, exercise room, steam room, sauna, racquet facilities, sunroom, private swimming pool, massage room, or similar uses, but shall not include a public hall or other place of assembly.
- "HOSPITAL"** means a hospital as defined by the Public Hospitals Act or the Mental Hospitals Act, as amended or replaced.
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"LANDSCAPED OPEN SPACE" means the unobstructed space at or above ground level which is open to the sky and comprised of lawn, ornamental shrubs, flowers or trees and may include paths, sidewalks, courts, patios, fences, free standing walls, decks, swimming pools, and unenclosed private amenity space but shall not include any parking area, traffic aisles, driveways, ramps, or enclosed private amenity space.

"LIVING ROOM" means a habitable room used for the common social activities of the occupants of the dwelling unit but shall not include a recreation or family room located in the basement of a dwelling.

"LOCAL ROAD" means all streets other than arterial roads and collector roads.

"LOT COVERAGE" means that percentage of the total lot area covered by the horizontal projection of all buildings and structures at finished grade level, including accessory buildings and structures, and swimming pools where height is more than 1.2 m above finished grade, but shall not include an unenclosed porch, verandah, deck, unenclosed steps, a ramp for physically disabled persons, or a swimming pool below 1.2 m above finished grade intended for the exclusive use of the occupants of a dwelling unit.

"LOT FRONTAGE" means the horizontal distance between the side lot lines. Where such lot lines are not parallel, the lot frontage shall be the distance between the side lot lines measured on a line parallel to the front lot line and 7.5 m distant therefrom.

"LOT LINE, FRONT" means the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed the exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. Notwithstanding the foregoing, a lot line abutting Baldwin Street shall be deemed to be the front lot line.

"OFFICIAL PLAN" means the Official Plan of the Town of Whitby.

"PARK" means an area of land consisting of open space and used primarily for active or passive recreational purposes which may include recreational buildings, structures or facilities, athletic fields, playgrounds, community centres, swimming or wading pools, greenhouses, bandstands, picnic areas, or other similar uses, but shall not include a place of amusement.

"PLACE OF AMUSEMENT" means a building or structure or portion thereof, wherein more than ten percent (10%) of the total floor space provides, for use by the public, coin operated mechanical or electrical pinball machines or video games; but does not include the sale or rental of such merchandise or accessory goods and wares.

"PLANTING STRIP" means a continuous strip of landscaped open space abutting a lot line which may be interrupted by driveways required for vehicular ingress and egress.

"PHOTOCOPY SHOP" means a building or structure, or portion thereof, used for the purpose of reprography, consisting of the reproduction and duplication of documents, hand-written materials, drawings, and micro-filming.

"PRIVATE CLUB" means a building, or structure, or portion thereof, used as a place of assembly for an organization, and shall include a lodge, a service club, a fraternity or sorority, or a labour union.

"PUBLIC PARKING LOT" means a lot, building or structure operated by a public agency, designed and used for the parking of three or more motor vehicles, and shall include the parking spaces, traffic aisles and driveways.

"PUBLIC SERVICE" means any building, structure, roadwork, water supply, sanitary sewer, storm sewer, natural gas, electrical power or energy, pipeline, telephone, television, sidewalk, street light or telecommunications network or other similar services provided by a public agency but shall not include an office building, a works yard, public transit facility or bus garage, postal station, sanitary landfill site, public school, or telecommunication service.

"RESIDENTIAL CHARACTER" means the design and maintenance of buildings so that no evidence is apparent from the exterior that any use not of a residential nature is being conducted therein. This definition shall not be construed to exclude the erection of signs as allowed by By-law # 1878-85 as amended or replaced.

"STOREY" means a portion of a building situated between the surface of the floor and the surface of the floor above it or if there is no floor above it, that portion between the surface of the floor and the ceiling above it. A storey shall not exceed 3.5 m of which 1.5 m shall be located above finished grade level.

"STOREY, FIRST" means the storey with its floor closest to the finished grade level and having its ceiling more than 1.8 m above the finished grade level.

"STOREY, HALF" means that portion of a building located wholly or partly within a sloping roof, having a floor area not less than one-third (1/3) or more than two-thirds (2/3) of the floor area of the storey below it.

"THEATRE" means a building, or structure, or portion thereof, used for the presentation of musical, theatrical, or film performances, and shall include accessory uses such as lounges, dressing rooms, workshops, and storage areas, but shall not include a drive-in theatre.

"VILLAGE OF BROOKLIN ZONE" means any one or more of the zones classified in this By-law with a classification which concludes with the suffix "-VB".

13.2 GENERAL PROVISIONS

The provisions of By-law # 1784, as amended, shall not apply to lands shown on Schedule "A-1" annexed to By-law # 3760-95 except as otherwise provided in Sections 13.1 and 13.2.

13.2.1 APPLICATION

- 13.2.1.1 The provisions of Section 13 shall apply to all lands within the Town of Whitby which are subject to a Village of Brooklin (VB) Zone.
- 13.2.1.2 Except as otherwise provided for in Section 13.2.1.3, the provisions of Section 4, as amended, shall apply to all lands subject to a Village of Brooklin (VB) Zone, where such provisions are consistent with the provisions contained herein.
- 13.2.1.3 Sections 4(d), 4(g), 4(h), 4(l), 4(n), 4(o), and 4(u), of By-law 1784 as amended, shall not apply to any lands subject to a Village of Brooklin (VB) Zone.
- 13.2.1.4 Where there is any uncertainty with respect to the location of the boundary of a Zone, then the location of such boundary shall be determined in accordance with the scale of Schedule "A-1" at the original scale of 1:2500.

13.2.2 NON-COMPLYING USES

- 13.2.2.1 Nothing in this By-law shall prevent the extension, enlargement, repair, strengthening or replacement of a building or structure which is lawfully non-compliant provided that:
 - 13.2.2.1.1 the use or uses are permitted by this By-law, and
 - 13.2.2.1.2 the extent to which the building or structure does not meet the requirements of this By-law is not increased.

13.2.3 NON-COMPLYING LOTS

- 13.2.3.1 Where a lot has a lesser lot area and/or frontage as required herein and was legally existing and held in distinct and separate ownership from abutting lots prior to the passing of this By-law, such lot may be used and a building or structure may be erected or used therein in accordance with all other provision of this By-law.

13.2.4 NON-CONFORMING USES

- 13.2.4.1 Nothing in this By-law shall prevent:
 - 13.2.4.1.1 the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purposes on the day of passing of this By-law and provided that it continues to be used for that purpose;
 - 13.2.4.1.2 the erection or use for a purpose prohibited by this By-law of a building or structure for which a permit has been issued by the Chief Building Official, prior to the day of passing of this By-law, pursuant to the Building Code Act, so long as the building or structure when erected is used and continues to be used for the purpose for which it was built and provided the permit has not been revoked pursuant to the Building Code Act; or
 - 13.2.4.1.3 the repair, replacement or strengthening to a safe condition, of any building or structure or part thereof which is used for a non-conforming use, provided such repair or strengthening does not increase the height, size, floor area or use of such building or structure beyond the original foundation wall of the building or structure.

13.2.5 HOLDING (H) ZONE SYMBOL

- 13.2.5.1 Where the Zone symbol is preceded by the letter "H", the lands shall not be developed for the uses permitted in that Zone until a By-law has been adopted by Council to remove the "H". For the purposes of Section 13.2.5, development shall not include repair and renovation to existing buildings or structures or construction of a porch or garage or other accessory structures.
- 13.2.5.2 Prior to removal of the "H", the following uses shall be permitted:
- 13.2.5.2.1 Uses existing at the date of final passing of By-law # 3760-95.
- 13.2.5.2.2 Public services
- 13.2.5.2.3 Any use permitted by By-law which may require development or redevelopment of the site but which by its nature of development or redevelopment would not increase the level of storm water run-off leaving the site beyond the level existing at the date of passing of this By-law.
- 13.2.5.3 A By-law shall not be enacted to remove the "H" until such time as it has been demonstrated, to the satisfaction of the Ministry of Transportation and the Town of Whitby, that storm water servicing facilities and/or capacities are available to service the proposed development.

(6925-14)**13.2.6 PARKING REGULATIONS
Repealed by By-law 6925-14****(6925-14)****13.2.7 LOADING SPACE REGULATIONS
Repealed by By-law 6925-14****13.2.8 PUBLIC SERVICE**

Notwithstanding Section 4(a) of By-law 1784, as amended, the following provisions shall apply to public services within a Village of Brooklin (VB) Zone:

- 13.2.8.1 Public services as defined herein shall be permitted in all VB Zones.
- 13.2.8.2 Any main or accessory building or structure shall comply with the provisions of the Zone in which it is located.
- 13.2.8.3 Any above ground public service excluding electric power or telephone lines, streetlights, sidewalks or roadworks, carried on in a Residential Village of Brooklin Zone, shall be enclosed in a building or structure which is designed and maintained in keeping with the residential character, as herein defined, of the Zone.
- 13.2.8.4 No open storage of goods, materials and equipment shall be permitted except in accordance with the provisions of the applicable Zone.

13.2.9 HEIGHT EXCEPTIONS

Notwithstanding any other provisions of this By-law, as amended, the following provisions shall apply within a Village of Brooklin (VB) Zone:

- 13.2.9.1 Height restrictions shall not apply to hydro, radio, television or microwave towers and antennae and similar features.
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13.2.9.2 A church spire, belfry, flagpole, chimney, water tank, stair tower, clock tower, elevator shaft, skylight, or mechanical penthouse (or other heating, cooling or ventilating equipment, fence, wall, or structure enclosing such elements) shall not be permitted to exceed the maximum permitted building height in the applicable zone by more than 5.0 m.

13.2.9.2.1 The aggregate horizontal area of the elements in Section 13.2.9.2 shall not exceed 30% of the area of the roof.

13.2.9.2.2 The aggregate horizontal frontage of the elements in Section 13.2.9.2 shall not exceed 30% of the width of the wall of the main building facing any street line.

13.2.9.2.3 The elements in Section 13.2.9.2 which are not considered ornamental such as a water tank, stair tower, elevator shaft or mechanical penthouse shall be setback 4.0 m from any building wall facing a front or exterior side yard.

(6776-13) 13.2.10 HOME OCCUPATION
Repealed by By-law 6776-13

(6925-14) 13.2.11 STORAGE OR PARKING OF MOTOR HOMES, TRAVEL TRAILERS, SNOWMOBILES, BOATS, TRAILERS, AND OTHER PERSONAL USE RECREATIONAL VEHICLES
Repealed by By-law 6925-14

13.2.12 SIGHT TRIANGLES

13.2.12.1 A sight triangle, measured as 4.5 m along the street line from the point of intersection of the street lines, shall be provided on a corner lot.

13.2.12.2 Buildings, structures, walls, fences, trees or hedges which are at a height greater than 0.9 m above the grade of the centreline of the street or streets that abut the lot shall be prohibited within a required sight triangle.

13.2.12.3 Sight triangles shall not be required within a C1-VB Zone.

13.2.13 LANDSCAPED OPEN SPACE

13.2.13.1 Within an R1-VB and R2-VB Zone, the required landscaped open space shall only be provided at ground level.

13.2.14 ENCROACHMENTS

13.2.14.1 Notwithstanding any other provision of this By-law to the contrary, drop awning may project into a public road allowance a maximum distance of 0.5 m.

(6312-10) 13.2.15 ACCESSORY APARTMENT
(8141-24) Repealed by By-law Amendment 8141-24

(8141-24) 13.2.15 Additional Dwelling Units

(a) Additional Dwelling Unit Configurations:

(i) A maximum of two additional dwelling units shall be permitted within a permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within an accessory structure, or,

(ii) A maximum of three additional dwelling units shall be permitted within a permitted principal dwelling where there is no additional dwelling unit located within an accessory structure, and,

(iii) No more than one additional dwelling unit shall be permitted within an accessory structure.

- (b) Notwithstanding (a) above, an additional dwelling unit shall be permitted on a lot containing a permitted residential dwelling in any Agriculture Zone provided that the lot is serviced by municipal water and sanitary services, and is located within the Town of Whitby Official Plan Urban Area Boundary, with the exception that:
 - (i) For lands situated outside of the Town of Whitby Official Plan Urban Area Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
 - (ii) No more than one additional dwelling unit shall be permitted within an accessory structure.
 - (c) Any dwelling or lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.
 - (d) Notwithstanding anything in this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan, a maximum of one additional dwelling unit is permitted either within a legally permitted principal dwelling or within an accessory building per lot.
 - (e) Notwithstanding anything in this By-law to the contrary, for a lot located within the Protected Countryside of the Greenbelt Plan, a maximum of one additional dwelling unit shall be permitted either within a legally permitted principal dwelling or an accessory structure that existed on or where building permits were issued prior to July 1, 2017.
 - (f) New additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any land designated Environmental Protection, Natural Heritage System or Hazard Land as per the Town of Whitby Official Plan.
 - (g) Additional dwelling units are not permitted in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
 - (h) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a public or private street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
 - (i) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
 - (j) Where an additional dwelling unit is present within an accessory structure, the additional dwelling unit structure shall be excluded from the maximum lot coverage or floor space index requirements.
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- (k) Where an additional dwelling unit is located within an accessory structure the following provisions shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres in all Residential zones, and 5.5 metres in all other zones
Maximum Gross Floor Area:	75 sq. m.

Notwithstanding any other provision of this By-law to the contrary, all other performance standards related to an accessory structure shall continue to apply.

- (l) Parking:

- (i) Where an additional dwelling unit parking space is situated on a driveway, a reduced parking space width of 2.5 m and length of 5.0m shall be permitted for the additional dwelling unit.
- (ii) A parking space that is provided and maintained for the sole use of the occupant of an additional dwelling unit or principal dwelling unit may be a tandem parking space.
- (iii) No minimum parking space requirements are required for any additional dwelling unit situated on a lot within a Protected Major Transit Station Area as outlined/delineated within the Town of Whitby Official Plan.

- (m) Driveway Width:

Notwithstanding any other provision of this By-law to the contrary, a single vehicle wide driveway with direct access to a garage or carport, may be widened to a maximum width of 5.5m to accommodate additional parking spaces associated with an additional dwelling unit(s).

- (n) Notwithstanding any other provision of this By-law to the contrary, an additional dwelling unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

13.3 RESIDENTIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE (R1-VB)

13.3.1 PERMITTED USES

No person shall within any R1-VB Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following uses:

13.3.1.1 Single-detached dwelling

13.3.1.2 Group home

(6776-13) 13.3.1.3 **Repealed by By-law 6776-13**

13.3.1.4 Accessory uses, buildings and structures

13.3.1.5 Public service

13.3.1.6 Public park

13.3.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 5, as amended, any use, building, or structure in an R1-VB Zone shall be established in accordance with the following provisions:

13.3.2.1 SINGLE-DETACHED DWELLING

13.3.2.1.1	LOT AREA (minimum)	525 m ²
13.3.2.1.2	LOT FRONTAGE (minimum)	15 m
13.3.2.1.3	LOT DEPTH (minimum)	35 m
13.3.2.1.4	LOT COVERAGE (maximum)	30%
13.3.2.1.5	FRONT YARD (minimum)	established front building line
13.3.2.1.6	REAR YARD (minimum)	7.5 m
13.3.2.1.7	SIDE YARD (minimum)	
13.3.2.1.7.1	INTERIOR	
13.3.2.1.7.1.1	With an integral garage or carport	1.2 m on each side
13.3.2.1.7.1.2	Without an integral garage or carport	3.1 m on one side, and 1.2 m on the other side
13.3.2.1.7.1.3	Notwithstanding Sections 13.3.2.1.7.1.1 and 13.3.2.1.7.1.2, where an attached or detached garage is located to the rear of the main dwelling unit 3.1 m on the side containing the driveway and 1.2m on the other side	
13.3.2.1.7.2	EXTERIOR	3.0 m
13.3.2.1.7.3	BUILDING HEIGHT (maximum)	8.5 m or existing building height, which-ever is the greater

13.3.2.1.8 FLOOR SPACE INDEX (maximum) 0.45

13.3.2.1.9 PARKING (minimum)

In accordance with Section 13.2.6

13.3.2.1.10 LANDSCAPED OPEN SPACE (minimum) 30%

13.3.2.2 GROUP HOME

13.3.2.2.1 In accordance with Section 4(z) of By-law 1784.

(6776-13) 13.3.2.3 HOME OCCUPATION Repealed by By-law 6776-13

13.3.2.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

13.3.2.4.1 In accordance with Section 4(y)(a) of By-law 1784, as amended.

13.3.2.5 PUBLIC SERVICE

13.3.2.5.1 In accordance with Section 13.2.8.

13.3.2.6 PUBLIC PARK

13.3.2.6.1 In accordance with Section 13.8.2.

13.3.3 EXCEPTIONS

The following Zones apply to specific lands within an R1-VB Zone.

13.3.3.1 RESIDENTIAL TYPE 1 - VILLAGE OF BROOKLIN ZONE: EXCEPTION 1

Notwithstanding any provisions of this By-law to the contrary, any lot within an R1-VB-1 Zone may only be used for following uses:

13.3.3.1.1 Buildings and structures existing at the date of passing of this By-law.

13.3.3.1.2 All other uses permitted in the R1-VB Zone provided that such uses are not located within the regulatory floodline or within the 3:1 slope of any river valley, and are not located below the top of bank as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby. All other provisions of this By-law shall apply.

13.3.3.2 RESIDENTIAL TYPE 1 - VILLAGE OF BROOKLIN ZONE: EXCEPTION 2

Notwithstanding any provisions of this By-law to the contrary, any lot within an R1-VB-2 Zone may be used for all of the uses in the R1-VB Zone, plus the following:

13.3.3.2.1 Clinic

All other provisions of this By-law shall apply.

(3862-96) 13.3.3.3 RESIDENTIAL TYPE 1 - VILLAGE OF BROOKLIN: EXCEPTION 3

Notwithstanding Section 13.3.3.1.2 above, any lot within an "R1-VB-3" Zone may be used for one single detached dwelling and accessory building.

No person shall construct a new habitable structure within the "R1-VB-3" Zone such that any opening of any kind is located below the elevation of 158.7 m Canadian Geodetic Datum.

For the purposes of determining the rear and side yard provisions of this By-law in an "R1-VB-3" Zone, the yards shall be measured from the existing lot lines.

All other provisions of this By-law shall apply.

(5549-04) 13.3.3.4 RESIDENTIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 4

Notwithstanding any provisions of this By-law to the contrary, any lot within an R1-VB-4 Zone may be used for all of the uses in the R1-VB Zone, plus the following:

13.3.3.4.1 A residential building containing two (2) dwelling units.

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R1-VB-4 Zone shall be established in accordance with the following provisions:

13.3.3.4.2 PARKING (minimum)

Residential building containing two (2) dwelling units	2.0 spaces per unit

All other provisions of this By-law shall apply.

13.4 RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN ZONE (R2-VB)**13.4.1 PERMITTED USES**

No person shall within any R2-VB Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following uses:

13.4.1.1 Single-detached dwelling

13.4.1.2 Semi-detached dwelling

13.4.1.3 Duplex dwelling

13.4.1.4 Group home

(6776-13) 13.4.1.5 Repealed by By-law 6776-13

13.4.1.6 Accessory uses, buildings and structures

13.4.1.7 Public service

13.4.1.8 Public park

13.4.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 5, as amended, any use, building, or structure in an R2-VB Zone shall be established in accordance with the following provisions:

13.4.2.1 SINGLE-DETACHED, SEMI-DETACHED AND DUPLEX DWELLING

13.4.2.1.1 LOT AREA (minimum)

13.4.2.1.1.1	Single-detached	420 m ²

13.4.2.1.1.2	Semi-detached	365 m ²

13.4.2.1.1.3	Duplex	525 m ²

13.4.2.1.2 LOT FRONTAGE (minimum)

13.4.2.1.2.1	Single-detached	12 m

13.4.2.1.2.2	Semi-detached	10.5 m

13.4.2.1.2.3	Duplex	15 m

13.4.2.1.3	LOT DEPTH (minimum)	35 m

13.4.2.1.4	LOT COVERAGE (maximum)	35%

13.4.2.1.5	FRONT YARD (minimum)	Established Front Building Line

13.4.2.1.6	REAR YARD (minimum)	7.5 m

13.4.2.1.7 SIDE YARD (minimum)

13.4.2.1.7.1	Interior

13.4.2.1.7.1.1	Single-detached

13.4.2.1.7.1.1.1	With an integral garage or carport	1.2 m on each side

	13.4.2.1.7.1.1.2	Without an integral garage or carport	3.1 m on one side, and 1.2 m on the other side
	13.4.2.1.7.1.1.3	Notwithstanding Sections 13.4.2.1. 7.1.-1.1 and 13.4.2.1.7.1.1.2, where an attached or detached garage is located to the rear of the main dwelling unit containing m on	3.1 m on the side the driveway and 1.2 the other side
	13.4.2.1.7.1.2	Semi-detached	
	13.4.2.1.7.1.2.1	With an integral garage or carport	1.2 m on the side not attached to the adjoining dwelling unit
	13.4.2.1.7.1.2.2	Without an integral garage or carport	3.1 m on the side not attached to the adjoining dwelling unit
	13.4.2.1.7.1.2.3	Notwithstanding Sections 13.4.2.1. 7.1.-2.1 and 13.4.2.1.7.1.2.2, where an attached or detached garage is located to the rear of the main dwelling unit driveway	3.1 m on the side containing the
	13.4.2.1.7.1.3	Duplex	3.0 m
	13.4.2.1.7.2	EXTERIOR	3.0 m
	13.4.2.1.7.3	BUILDING HEIGHT (maximum)	8.5 m or existing building height, whichever is the greater
	13.4.2.1.8	FLOOR SPACE INDEX (maximum)	
	13.4.2.1.8.1	Single-detached and duplex	0.40
	13.4.2.1.8.2	Semi-detached	0.50
(6925-14)	13.4.2.1.9	PARKING (minimum) Repealed by By-law 6925-14	
	13.4.2.1.10	LANDSCAPED OPEN SPACE Minimum	30%
	13.4.2.2	GROUP HOME	
	13.4.2.2.1	In accordance with Section 4(z) of By-law 1784.	
(6776-13)	13.4.2.3	HOME OCCUPATION Repealed by By-law 6776-13	
	13.4.2.4	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	13.4.2.4.1	In accordance with Section 4(y)(a) of By-law 1784, as amended.	

13.4.2.5 PUBLIC SERVICE

13.4.2.5.1 In accordance with Section 13.2.8.

13.4.2.6 PUBLIC PARK

13.4.2.6.1 In accordance with Section 13.8.2.

13.4.3 EXCEPTIONS

The following Zones apply to specific lands within an R2-VB Zone.

13.4.3.1 RESIDENTIAL TYPE 2 - VILLAGE OF BROOKLIN ZONE: EXCEPTION 1

Notwithstanding any provisions of this By-law to the contrary, any lot within an R2-VB-1 Zone may only be used for following uses:

13.4.3.1.1 Buildings and structures existing at the date of passing of this By-law.

13.4.3.1.2 All other uses permitted in the R2-VB Zone provided that such uses are not located within the regulatory floodline, or within the 3:1 slope of any river valley, and are not located below the top of bank as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.

All other provisions of this By-law shall apply.

13.4.3.2 RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 2

Notwithstanding any provisions of this By-law to the contrary, any lot within an R2-VB-2 Zone may be used for all of the uses in the R2-VB-1 Zone, plus the following use:

13.4.3.2.1 Crisis residence for a maximum of 30 persons.

Notwithstanding any other provision of this By-law to the contrary, any use, building or structure within an R2-VB-2 Zone shall be established in accordance with the following provisions:

13.4.3.2.2	LOT AREA (minimum)	550 m ²
13.4.3.2.3	LOT FRONTAGE (minimum)	15 m
13.4.3.2.4	LOT DEPTH (minimum)	35 m
13.4.3.2.5	LOT COVERAGE (maximum)	40%
13.4.3.2.6	FRONT YARD (minimum)	Established front building Line, or 6 m, whichever is the lesser
13.4.3.2.7	REAR YARD (minimum)	7.5 m
13.4.3.2.8	SIDE YARD (minimum)	
13.4.3.2.8.1	Interior	3.0 m
13.4.3.2.8.2	Exterior	4.5 m
13.4.3.2.9	BUILDING HEIGHT (maximum)	8.5 m
13.4.3.2.10	FLOOR SPACE INDEX (maximum)	0.40

	13.4.3.2.11	PARKING (minimum) In accordance with Section 13.2.6	
	13.4.3.2.12	LANDSCAPED OPEN SPACE (minimum) All other provisions of this By-law shall apply.	30%
(5479-04)	13.4.3.3	RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN – EXCEPTION 3 Notwithstanding any provision of this By-law to the contrary, any lot within an 'R2-VB-3' Zone may be used for all of the uses permitted in the 'R2-VB' Zone, and/or the following additional use:	
(6776-13)	13.4.3.3.1	office	
(5822-06)	13.4.3.4	HOLDING RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN – EXCEPTION 4 ZONE 4 CASSELS ROAD WEST Notwithstanding any provision of this By-law to the contrary, any lot within an "H-R2-VB-4" Zone may be used for all of the permitted uses in the "R2-VB" and "R2-VB-3" Zones and for the following additional uses:	
(6776-13)		• artist, photographic studio or design studio • bakeshop • clinic • confectionery shop • eating establishment, provided such use does not include a drive-thru • office • retail store provided such store does not include a convenience or variety retail store	
(5862-06)	13.4.3.4	RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN – EXCEPTION 4 75 BALDWIN STREET Notwithstanding any provision of this By-law, to the contrary, any lot with an R2-VB-4 Zone may be used for the following additional use:	
	13.4.3.4.1	An existing building constructed on, or prior to, January 2000.	
	13.4.3.4.2	All other uses permitted in the R2-VB Zone provided that such uses are not located within the regulatory floodline, or within the 3:1 slope of any river valley and are not located below the top of bank as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.	
(6776-13)	13.4.3.4.3	Office to a maximum of 190 m ² All other provisions of this By-law shall apply.	
(6066-08)	13.4.3.5	RESIDENTIAL TYPE 2 – VILLAGE OF BROOKLIN – EXCEPTION 5 35 WINCHESTER ROAD EAST Notwithstanding any provisions of this By-law to the contrary, the building existing at the date of passing of this By-law situated within an R2-VB-5 Zone shall only be used for the following uses:	
(6776-13)	13.4.3.5.1	All permitted uses in the R2-VB Zone	
	13.4.3.5.2	Office	
	13.4.3.5.3	Spa and salon	

13.5 MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN ZONE (MUR-VB)

13.5.1 PERMITTED USES

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

	13.5.1.1	Bed and breakfast establishment in an existing dwelling
	13.5.1.2	Converted dwelling
	13.5.1.3	Boarding or lodging house in an existing dwelling
(6776-13)	13.5.1.4	Existing single detached dwelling converted to permit one of the following uses: offices, artist or photographic studios, school for the purposes of art, music or dance instruction
	13.5.1.5	Retirement home in an existing dwelling
	13.5.1.6	Crisis residence in an existing dwelling
	13.5.1.7	Group home in an existing dwelling
(6776-13)	13.5.1.8	Repealed by By-law 6776-13
	13.5.1.9	Accessory uses, building and structures
	13.5.1.10	Public service
	13.5.1.11	Public park

13.5.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 5, as amended, any use, building, or structure in an MUR-VB Zone shall be established in accordance with the following provisions:

(6776-13)	13.5.2.1	Bed and breakfast establishment, Converted dwelling, Boarding or lodging house, and Retirement home, Crisis residence, Existing single detached converted to offices or artistic or photographic studios	
	13.5.2.1.1	LOT AREA (minimum)	525 m ²
	13.5.2.1.2	LOT FRONTAGE (minimum)	15 m
	13.5.2.1.3	LOT DEPTH (minimum)	35 m
	13.5.2.1.4	LOT COVERAGE (maximum)	35%
	13.5.2.1.5	FRONT YARD	
	13.5.2.1.5.1	Minimum	
	13.5.2.1.5.1.1	Where a lot fronts on Baldwin Street	Established Front Building Line or 4.5 m, whichever is the greater
(5479-04)	13.5.2.1.5.1.2	Where a lot fronts on Cassels Road	Established Front Building Line or 4.5 m, whichever is greater

	13.5.2.1.5.1.3	Where a lot fronts on Winchester Road	Established Front Building Line or 4.5 m, whichever is greater
	13.5.2.1.5.1.4	For all other locations	6.0 m
	13.5.2.1.5.2	Maximum	
	13.5.2.1.5.2.1	Where a lot fronts on Baldwin Street	Established Front Building Line or 7.5 m, whichever is greater
(5479-04)	13.5.2.1.5.2.2	Where a lot fronts on Cassels Road	Established Front Building Line or 7.5 m, whichever is greater
	13.5.2.1.5.2.3	Where a lot fronts on Winchester Road	Established Front Building Line or 7.5 m, whichever is greater
	13.5.2.1.5.2.4	For all other locations	0.0 m
	13.5.2.1.6	REAR YARD Minimum	7.5 m
	13.5.2.1.7	SIDE YARD (minimum)	
	13.5.2.1.7.1	Interior	
	13.5.2.1.7.1.1	With an integral garage or carport	1.2 m
	13.5.2.1.7.1.2	Without an integral garage or carport	1.2 m on one side, and 3.1 m on the other side
	13.5.2.1.7.2	Exterior	4.5 m
	13.5.2.1.8	BUILDING HEIGHT	
	13.5.2.1.8.1	Minimum	7.0 m
	13.5.2.1.8.2	Maximum	8.5 m
	13.5.2.1.9	FLOOR SPACE INDEX (maximum)	0.50
(5479-04)	13.5.2.1.9.1	Notwithstanding any provision of this By-law to the contrary the maximum floor space index (FSI) for lands zoned MUR-VB-5 shall be 1.50 of the floor space that existed of the time of passing of this By-law.	
(6925-14)	13.5.2.1.10	PARKING (minimum) Repealed by By-law 6925-14	
	13.5.2.1.11	LANDSCAPED OPEN SPACE (minimum)	30%
	13.5.2.1.12	GROSS FLOOR AREA (minimum)	
	13.5.2.1.12.1	Boarding or lodging house, and retirement home	15 m ² / bed
	13.5.2.2	Bed and breakfast establishment	
	13.5.2.2.1	A bed and breakfast establishment shall be conducted entirely within a dwelling unit.	

- 13.5.2.2.2 The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence, as defined by the Income Tax Act, of the occupant of said dwelling unit.
- 13.5.2.2.3 The occupant of the dwelling unit may employ or be assisted by no more than one person in the operation of the bed and breakfast establishment.
- 13.5.2.2.4 A bed and breakfast establishment shall be secondary to the use of the dwelling unit as a principal residence.
- 13.5.2.2.5 Guest bedrooms shall not occupy more than 25 % of the gross floor area of the dwelling unit.
- 13.5.2.2.6 There shall be no exterior alteration to the dwelling unit to permit the bed and breakfast establishment.
- 13.5.2.2.7 A bed and breakfast establishment shall not create or become a nuisance.
- 13.5.2.2.8 No goods, wares or merchandise shall be offered or exposed for sale on the premises, but this shall not prohibit the serving of meals to guest.
- 13.5.2.2.9 **Repealed by By-law 6925-14**

13.5.2.3 Group Home

- 13.5.2.3.1 In accordance with Section 4(z) of By-law 1784.

(6776-13)

13.5.2.4 Home Occupation Repealed by By-law 6776-13

13.5.2.5 Accessory Uses, Buildings and Structures

- 13.5.2.5.1 In accordance with Section 4(y)(a) of By-law 1784, as amended.

13.5.2.6 Public Service

- 13.5.2.6.1 In accordance with Section 13.2.8.

13.5.2.7 Public Park

- 13.5.2.7.1 In accordance with Section 13.8.2.

13.5.3 EXCEPTIONS

The following Zones apply to specific lands within an MUR-VB Zone:

13.5.3.1 MIXED USE RESIDENTIAL - VILLAGE OF BROOKLIN: EXCEPTION 1 19 CASSELS ROAD EAST AND 23 PRINCESS STREET

Notwithstanding any provision of this By-law to the contrary, any lot with an MUR-VB-1 Zone may be used for all of the uses in the MUR-VB Zone, plus the following use:

- 13.5.3.1.1 An existing place of worship

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an MUR-VB-1 Zone shall be established in accordance with the following provisions:

13.5.3.1.2 Maximum Building Height for the existing place of worship is the existing height.

All other provisions of this By-law shall apply.

(5934-07) 13.5.3.2 **Repealed by By-law 5934-07**

(5121-02) 13.5.3.3 **MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN – EXCEPTION 3
20 BALDWIN STREET**

Notwithstanding any provision of this By-law to the contrary, any lot with an MUR-VB-3 Zone may be used for all of the uses in the MUR-VB Zone, plus the following uses:

13.5.3.3.1 one residential apartment unit; and,

13.5.3.3.2 one 27.87 m² retail store.

(5479-04) 13.5.3.3.3 Notwithstanding any provision of this By-law to the contrary, any lot within an 'MUR-VB-3' Zone may be used for all of the uses permitted in the 'MUR-VB' Zone, and the following additional uses within an existing building:

13.5.3.3.3.1 Bakeshop or confectionary shop

(6776-13) 13.5.3.3.3.2 Personal service establishment

13.5.3.3.3.3 Photocopy shop

13.5.3.3.3.4 Retail store (such as and similar in kind to confectionary shop, clothing and/or apparel shop, gift shop, antique shop)

(5273-03)
(7452-18) 13.5.3.4 **MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN – EXCEPTION 4
1, 3, 5 CASSELS ROAD WEST
Repealed by By-law 7452-18**

13.5.3.5 **MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN – EXCEPTION 5 ZONE (MUR-VB-5)**

(5479-04) Notwithstanding any provision of this By-law to the contrary, any lot within an 'MUR-VB-5' Zone may be used for all of the uses permitted in the 'MUR-VB' Zone, and the following additional uses within an existing building:

13.5.3.5.1 Bakeshop or confectionary shop

(6776-13) 13.5.3.5.2 Personal service establishment

13.5.3.5.3 Photocopy shop

13.5.3.5.4 Retail store (such as and similar in kind to confectionary shop, clothing and apparel shop, gift shop, antique shop)

(6373-10) 13.5.3.6 **MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN – EXCEPTION 6 ZONE (MUR-VB-6)
22 BALDWIN STREET**

1. **USES PERMITTED**

No person shall within any MUR-VB-6 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted by the MUR-VB-5 Zone
- eating establishment on the ground floor of the building existing at the date of the passing of this By-law.
- one dwelling unit situated on the second floor of the building existing at the date of the passing of this By-law.

2. ZONE PROVISIONS

Notwithstanding any provisions of this By-law to the contrary, in any MUR-VB-6 Zone, the following provisions shall apply:

- EATING ESTABLISHMENT FLOOR AREA
maximum 100 m²
- DRIVEWAY WIDTH
minimum 3.0 m
- NUMBER OF PARKING SPACES REQUIRED
Minimum 7.0 spaces
- NUMBER OF PARKING SPACES TO BE PROVIDED ON SITE
minimum 4.0 spaces
- CASH-IN-LIEU OF PARKING SPACES
Cash-in-lieu of parking shall be provided for the number of parking spaces not provided on site to a maximum of cash-in-lieu payment equivalent for up to three spaces.

**(6726-13) 13.5.3.7 MIXED USE RESIDENTIAL – VILLAGE OF BROOKLIN – EXCEPTION 7 ZONE (MUR-VB-7)
12 BALDWIN STREET**

1. USES PERMITTED

No person shall within any MUR-VB-7 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted by the MUR-VB Zone
- office
- one dwelling unit situated above the first floor
- personal service establishment
- retail store

2. ZONE PROVISIONS

No person shall within any MUR-VB-7 Zone, use any lot or erect, alter or use any building or structure except in accordance with the provisions of subsection 13.5.2.

Notwithstanding any provisions of this By-law to the contrary, in any MUR-VB-7 Zone, the following provisions shall apply:

- (a) FRONT YARD
Minimum Depth 5.0 m
- Provided however that the minimum front yard depth for any access porch and related stairs to the main building shall be 2.0 m

**(7409-18) 13.5.3.8 Mixed Use Residential – Village of Brooklin – Exception 8 Zone (MUR-VB-8)
24 Princess Street**

1. Defined Area

The lands located south of Cassels Road and west of Princess Street and zoned MUR-VB-8 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 MUR-VB-8 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted in the MUR-VB-5 Zone
- one single detached dwelling situated only within the building existing at the date of the passing of this By-law

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any MUR-VB-8 Zone, the following provisions shall apply:

(a) Accessory Uses and Yard Encroachments

Any accessory uses and yard encroachments shall comply with the provisions of subsection 4(y) Accessory Uses and Yard Encroachments Permitted.

(7409-18) 13.5.3.9 Mixed Use Residential – Village of Brooklin – Exception 9 Zone (MUR-VB-9)

1. Defined Area

The land located south of Cassels Road and west of Princess Street and zoned MUR-VB-9 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 MUR-VB-9 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- apartment dwelling unit situated above the first flooring a building with one or more non-residential uses
- office
- personal service establishment
- retail store
- studio

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any MUR-VB-9 Zone, the following provisions shall apply:

(a)	Rear Yard Minimum	1.5m
(b)	Side Yard Minimum – Interior Minimum – Exterior	 3.0m 1.5m
(c)	Height Maximum	9.5m but no greater than 2 storeys
(d)	Floor Space Index Maximum	0.7

(e) Mixed Use Commercial/Residential Building

There shall be no non-residential uses permitted in any building situated within 10 metres of the Cassels Road East street line unless the building contains a minimum of one dwelling unit and a maximum of two dwelling units situated above the first storey.

(f) Location of Parking Areas and/or Parking Spaces

Any parking area and/or parking spaces shall be setback a minimum distance of 1.5 metres from any street line and 1.5 metres from any other lot line.

(g) Number of Parking Spaces Required
Minimum

15 spaces

Notwithstanding provision (g) above, the minimum number of parking spaces provided on site shall be 4 spaces and cash-in-lieu of parking shall be provided for the 11 parking spaces not provided on site.

13.6 INSTITUTIONAL – VILLAGE OF BROOKLIN ZONE (I-VB)

13.6.1 PERMITTED USES

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

13.6.1.1 Offices of a public agency

13.6.1.2 Community centre

13.6.1.3 Crisis centre

(6925-14) 13.6.1.4 **Repealed by By-law 6925-14**

(6925-14) 13.6.1.5 Long Term Care Facility

13.6.1.6 Retirement home

13.6.1.7 Day nursery

13.6.1.8 Place of worship

13.6.1.9 Fire Station

13.6.1.10 Hospital

13.6.1.11 Private club

13.6.1.12 School

13.6.1.13 Private School

13.6.1.14 Clinic

13.6.1.15 Library of a public agency

13.6.1.16 Museum of a public agency

13.6.1.17 Theatre of a public agency

13.6.1.18 Artist or photographic studio of a public agency

13.6.1.19 Accessory caretaker's residence

13.6.1.20 Accessory uses, buildings and structures

13.6.1.21 Public service

13.6.1.22 Public park

13.6.2 ZONE PROVISIONS

Notwithstanding Section 10C, as amended, any use, building or structure in an I-VB Zone shall be established in accordance with the following provisions:

13.6.2.1 DAY NURSERY

13.6.2.1.1	LOT AREA (minimum)	550 m ²
13.6.2.1.2	LOT FRONTAGE (minimum)	15 m
13.6.2.1.3	LOT DEPTH (minimum)	35 m
13.6.2.1.4	LOT COVERAGE (maximum)	35%
13.6.2.1.5	FRONT YARD (minimum)	Established Front Building Line
13.6.2.1.6	REAR YARD (minimum)	7.5 m
13.6.2.1.7	SIDE YARD (minimum)	
13.6.2.1.7.1	Interior	3.0 m
13.6.2.1.7.2	Exterior	4.5 m
13.6.2.1.8	BUILDING HEIGHT (maximum)	8.5 m
13.6.2.1.9	PARKING (minimum)	
	In accordance with Section 13.2.6	
13.6.2.1.10	LANDSCAPED OPEN SPACE (minimum)	30%

13.6.2.2 SCHOOL, PRIVATE SCHOOL AND PLACE OF WORSHIP

13.6.2.2.1	LOT AREA (minimum)	700 m ²
13.6.2.2.2	LOT FRONTAGE (minimum)	20 m
13.6.2.2.3	LOT DEPTH (minimum)	35 m
13.6.2.2.4	LOT COVERAGE (maximum)	40%
13.6.2.2.5	FRONT YARD (minimum)	12 m
13.6.2.2.6	REAR YARD (minimum)	
13.6.2.2.6.1	Adjacent to a C1 Zone	4.0 m
13.6.2.2.6.2	Adjacent to all other Zones	15 m
13.6.2.2.7	SIDE YARD (minimum)	
13.6.2.2.7.1	Interior	
13.6.2.2.7.1.1	Abutting a Residential Zone	12 m
13.6.2.2.7.1.2	Abutting any other Zone category	7.5 m
13.6.2.2.7.2	Exterior	7.5 m
13.6.2.2.8	BUILDING HEIGHT (maximum)	10.5 m
(6925-14) 13.6.2.2.9	PARKING (minimum) Repealed by By-law 6925-14	
13.6.2.2.10	LANDSCAPED OPEN SPACE (minimum)	25%

(6925-14)	13.6.2.3	LONG TERM CARE FACILITY AND RETIREMENT HOME	
	13.6.2.3.1	LOT AREA (minimum)	30 m ² /bed
	13.6.2.3.2	LOT FRONTAGE (minimum)	15 m
	13.6.2.3.3	LOT DEPTH (minimum)	35 m
	13.6.2.3.4	LOT COVERAGE (maximum)	40%
	13.6.2.3.5	FRONT YARD (minimum)	Established Front Building Line
	13.6.2.3.6	REAR YARD (minimum)	7.5 m
	13.6.2.3.7	SIDE YARD (minimum)	
	13.6.2.3.7.1	Interior	3.0 m
	13.6.2.3.7.2	Exterior	6.0 m
	13.6.2.3.8	BUILDING HEIGHT (maximum)	10.5 m
	(6925-14) 13.6.2.3.9	PARKING (minimum) Repealed by By-law 6925-14	
	13.6.2.3.10	LANDSCAPED OPEN SPACE (minimum)	30%
	13.6.2.3.11	GROSS FLOOR AREA (minimum)	30 m ² /bed
(6925-14)	13.6.2.4	ALL OTHER PERMITTED USES	
	13.6.2.4.1	LOT AREA (minimum)	525 m ²
	13.6.2.4.2	LOT FRONTAGE (minimum)	15 m
	13.6.2.4.3	LOT DEPTH (minimum)	35 m
	13.6.2.4.4	LOT COVERAGE (maximum)	30%
	13.6.2.4.5	FRONT YARD (minimum)	Established Front Building Line
	13.6.2.4.6	REAR YARD (minimum)	7.5 m
	13.6.2.4.7	SIDE YARD (minimum)	
	13.6.2.4.7.1	Interior	1.5 m/storey
	13.6.2.4.7.2	Exterior	4.5 m
	13.6.2.4.8	BUILDING HEIGHT (maximum)	10.5 m
	(6925-14) 13.6.2.4.9	PARKING (minimum) Repealed by By-law 6925-14	
	13.6.2.4.10	LANDSCAPED OPEN SPACE (minimum)	20%
	13.6.2.5	ACCESSORY CARETAKERS RESIDENCE	
	13.6.2.5.1	LOT AREA (minimum)	59 m ² in addition to the Minimum lot area for the principal use

- (6925-14)** 13.6.2.5.2 PARKING (minimum)
Repealed by By-law 6925-14
- 13.6.2.5.3 Shall only be located in a building containing one or more permitted non-residential uses.
- 13.6.2.5.4 All applicable provisions contained within Section 13.6 shall apply.
- 13.6.2.5.5 Private Amenity Space 20 m²/unit
- 13.6.2.6 ACCESSORY USES, BUILDINGS AND STRUCTURES**
- 13.6.2.6.1 In accordance with Section 4(y)(a) of By-law 1784, as amended.
- 13.6.2.7 PUBLIC SERVICE**
- 13.6.2.7.1 In accordance with Section 13.2.8.
- 13.6.2.8 PUBLIC PARK**
- 13.6.2.8.1 In accordance with Section 13.8.2.
-

13.7 OPEN SPACE – VILLAGE OF BROOKLIN (OS-VB)

13.7.1 PERMITTED USES

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

- 13.7.1.1 Public park
- 13.7.1.2 Private park
- 13.7.1.3 Community centre
- 13.7.1.4 Accessory caretakers' residence
- 13.7.1.5 Accessory uses, buildings and structures
- 13.7.1.6 Public service

13.7.2 ZONE PROVISIONS

Notwithstanding Section 10A, as amended, any use, building or structure in an OS-VB Zone shall be established in accordance with the following provisions:

13.7.2.1 PUBLIC PARK, PRIVATE PARK, AND COMMUNITY CENTRE

13.7.2.1.1	LOT AREA (minimum)	
13.7.2.1.1.1	Public and Private Park	0.0 m ²
13.7.2.1.1.2	Community Centre	1000 m ²
13.7.2.1.2	LOT FRONTAGE (minimum)	
13.7.2.1.2.1	Public and Private Park	0.0 m
13.7.2.1.2.2	Community Centre	25 m
13.7.2.1.3	LOT DEPTH (minimum)	
13.7.2.1.3.1	Public and Private Park	0.0 m
13.7.2.1.3.2	Community Centre	40 m
13.7.2.1.4	LOT COVERAGE (maximum)	30%
13.7.2.1.5	FRONT YARD (minimum)	
13.7.2.1.5.1	Abutting a C1-VB Zone	4.0 m
13.7.2.1.5.2	Abutting any other Zone	6.0 m
13.7.2.1.6	REAR YARD (minimum)	7.5 m
13.7.2.1.7	SIDE YARD (minimum)	
13.7.2.1.7.1	Interior	3.0 m
13.7.2.1.7.2	Exterior	6.0 m
13.7.2.1.8	BUILDING HEIGHT (maximum)	10.5 m

(6925-14)	13.7.2.1.9	PARKING (minimum) Repealed by By-law 6925-14	
	13.7.2.1.10	LANDSCAPED OPEN SPACE (minimum)	30%
	13.7.2.2	ACCESSORY CARETAKERS' RESIDENCE	
	13.7.2.2.1	LOT AREA (minimum) in addition to the minimum lot area for the principal use.	59 m ²
	13.7.2.2.2	SIDE YARD (minimum)	4.5 m for the portion of the building containing the residence.
	13.7.2.2.3	GROSS FLOOR AREA (minimum)	50 m ²
	13.7.2.3	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	13.7.2.3.1	In accordance with Section 4(y)(a) of By-law 1784, as amended.	
	13.7.2.4	PUBLIC SERVICE	
	13.7.2.4.1	In accordance with Section 13.2.8.	

13.8 COMMERCIAL 1 – VILLAGE OF BROOKLIN ZONE (C1-VB)**13.8.1 PERMITTED USES**

No person shall within any C1-VB Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following uses:

13.8.1.1 Apartment dwelling units, in conjunction with one or more of the non-residential uses permitted by this Section, excluding the following uses:

- Uses permitted in an Institutional - Village of Brooklin Zone (I-VB).
- Public parking lot.
- Public park.

13.8.1.2 Artist or photographic studio

13.8.1.3 Bakeshop

13.8.1.4 Bed and Breakfast Establishment in an existing single detached dwelling

13.8.1.5 Catalogue Store

13.8.1.6 Commercial school

13.8.1.7 Convenience Retail Store

13.8.1.8 Clinic

13.8.1.9 Crisis centre

13.8.1.10 Eating establishment

13.8.1.11 Funeral home

13.8.1.12 Financial institution

13.8.1.13 Health club

13.8.1.14 Hotel

13.8.1.15 Office

13.8.1.16 Public parking lot

(6776-13) 13.8.1.17 Personal service establishment

13.8.1.18 Place of entertainment

13.8.1.19 Photocopy shop

13.8.1.20 Postal Station

13.8.1.21 Private club

13.8.1.22 Retail store

13.8.1.23 Service or repair shop

	13.8.1.24	Taxi establishment
	13.8.1.25	Uses permitted in an Institutional - Village of Brooklin Zone (I-VB)
	13.8.1.26	Veterinary Clinic
	13.8.1.27	Accessory caretaker's residence
(6776-13)	13.8.1.28	Home Occupation Repealed by By-law 6776-13
	13.8.1.29	Accessory uses, buildings and structures
	13.8.1.30	Public service
	13.8.1.31	Public park

13.8.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 6, as amended, any use, building, or structure in an C1-VB Zone shall be established in accordance with the following provisions:

13.8.2.1 ALL NON-RESIDENTIAL AND INSTITUTIONAL USES

13.8.2.1.1	LOT AREA (minimum)	0.0 m ²
13.8.2.1.2	LOT FRONTAGE (minimum)	0.0 m
13.8.2.1.3	LOT DEPTH (minimum)	0.0 m
13.8.2.1.4	LOT COVERAGE (maximum)	90%
13.8.2.1.5	FRONT YARD	
13.8.2.1.5.1	Minimum	
13.8.2.1.5.1.1	Where a lot fronts on Baldwin Street	Established Front Building Line, or 2.0m whichever is the greater
13.8.2.1.5.1.2	All other locations	3.0 m
13.8.2.1.5.2	Maximum	
13.8.2.1.5.2.1	Where a lot fronts on Baldwin Street	Established Front Building Line or 4.0 m whichever is the greater
13.8.2.1.5.2.2	All other locations	Established Front Building Line, or 7.5 m whichever is the greater
13.8.2.1.6	REAR YARD (minimum)	
13.8.2.1.6.1	Where the rear yard is adjacent to a Residential Zone	6.0 m
13.8.2.1.6.2	Adjacent to all other zones	0.0 m
13.8.2.1.7	SIDE YARD	

	13.8.2.1.7.1	Minimum	
	13.8.2.1.7.1.1	Interior	
	13.8.2.1.7.1.1.1	Where the interior side yard is adjacent to a Residential Zone	4.0 m
	13.8.2.1.7.1.1.2	Adjacent to all other zones	2.0 m
	13.8.2.1.7.1.1.3	Where a lot has a frontage of less than 12 m	0.0 m
	13.8.2.1.7.1.2	Exterior	2.0 m
	13.8.2.1.7.2	Maximum (Interior and Exterior)	
	13.8.2.1.7.2.1	Where a driveway is provided in the side yard	6.0 m
	13.8.2.1.7.2.2	Adjacent to a Residential Zone	0.0 m
	13.8.2.1.7.2.3	In all other cases	4.0 m
	13.8.2.1.8	BUILDING HEIGHT	
	13.8.2.1.8.1	Minimum	
	13.8.2.1.8.1.1	For all buildings or structures which legally existed on the date passing of this By-law whichever is the lesser	Existing height or 7.0 m,
	13.8.2.1.8.1.2	For all other buildings or structures	7.0 m
	13.8.2.1.8.2	Maximum	
	13.8.2.1.8.2.1	Within 8.0 m of a Residential Zone	7.0 m
	13.8.2.1.8.2.2	All other locations	10.5 m
	13.8.2.1.9	FLOOR SPACE INDEX (maximum)	2.0
(6925-14)	13.8.2.1.10	PARKING (minimum) Repealed by By-law 6925-14	
	13.8.2.1.11	LANDSCAPED OPEN SPACE (minimum)	
	13.8.2.1.11.1	For all lots where a building or structure legally existed on the date of passing of this By-law space or 10 % whichever is	Existing landscaped open the lesser
	13.8.2.1.11.2	For all other lots	10 %
	13.8.2.1.12	GROSS FLOOR AREA (minimum)	
(6925-14)	13.8.2.1.12.1	Long Term Care Facility, and Retirement Home	30 m ² / bed
	13.8.2.2	APARTMENT DWELLINGS AND ACCESSORY CARETAKER'S RESIDENCE	
	13.8.2.2.1	LOT AREA (minimum)	
	13.8.2.2.1.1	Accessory Caretakers residence	59 m ² / unit
	13.8.2.2.1.2	Apartment Dwellings	87 m ² / unit
	13.8.2.2.2	Separation Distances for Buildings on the Same Lot	

13.8.2.2.2.1 For buildings with a maximum height of three storeys:

Wall containing a Window of a:	Living Room	Habitable Room	Blank Wall
Living Room	15 m	13.5 m	7.5 m
Habitable Room	13.5 m	9.0 m	4.5 m
Blank Wall	7.5 m	4.5 m	3.0 m

13.8.2.2.2.2 For buildings with a maximum height greater than three storeys:

13.8.2.2.2.2.1 For each storey above three storeys, an additional building separation distance of 1.0 m per storey shall be provided where the wall contains a window of a living room or habitable room

13.8.2.2.2.3 Where a building wall contains a window of both a living room and a habitable room, the building separation distance for the living room shall apply.

13.8.2.2.2.4 Where a pedestrian access or walkway is provided between two buildings and both building walls contain a blank wall, the building separation distance shall be 1.5 m plus the distance specified herein.

13.8.2.2.3 PRIVATE AMENITY SPACE (minimum)

13.8.2.2.3.1 Apartment dwelling 9.0 m²/ unit

13.8.2.2.3.2 Accessory caretaker's residence 20 m²/ unit

(6925-14) 13.8.2.2.4 PARKING (minimum)
Repealed by By-law 6925-14

13.8.2.2.5 Apartment dwellings and accessory caretaker's residence shall only be located in a building containing one or more permitted non-residential uses, in accordance with Section 13.8.1.

13.8.2.2.6 Apartment dwellings and accessory caretaker's residences shall not be located on the first storey of the building.

13.8.2.2.7 All other applicable provisions related to non-residential uses shall apply.

(6776-13) 13.8.2.3 HOME OCCUPATION
Repealed by By-law 6776-13

13.8.2.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

13.8.2.4.1 In accordance with Section 4(y)(a) of By-law 1784, as amended.

13.8.2.5 PUBLIC SERVICE

13.8.2.5.1 In accordance with Section 13.2.8.

13.8.2.6 PUBLIC PARK

13.8.2.6.1 In accordance with Section 13.8.2

13.8.3 EXCEPTIONS

The following Zones apply to specific lands within an C1-VB Zone:

**(3760-95) 13.8.3.1 COMMERCIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 1 (C1-VB-1)
23 CASSELS ROAD EAST**

Notwithstanding any provisions of this By-law to the contrary, any lot within an C1-VB-1 Zone may only be used for the following uses:

- 13.8.3.1.1 Buildings and structures existing at the date of passing of this By-law.
- 13.8.3.1.2 All other uses permitted in the C1-VB zone provided that such uses are not located within the regulatory floodline, or within the 3: 1 slope of any river valley and are not located below the top of bank as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby.

All other provisions of this By-law shall apply.

(3760-95) 13.8.3.2 COMMERCIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 2 (C1-VB-2)

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an C1-VB-2 Zone shall be established in accordance with the following provisions:

- 13.8.3.2.1 FRONT YARD
- | | | |
|--------------|------------------------------------|--|
| 13.8.3.2.1.1 | Minimum
Line or 3.0 m whichever | Established Front Building
is the greater |
| 13.8.3.2.1.2 | Maximum | Established Front Building
Line or 7.5 m, whichever
is the greater |

All other provisions of this By-law shall apply.

**(4670-00)
(7309-17)
(8193-25) 13.8.3.3 Commercial Type 1 – Village of Brooklin Zone:
Exception 3 (C1-VB-3)
91, 95, 99 Baldwin Street North
Repealed and Replaced by By-law Amendment 7309-17
Repealed and Replaced by By-law Amendment 8193-25**

1. Defined Area

The lands located east of Baldwin Street and south of George Street zoned C1-VB-3 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 C1-VB-3 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 within the C1-VB Zone
- Apartment building
- Mixed-Use building
- Multiple attached dwelling

Provided however that any apartment building and/or multiple attached dwelling shall only be permitted when developed in conjunction with a mixed-use building.

3. Zone Provisions

No person shall within any C1-VB-3 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 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 C1-VB-3 and G situated beyond the Regional Flood Line by this By-law shall be considered to be one lot.

(b) Zone Boundary Determination

The zone boundary between the C1-VB-3 Zone and the G Zone that is situated beyond the Regional Flood Line and the G Zone below the Regional Flood Line shall be determined based on the identification of the Regional Flood Line by the Central Lake Ontario Conservation Authority and the Town of Whitby.

(c) Front Yard

Minimum Depth	3.0 m
Maximum Depth	5.0 m

(d) Rear Yard

Minimum depth to the Regional Flood Line	6.0

(e) Interior Side Yard

- (i) The minimum interior side yard setback for any main building situated within 30 metres of George Street shall be 3.0 metres.
- (ii) The minimum interior side yard setback for any main building situated further than 30 metres from George Street shall be 5.5 metres.

(f) Exterior Side Yard

Minimum Width	2.0 m
Maximum Width	4.0 m

(g) Building Height

Minimum	2 storeys
Maximum	4 storeys

(h) Landscaped Open Space

Minimum	15% of the lot area

(i) Common/Private Amenity Space

Minimum	5.0 sq. m/unit

(j) Setback to Aisles and/or Driveway

The minimum separation distance from the end wall of a main building to an aisle and/or driveway shall be 1.8 m

(k) Separation Distance Between Buildings on the Same Lot

The minimum separation distance between buildings on the same lot shall be 13.0 m.

(l) Parking

Residential (Minimum)

1.09 spaces per dwelling unit, plus 0.1 spaces per dwelling unit dedicated for visitor parking.

Non-Residential (Minimum)

1 parking space per 80.0 square metres of gross floor area.

(m) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 4(y) Yard Encroachments Permitted, provision (c) Decks, Porches, Steps, Patios and Balconies to the contrary;

(i) Decks, porches, steps, patios, and balconies situated in the front yard, interior side yard, or exterior side yard are permitted to project from the main wall of a building provided they are set back a minimum distance of 0.5m from a street line and 3.0m from an interior lot line.

(ii) Decks, porches, steps, patios and balconies situated in the rear yard are permitted to project into the C1-VB-3 Zone and into the G Zone from a dwelling unit a maximum distance of 2.0 metres from the rear main wall of a dwelling unit.

(n) Location of Parking Areas and/or Parking Spaces

Any above grade/surface parking area and/or parking spaces shall be set back a minimum distance of 2.5 m from any street line, 2.0 m from any main building and 1.0 m from any other lot line.

(o) Accessory Structure and/or Activity Building

Notwithstanding the definitions of Accessory Structure and Activity Building in Section 2 Definitions of this By-law to the contrary, an accessory structure and/or activity building may be attached to a main building and may be used to house and store equipment and utility devices related to the principal uses on the lot.

(p) 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 3.5 metres.

(q) 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 # 1784 the following definitions shall apply:

"Dwelling, Multiple Attached" means a building that contains four or more dwelling units with each dwelling unit accessed by one or more common entrances or corridors and may also contain some dwelling units accessed only directly from the outside.

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

(r) Zone Provisions That Do Not Apply

The following subsections of Section 4 - General Provisions shall not apply to the lands zoned C1-VB-3 by this By-law:

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

(4893-01) 13.8.3.4 **COMMERCIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 4 (C1-VB-4)
3 WINCHESTER ROAD EAST**

Notwithstanding any provisions of this By-law to the contrary, any lot within a 'C1-VB-4' Zone may be used for an additional use of a supermarket.

(4704-00) 13.8.3.4 **COMMERCIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 4 (C1-VB-4)
(5479-04) 31 BALDWIN STREET NORTH**

Notwithstanding any provision of this By-law to the contrary any use, building or structure within a "C1-VB-4" Zone shall be established in accordance with the following provisions:

13.8.3.4.1	FRONT YARD	
	minimum	3.0 m
	maximum	5.0 m
13.8.3.4.2	REAR YARD (minimum)	0.0 m
13.8.3.4.3	INTERIOR YARD (minimum)	1.5 m
13.8.3.4.4	BUILDING HEIGHT	
	minimum	7.0 m
	maximum	10.5 m
13.8.3.4.5	PARKING (minimum)	26 spaces

(5099-02) 13.8.3.5 **COMMERCIAL TYPE 1 – VILLAGE OF BROOKLIN ZONE: EXCEPTION 5 (C1-VB-5)
(5574-05) 64 BALDWIN STREET
Temporary Use Expired**

(6396-10) 13.8.3.6 **COMMERCIAL TYPE 1 VILLAGE OF BROOKLIN ZONE: EXCEPTION 6 (C1-VB-6)
11, 19, 23 BALDWIN STREET AND 12, 14, 18, 20 WINCHESTER ROAD EAST**

(1) **USES PERMITTED**

No person shall within any C1-VB -6 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

- all uses permitted in the C1-VB Zone
- converted dwelling situated only in a building with frontage on Durham Street
- day nursery
- dwelling unit situated above the first floor and only in a building with frontage on Durham Street or Baldwin Street.

Provided that no drive through facilities shall be permitted in conjunction with any permitted uses listed above.

(2) ZONE PROVISIONS

No person shall within any C1-VB-6 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 13.1 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 whole of the land zoned C1-VB-6 by this By-law shall be considered one lot for the purposes of applying the zone provisions of this By-law.

(b) YARD DEPTHS**(i) Where lot abuts Baldwin Street**

Minimum	3.0 m
Maximum	5.0 m

(ii) Where lot abuts Durham Street

Minimum	0.0 m
Maximum	4.0 m

(iii) Where lot abuts Winchester Road East

Minimum	0.5 m
Maximum	4.0 m

(c) INTERIOR SIDE YARD

Minimum	0.0 m

Notwithstanding provision (c) above, the minimum interior side yard depth where a lot line abuts a zone category other than the C1-VB Zone, shall be

1.2 m

(d) LANDSCAPED OPEN SPACE

Minimum	15%

(e) MIXED USE COMMERCIAL RESIDENTIAL BUILDING

There shall be no non-residential uses permitted in any building abutting Baldwin Street and situated within 60 metres of the north lot line unless such building contains a minimum of 10 dwelling units above the first storey.

(f) BUILDING HEIGHT**(i) Where any building abuts Baldwin Street and is situated within 60 metres of the north lot line:**

Minimum	7.0 m
Maximum	12.5 m

(ii) Where any building abuts Durham Street and Winchester Road East:

Minimum	7.0 m
Maximum	10.5 m

(g) PARKING AREA REQUIREMENTS

(i) Number of Parking Spaces

- Residential (minimum) 1.5 spaces per dwelling unit
- Non-Residential Uses (minimum) 4 spaces per 93 m² of gross leasable area or part thereof on the first storey and 2 spaces per 93 m² of gross floor area above the first storey.

(ii) Location of Parking Spaces

Parking may be located in all yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres from Baldwin Street and 1.0 metre from any other street line.

(iii) Location of Parking Spaces on Adjacent Lands

Notwithstanding provisions (i) and (ii) above, any required parking spaces for any non-residential use may be provided on an abutting lot within either a C1-VB Zone or an MUR-VB-5 Zone provided that an appropriate agreement securing the continuation and maintenance of the required parking spaces is entered into with the Town and with the abutting property owner and registered against both properties.

(h) LOADING AREA REQUIREMENTS

(i) Number of Loading Spaces
Minimum

1 space

(ii) Dimensions of Loading Space
Minimum Length
 Width
 Height

12.5 m

3.5 m

4.5 m

(i) ACCESS FOR LOADING

The driveway and/or aisle providing access to a loading space shall have a minimum width of 7.0 metres.

(6601-12)

(3) HOLDING PROVISION
Repealed by By-law 6601-12

(7313-17)

13.8.3.7 Commercial Type 1 Village of Brooklin Zone: Exception 7 (C1-VB-7)
72 & 76 Baldwin Street and 15 Price Street

(1) Defined Area

The lands located at the south-west corner of Way Street and Baldwin Street and zoned C1-VB-7 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

No person shall within any C1-VB-7 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Front Yard (Baldwin Street)	
	Minimum Depth	5m
	Maximum Depth	6m
(b)	Rear Yard	
	Minimum Depth	3m
(c)	Interior Side Yard	
	Minimum Width	2m
(d)	Exterior Side Yard	
	Minimum Width	2m
	Maximum Width	4m
(e)	Building Height	
	Maximum	11m
(f)	Landscaped Open Space	
	Minimum	10% of the lot area
(g)	Parking Spaces Required	
	Minimum	1 parking space per 35 square metres of gross floor area
(h)	Location of Parking Areas and/or Parking Spaces	
	Any parking area and/or parking spaces shall be setback a minimum distance of 2.5 metres from any street line, 2.0 metres from any main building and 1.0 metre from any other lot line.	
(i)	Loading Area Requirements	
	(i) Number of Loading Spaces	
	Minimum	1 space
	(ii) Dimensions of Loading Space	
	Minimum Length	10.0m
	Minimum Width	3.5m
	Minimum Height	4.5m
(j)	Zoning Provisions That Do Not Apply	
	The following subsections of Section 4 – General Provisions shall not apply to the lands zoned C1-VB-7 by this By-law:	
	4(m) Ten Percent (10%) of Every Lot	
	4(w) Satellite Dishes	

**(7452-18) 13.8.3.8 Commercial Type 1-Village of Brooklin Zone: Exception 8 (C1-VB-8)
1, 3, 5 Cassels Road West**

1. Defined Area

- (a) The lands located at the south-west corner of Cassels Road West and Baldwin Street and zoned C1-VB-8 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

- (a) No person shall within any C1-VB-8 Zone use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:
- apartment dwelling unit in a building with one or more non-residential uses
 - office
 - personal service establishment
 - retail store
 - studio
- (b) Notwithstanding the uses permitted listed above, only the following uses shall be permitted in the existing building constructed prior to September 17, 2018:
- day nursery
 - private school

3. Zone Provisions

No person shall within any C1-VB-8 Zone, use any lot or erect, alter or use any building or structure except in accordance with the zone provisions of subsection 13.8.2.1.

Notwithstanding any provisions of this By-law to the contrary in any C1-VB-8 Zone the following provisions shall apply:

- (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 C1-VB-8 by this By-law shall be considered to be one lot.
- (b) Front Yard (Baldwin Street)
- | | |
|---------------|------|
| Minimum Depth | 3.5m |
| Maximum Depth | 5.0m |
- (c) Exterior Side Yard
- | | |
|---------------|------|
| Minimum Width | 2.0m |
| Maximum Width | 3.5m |
- (d) Building Height
- | | |
|---------|-----------|
| Maximum | 3 storeys |
|---------|-----------|

(e) Mixed Use Commercial/Residential Building

There shall be no non-residential uses permitted in any building situated within 10 metres of the Baldwin Street street line unless the building contains a minimum of one dwelling unit and a maximum of two dwelling units situated on the third storey.

(f) Location of Parking Areas and/or Parking Spaces

Any parking area and/or parking spaces shall be set back a minimum distance of 1.8m from any street line and 1.0 metre from the rear lot line.

(g) Setback to Aisles and/or Driveway

The minimum separation distance from the wall of the existing building constructed prior to September 17, 2018 to an aisle or driveway shall be 2.0m.

(h) Zoning Provisions That Do Not Apply

The following subsections of By-law #1784 shall not apply to the lands zoned C1-VB-8 by this By-law.

4 (m) Ten Percent (%) of Every Lot

4 (w) Satellite Dishes

13.8.2.2 Apartment Dwellings and Accessory Caretaker's Residence

Section 14
(7168-16) **West Whitby Secondary Plan**
(7566-19) **Area**

14.1

14.2

14.3

14.4

14.5

(7252-17)

14.6

(7252-17)

14.7

14.1

[Definitions](#)[General Provisions](#)[Parking and Loading Provisions](#)[Residential Zone Regulations](#)[Institutional Zone Regulations](#)[Mixed Use Zone Regulations](#)[Prestige Employment Zone Regulations](#)**Definitions**

(7252-17)

- (a) Notwithstanding Section 2 of By-law # 1784, as amended, the following definitions shall apply to lands in West Whitby as delineated on Schedules A-1 to A-5 to By-law Amendment #7168-16 and Schedules A-1 to A-5 to By-law Amendment # 7252-17. Where a use is defined, it shall not be interpreted to include any other defined use unless it is stated in the definitions to the contrary. Where a word or term is not herein defined, the definitions of Section 2, as amended, shall apply.

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Apartment building” means a building that contains four or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system, and may contain other uses permitted in the zone in which it is permitted.

“Animal Care Establishment” means a building or part of a building where pets and domestic animals are groomed and 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.

“Angular plane” means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.

(7252-17)

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

“Balcony” means an attached covered or uncovered platform projecting from the face of an exterior wall, including above a porch, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and does not have direct exterior access to grade.

“Craft Brewery” means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with a restaurant.

“Day Care Establishment” means:

- (a) 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,
- (b) 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.

“Driveway” means an unobstructed and maintained surfaced vehicular way of access from a street, lane or internal roadway to facilities such as a parking area, parking space, aisle, loading space, private garage, carport, parking structure, building or structure.

“Dwelling, Block Townhouse” means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside and a private garage, carport, or parking space and sharing common vehicular access to a public street via a driveway, but shall not include a street townhouse dwelling.

“Dwelling Unit, Block Townhouse” means a dwelling unit in a block townhouse dwelling.

“Dwelling, Semi-Detached” means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall.

“Dwelling, Stacked Townhouse” means a building containing more than four dwelling units, each of which has a vertical and a horizontal wall in common and a private entrance from outside.

“Dwelling Unit, Stacked Townhouse” means a dwelling unit in a stacked townhouse dwelling.

“Dwelling, Street Townhouse” means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is on a separate freehold lot with frontage on a street, and each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside, a driveway from a street or lane, and a private garage, carport, or parking space.

“Dwelling Unit, Street Townhouse” means a dwelling unit in a street townhouse dwelling.

“Dwelling, Back To Back Townhouse” means a building containing a minimum of 6 and a maximum of 16 dwelling units that are divided vertically by common walls, including a common rear wall, and each dwelling unit has an independent entrance from the outside.

“Dwelling Unit, Back To Back Townhouse” means a dwelling unit in a back to back townhouse dwelling.

“Finished Grade Level” means the average elevation of the finished surface of the ground abutting the front wall of the main building or structure nearest to the street, but shall not include any embankment in lieu of steps.

“First Floor Height” means the height of the first storey.

“Food Preparation Plant” means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

“Food Store” means a building or part of a building having a gross leasable area of less than 1,200 square metres wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty food stores such as, but not limited in kind to a health food store, a butcher shop, a retail bakery, a delicatessen, a fruit and vegetable market, or other specialty food store.

“Front Wall” means the wall of a building facing or most nearly facing the street from which the building has its primary entrance door.

“Gateway Area” means a geographic area identified by a circular symbol in the West Whitby Secondary Plan situated at strategic intersections and intended for intensified land use development.

“Health Care Complex” means a public or private enterprise accommodating a range of health care services which includes more than one of the following:

- offices for medical practitioners, dentists, psychiatrists and other supporting health practitioners, technicians and support staff and care workers providing patient care

the facility shall also include one or more of the following:

- laboratories, pharmacy and facilities for dialysis, chemo-therapy, x-rays, MRI's or similar medical health services, operating theatres and short term recovery rooms for patients receiving medical treatments within the Health Care Complex.

“Height, Building” means the vertical distance between the finished grade level and, in the case of a flat roof, the highest point of the roof surface, in the case of a mansard roof, the deck roof line, and in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge exclusive of any accessory roof construction such as a chimney, tower, steeple, antenna or communication dish.

“Internal roadway” means a right of way or roadway that provides vehicular access to the parking areas and parking spaces on a residential property intended for multi-unit residential development and is not a lane or private street.

“Lane” means a right of way or roadway that provides vehicular access to the rear of a lot where the lot also fronts or flanks onto a street, or where a lot fronts onto public or private open space. The lane shall be owned and maintained by a governmental authority.

“Landscaped Open Space” means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio or stairs, but does not include any driveway, internal roadway or private street ramp or motor vehicle parking area, whether surfaced or not.

“Light manufacturing” means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

(7252-17)

“Live Work Dwelling” means a street townhouse dwelling unit, where the first storey, or part thereof, is designed, constructed and used for non-residential uses as permitted by this By-law. A live work dwelling shall not be considered a mixed use building.

“Lot” means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium, and includes a parcel of tied land but excludes a zero decimal three metre reserve.

“Lot, Corner” means a lot situated at the intersection of and abutting upon two or more streets or two portions of the same street, provided that the angle of intersection of such streets, or the bend in such street, is not more than 135 degrees.

(7252-17)

“Lot, Through Corner” means a lot having separate limits on three or more separate streets. Such through corner lot shall be deemed to have a front yard on each street in accordance with the provisions of the zone or zones in which each front yard is located.

“Lot Line, Front” means the line that divides the lot from the street, provided that in the case of a corner lot, the shorter lot line that so abuts the street is deemed to be the front line of the lot, and the longer line that so abuts the street is termed an exterior side lot line of the lot. Where a lot is a through lot, the lot line abutting the wider street right of way shall be deemed the front lot line.

“Medical Marihuana Production Facility” means a federally-licensed facility used for the cultivation, processing, testing, destruction, packaging, warehousing or shipping of marihuana used for medical purposes as permitted under the federal government's Marihuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution thereof.

“Mixed Use Building” means a building in a Mixed Use Zone containing residential uses and at least one other non-residential use.

“Outside Storage” means the storage or keeping of goods, inventory, materials, machinery, or equipment outside of any building or structure.

“Personal Service Establishment” means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

“Place of Entertainment” means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

“Place of Worship” means a building or part of a building used by any religious organization for religious worship services, or rites and may include for example facilities such as administrative offices, a rectory or manse, public hall or auditorium, rooms for meeting or classes for religious instruction but shall not include any day care establishment or private school.

“Podium” means the base of a building, in a building consisting of a base and a point tower above the base, where the base is three to five storeys.

“Point Tower” means the portion of a building above the podium of the building, where the building is at least eight storeys.

“Private Amenity Space” means a space within a building or outside of a building which provides an active and/or passive recreation area for the exclusive use of the occupants of the dwelling unit(s) for which it is intended to apply.

“Private Street” means a right-of-way or roadway that provides vehicular access to individual freehold lots or Parcels of Tied Land and is maintained by a condominium corporation and is not a lane.

“Recreational Club or Facility” means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

(7252-17)

“Self Storage Warehouse” means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building only to place or remove their personal property.

“Sight Triangle” means a triangular area of land on a corner lot that is determined by measuring from the point of intersection of streets lines the distance required along each such street line and joining such points with a straight line. The triangular shaped area of land between the intersecting lines and the straight line joining the points the required distance along the street lines is the sight triangle.

“Storey” means the portion of the building which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling or roof next above it.

“Street” means the right of way of a public highway or a private street.

“Studio” means a building or part of a building used for the instruction of music, dance, yoga, photography, art or similar activity, and which may include ancillary retail sales.

“Supermarket” means a building, or part of a building, containing a departmentalized food store and where the gross leasable area for such use is 1,200 square metres or greater.

“Technology Industry” means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

(7252-17)

“Visibility Triangle” means a triangular area of land situated at the intersection of street lines abutting a corner lot that has been or will be conveyed to a public authority and incorporated into the right of way of a public street and is not a sight triangle.

“Warehouse Facility” means a building or part of a building where the principle activity is the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products.

(7168-16)
(7252-17)

(b) Notwithstanding subsection 14.1(a), the definitions in Section 2 for the following terms do not apply to lands in West Whitby as delineated on Schedules A-1 to A-5 to By-law Amendment #7168-16 and Schedules A-1 to A-5 to By-law Amendment # 7252-17.

- Automobile parts store
- Bakeshop or confectionary shop
- Chapel
- Church
- Convenience retail store
- Day nursery
- Dwelling, common wall semi-detached
- Dwelling, link
- Dwelling, low density cluster
- Height, apartment building, long term care home or retirement home
- Home improvement centre
- Home supply centre

- Kiosk
 - Laundry shop
 - Merchandise distribution centre
 - Music or dance studio
 - Pet day care
 - Pet grooming
 - Place of entertainment and assembly
 - Plumbing supply centre
 - Pool supply centre
 - Retail nursery
 - Retail sporting goods centre
 - Retail warehouse facility
 - Retail warehouse facility with food sales
 - Retail warehouse outlet
 - Retail/Wholesale automobile parts store
 - Shopping Centre
-

14.2 General Provisions

**(7168-16)
(7252-17)**

The general provisions in Section 4 of By-law # 1784, as amended, shall not apply to lands in West Whitby as delineated on Schedules A-1 to A-5 to By-law Amendment # 7168-16 and Schedules A-1 to A-5 to By-law Amendment # 7252-17. Only the following general provisions shall apply.

14.2.1 Public Uses

- (a) Nothing in this By-law shall prevent the use of any land as a public park, playground or road allowance.
- (b) Notwithstanding any other provisions of this By-law to the contrary, the Town of Whitby or Region of Durham or any of their municipal service boards as defined in the Municipal Act, and any agency of the Federal or Provincial Government, or any telephone, telecommunications, cable, natural gas, railway, or pipeline company, may use any land or erect or use any building or structure in any zone provided the use of any land, building or structure is in compliance with the most restrictive regulations contained in the zone and is in compliance with the parking requirements for such use and provided further that:
 - (i) no goods, material or equipment shall be stored in the open, except as permitted in such zone,
 - (ii) any building erected under the authority of this paragraph in any Residential (LD, MD, HD) Zone shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.
- (c) The exemption in subsection (b) for a use in any zone shall not apply to:
 - (i) the Greenbelt (G) Zone except for linear infrastructure and the uses otherwise permitted in that Zone;
 - (ii) permit any outside storage, or a waste transfer or waste processing facility; or
 - (iii) permit any land, building or structure used by any local School Board, University or College.
 - (iv) permit any land or building to be used for administrative offices, retail sales, or vehicular or equipment maintenance purposes of any utility company.

14.2.2 Legal Non-Conforming Uses

- (a) Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of passing of this By-law, and provided that such land, building or structure continues to be used for that purpose.
 - (b) Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any such building or structure that is a non-conforming use, provided such alteration or repair does not contravene the provisions of this By-law by increasing the height, size or volume or change the use of such building or structure.
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14.2.3 Legal Non-Complying Buildings and Structures

A non-complying building or structure which existed legally prior to the passing of this By-law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:

- (a) does not further increase the extent of a non-compliance;
- (b) complies with all other applicable provisions of this By-law.

14.2.4 Legal Non-Complying Lots

Where a lot having a lesser lot area, and/or lot depth, and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the date of the passing of By-law # 7168-16 or where such smaller lot is subsequently created as a result of an expropriation or a conveyance to a public road authority for road widening, such smaller lot may be used and a building or structure may be erected, altered or used on such small lot, provided that all other requirements of this By-law are complied with.

14.2.5 Greater Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

14.2.6 Frontage on a Street

- (a) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a street.
- (b) Where a lot is separated from a street by land owned by the Town, the Region of Durham or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may only be erected upon such lot if access to a street has been granted.
- (c) Where the lot and setback requirements in a zone apply to freehold lots abutting a public street, such provisions shall equally apply to freehold lots abutting a private street.

14.2.7 Reduction of Requirements

No person shall change the purpose for which any lot or building is used or erect any new building or addition to any existing building or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building or lot to be in contravention of this By-law, providing that nothing herein shall prevent the conveyance to a public road authority of part of any lot for the purpose of a public highway and provided further that in the event of any such conveyance, the buildings on the remaining portion of the lot may be continued to be used in the same manner and to the same extent as if such conveyance had never taken place.

(7252-17)

14.2.8 Sight Triangle and Visibility Triangle

- (a) A sight triangle shall be required only where a visibility triangle abutting a corner lot has not been incorporated into the right of way of a public street.
- (b) Notwithstanding any other provision of this By-law to the contrary, in a sight triangle no building, structure, fence, wall, driveway, hedge, tree, shrub or other vegetative planting or landscaping feature shall be erected, maintained or permitted that has a height of greater than 0.9 metres above finished grade level.
- (c) Where a corner lot abuts a visibility triangle the setback provisions and minimum front yard landscaped open space provisions shall be measured and/or calculated as if the visibility triangle had not been conveyed, provided all buildings are set back 0.6 metres from the visibility triangle with the exception that window sills, belt courses, steps, cornices, eaves, and eave troughs may project to within 0.3 metres of the lot line of the lot that forms one of the sides of the visibility triangle.

14.2.9 Continuation of Farming Uses

Nothing herein contained shall prevent the continued use of any land, building or structure or additions to such buildings or structure for farming purposes.

14.2.10 Greenbelt Zone

No part of a Greenbelt (G) Zone shall be used in calculating the lot frontage, lot area, lot coverage, or yards required by this By-law for uses in adjacent zones.

14.2.11 Swimming Pools

- (a) Notwithstanding any other provisions of this By-law to the contrary, an unenclosed, outdoor swimming pool, or hot tub may be permitted as an accessory use to a residential use in accordance with the following provisions:
 - (i) Any swimming pool, or hot tub shall only be located in a rear yard or interior side yard;
 - (ii) Any swimming pool or hot tub shall be set back a minimum distance of 1.0 metre from any side lot line or rear lot line and 4.5 metres from the front lot line and the set back shall be measured to the water's edge;
 - (iii) Any recreational equipment, including slides, associated with a swimming pool, or hot tub shall not exceed a maximum height of 2.4 metres.
- (b) Where an outdoor swimming pool or hot tub is provided accessory to any other use, the minimum yards of the applicable zones shall apply and shall be measured to the water's edge.

14.2.12 Satellite Dish Antenna

- (a) Satellite dish antennae are permitted in any Zone provided that:
 - (i) it does not exceed a diameter of 1.2 metres;
 - (ii) it is not attached to the front façade of the main building.

14.2.13 Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory use incidental thereto.

14.2.14 Accessory Structures

(a) Location

- (i) Accessory structures are permitted on a lot where a main building housing a principal permitted use already exists or is under construction and except as otherwise provided herein, any accessory structure shall only be erected in the rear yard, interior side yard and exterior side yard and shall comply with the yard requirements of this By-law.
- (ii) Notwithstanding any other provision of this By-law to the contrary, in a Residential Zone, a detached private garage, carport, storage shed, playhouse or other such similar accessory uses, may be erected and used in the rear yard, interior side yard and exterior side yard provided that such accessory structure is located no closer than:
 - (a) 4.5 metres to any street line, except no closer than 5.8 metres to the lot line abutting the street where the vehicular access to a garage faces the lot line abutting the street;
 - (b) 0.6 metres to any interior lot line or rear lot line where there are no doors or windows in the wall facing that interior lot line or rear lot line;
 - (c) 1.2 metres to any interior lot line or rear lot line where there are doors or windows in the wall facing that interior lot line or rear lot line;
 - (d) 1.75 metres to a lane where a garage door faces the lane and vehicular access to the lane is provided on both sides of the lane and 2.5 metres to a lane where a garage door faces the lane and vehicular access to the lane is provided only on one side of the lane; and
 - (e) 5.0 metres to the main building on the lot where the opening for vehicular access of the private garage faces the rear lot line. The parking of motor vehicles is not permitted between the private garage and the main building.
- (iii) Notwithstanding subsection (a)(ii)(b) and (c) above, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.
- (iv) Notwithstanding subsection (a)(ii)(a) above, in a Residential Zone, accessory structures with a floor area of 10 square metres or less and a height of 2.5 metres or less shall be located no closer than 1.0 metre from a street line or 0.3 m reserve.

- (b) Height
- (i) No accessory structure shall exceed a building height of 3.5 metres provided that:
- (a) an accessory structure on any non-residential lot shall not exceed a building height of 4.5 metres;
- (b) a detached private garage with a flat roof shall not exceed a building height of 3.5 metres and a detached garage with a pitched roof shall not exceed a building height of 4.5 metres.
- (c) Lot Coverage
- (i) The maximum number of accessory structures permitted on any residential lot shall be four.
- (ii) The total combined lot coverage of all accessory structures on any residential lot shall be the lesser of:
- (a) 10% of the lot area; or
- (b) 60 square metres of ground floor area.
- (iii) The total combined lot coverage of all accessory structures on any non-residential lot shall be 5%.
- (d) Excluded Uses In Residential Zones
- No trailer, portable building or shipping container shall be used as an accessory structure in Residential Zones.

14.2.15 Yard Encroachments Permitted

- (a) No part of any required yard shall be encroached upon except as permitted in Table 14.2(1).

Table 14.2(1): Yard Encroachments Permitted

Structure or Feature	Applicable Yard	Maximum Encroachment into a Required Minimum Yard
Window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, and other similar architectural details	All	0.6 metres or half the distance of the required yard, whichever is less, except that eaves troughs may encroach beyond this limit.
Clothes poles, arbors, flag poles, garden trellises, fences, retaining walls, or similar structure or garden feature elements	All	To the lot line
Drop awning, cantilevered canopy or other weather shelter	All	To within 0.6 metres of a lot line
A fire escape or exterior staircase	Interior side exterior side, rear	1.5 metres or half the distance of the required yard, whichever is less
Unenclosed barrier free ramp	All	To within 0.3 metres of the lot line
Deck less than or equal to 0.6 metres above grade	Front, exterior side	2.0 metres
Deck less than or equal to 0.6 metres above grade	Interior side, rear	To within 0.6 metres of the side lot line or rear lot line

Structure or Feature	Applicable Yard	Maximum Encroachment into a Required Minimum Yard
Deck greater than 0.6 metres above grade(1) and/or Porches with or without foundations	Front, exterior side	2.0 metres
Deck greater than 0.6 metres above grade(1) and/or Porches with or without foundations	Interior side	1 metre, but no closer than 0.6 metre from the lot line
Deck greater than 0.6 metres above grade(1) and/or Porches with or without foundations	Rear	3.5 metres
Stairs to a deck or porch	Front, exterior side	To within 0.3 metres of the front or side lot line
Stairs to a porch or deck	Rear	To within 0.6 metres of rear lot line
Stairs to a porch or deck	Interior side	To within 0.6 metres of the interior side lot line
Balcony (1) (2)	Front, rear	1.5 metres
Balcony (1) (2)	Interior side, exterior side	1.5 metres or one-third the distance of the required yard, whichever is less
Bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres	All	0.6 metres or half the distance of the required yard, whichever is less
Air conditioners, heat pumps, swimming pool pumps, treatment, filters, and heaters	Rear, Interior side, exterior side	To within 0.6 metres of the lot line
Below grade access stairs	Rear, Interior side	1.5 metres, but no closer than 0.6 m from the lot line
(1) Where a deck, porch or stairs to said deck or porch or a balcony are related to a townhouse dwelling, the maximum encroachment may be to within 0.0 metres of the interior side lot line. (2) Where a balcony is located on the roof of a porch or above a driveway, it may encroach to the maximum permitted for a deck or porch.		

- (b) Where a deck, porch or stairs to said deck or porch or a balcony are related to a block townhouse dwelling unit the yard encroachment provisions of Table 14.2(1) shall apply as if each dwelling unit is located on a separate lot.

14.2.16 Group Homes

- (a) A group home shall be permitted in all dwelling types within all zones where residential uses are permitted.
- (b) A group home shall comply with the zone provisions, which apply to the type of dwelling unit within which the group home is located.
- (c) Notwithstanding the above provisions, a group home with six or more residents, exclusive of staff, shall not be permitted to locate within a dwelling unit in an apartment building.

14.2.17 Residential Sales Offices

- (a) Residential sales office shall be permitted in all Residential Zones and Mixed Use Zones;

- (b) Residential sales offices shall be located on a proposed lot or block within a draft approved or registered plan of subdivision or within a unit of a draft approved or registered condominium building;
- (c) The residential sales office shall be constructed or located in accordance with the zone provisions for the lot or block within which it is located;

14.2.18 Model Home

- (a) A model home shall be permitted on lands that have received draft plan approval.
- (b) A model home shall be constructed or located in accordance with the zone provisions for the lot within which it is located.
- (c) Parking shall be provided for each model home in accordance with the parking requirements for the dwelling type and zone category in which the model home is located.
- (d) In the case of a model home(s) being constructed without a separate and distinct residential sales office on site, the parking standards required for a residential sales office shall apply.
- (e) The total number of model homes which may be permitted on lands that have received draft plan approval for residential purposes shall not exceed the lesser of ten (10) dwellings or ten percent (10%) of the total number of residential units in each individual phase of the development.
- (f) For the purposes of establishing the location of the lot lines, the model home shall be built within the lot defined by the draft approved plan of subdivision within which it is located, as if these lots were defined by a registered plan of subdivision.

14.2.19 Accessory Apartment

Notwithstanding any other provisions of this By-law to the contrary, an Accessory Apartment shall be permitted in any single detached dwelling, or semi-detached dwelling subject to the following provisions:

- (a) Minimum Lot Frontage
 - Single Detached Dwelling: 10.5 metres
 - Semi-Detached Dwelling: 10.0 metres
- (b) Maximum Number Permitted: 1.0
- (c) Floor Area Restriction
 - The total maximum floor area of an Accessory Apartment shall not exceed 100 square metres.
- (d) Front Yard Landscaping
 - Any lot with an Accessory Apartment shall provide and maintain a minimum of 25% of the front yard as landscaped open space.

14.2.20 Home Based Business

- (a) A home based business shall be permitted in any zone that permits a dwelling unit subject to the following provisions:
- (i) the use is conducted entirely within a dwelling unit however limited storage is permitted in an attached garage or accessory structure provided it does not obstruct or eliminate a required parking space;
 - (ii) except for home daycare, no more than three persons at any one time shall be present in a single detached dwelling to receive teaching and/or instruction and no more than one person at any one time shall be present to receive teaching and/or instruction in any dwelling unit other than a single detached dwelling;
 - (iii) no more than two persons at any one time shall be present in a single detached dwelling to receive client based treatment or services and no more than one person at any one time shall be present to receive client based treatment or services in any dwelling unit other than a single detached dwelling;
 - (iv) the home based business may be operated only by the occupants of the dwelling unit and employees who are not occupants of the dwelling unit are not permitted.
 - (v) the gross floor area occupied by all home based businesses is no more than 25% of the gross floor area of the dwelling unit or 50 square metres whichever is less and for this provision gross floor area shall include any floor area in a basement or cellar;
 - (vi) no goods or handicrafts are offered or displayed for sale other than goods or handicrafts produced on site;
 - (vii) retail sales conducted by telephone, internet, mail order or other similar approach is permitted provided that customers do not enter the property to inspect, purchase or take possession of any goods;
 - (viii) there is no outside storage or outside display of goods, handicrafts, equipment or supplies;
 - (ix) there is no display of a sign advertising the existence of a home based business within the dwelling unit other than a sign erected in conformity with the Permanent Sign By-law of the Town;
 - (x) there is no equipment or a process or activity which creates an adverse effect or becomes obnoxious in regard to noise, odour, fumes, vibration, glare, traffic or parking nor causes electrical interference with telephone, television, radio or satellite equipment;
 - (xi) there is no home based business on any lot containing an Accessory Apartment in either the principal dwelling unit or the Accessory Apartment.
- (b) A home based business shall not include the following:
- adult entertainment establishment
 - automobile sales establishment
 - body rub establishment
 - clinic
 - contractor's yard
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- eating establishment
- escort service
- kennel
- motor vehicle paint and body shop
- premises used as a base of operations to assemble persons for transportation to work off-site or the pick-up of goods, materials or equipment for distribution or use off-site
- public garage
- retail store
- salvage yard
- take out eating establishment
- taxi establishment

14.2.21 Single Detached Dwelling on a Lot

No more than one single detached dwelling is permitted on a lot.

14.2.22 Zero Decimal Three (0.3) Metre Reserves

For the purposes of this By-law, a 0.3 metre reserve shall be considered to be part of the abutting street.

14.2.23 Standards for Attached Private Garages on Lots Accessed by a Lane

- (a) Attached private garages that are part of the main building are permitted provided that the wall of the private garage facing the lane:
 - (i) is located no further than 7.5 metres from the rear lot line;
 - (ii) is located no closer than 1.75 metres to the rear lot line where a garage door faces the lane and access to the lane is provided on both sides of the lane and 2.5 metres to a rear lot line where a garage door faces the lane and access to the lane is provided only on one side of the lane.

14.2.24 Standards for Attached Private Garages Accessed by a Driveway from a Street

No part of a private garage shall project beyond the front wall of the first storey of the dwelling except where a porch is provided, in which case the private garage shall not project beyond the front of the porch.

14.2.25 Zone Boundaries

(7168-16)
(7252-17)

- (a) If the zone boundary is shown on Schedules A-1 to A-5 to By-law Amendment # 7168-16 and Schedules A-1 to A-5 to By-law Amendment # 7252-17;
 - (i) as following a street, lane, railway right-of-way, electric transmission line right-of-way or watercourse, then the centre line of the street, lane, railway right-of-way, electric transmission line right-of-way, municipal boundary or watercourse is the boundary;
 - (ii) as substantially following lot lines shown on a registered plan of subdivision except where the lot line is a street line, then the lot lines are the boundary;
 - (iii) as not being in accordance with the above provisions, then the zone boundary shall be scaled from the Schedules A-1 to A-5.

- (b) In addition to the above, if the zone boundary separates a lot into portions, each portion of the lot shall be used in accordance with the provisions of this By-law for the applicable zone.

14.2.26 Height Exemptions

- (a) The following shall be exempt from the calculation of building height:
- Cupolas, finials and weather vanes, or similar ornamental features;
 - Chimneys;
 - Flag poles;
 - Light standards;
 - Lightning rods;
 - Parapets
 - Mechanical penthouses less than or equal to 6 metres in height;
 - Unenclosed mechanical equipment set back 5 metres from the roof edge;
 - Skylights less than 0.6 metres in height.
 - Hydro, radio, television or microwave towers, antennae and similar features;
 - Clock towers;
 - Steeples;
- (b) Notwithstanding (a) above, in a Residential Zone, flags poles and light standards shall not exceed 10 metres in height

(7252-17)

14.2.27 Holding (H) Zone Provisions

- (a) Where a zone symbol is preceded by the letter “H”, the lands subject to that zone shall only be used for the uses that existed at the date of the passing of By-law #7252-17 until the “H” is removed.
- (b) Council may pass a by-law to remove the “H” holding symbol, thereby placing the lands in the zone indicated by the zone symbol, when all the applicable requirements have been met.
- (c) A by-law to remove the “H” holding symbol shall not be passed until an Urban Design Plan has been prepared that addresses, at a minimum, the relevant matters outlined in subsection 11.12.2 Land Use Designations of the West Whitby Secondary Plan of the Town of Whitby Official Plan and such Urban Design Plan has been endorsed by Town Council.

(7252-17) 14.3 Parking and Loading Provisions

The parking and loading provisions in Section 4A of By-law # 1784, as amended, shall apply to lands in West Whitby as delineated on Schedules A-1 to A-5 to By-law 7168-16 and schedules A-1 to A-5 to By-law #7252-17, except as described as follows:

- (a) The minimum number of parking spaces for a back to back townhouse unit dwelling shall be 2 spaces per dwelling unit.
 - (b) The minimum number of parking spaces for a street townhouse dwelling unit on a private street and a back to back townhouse dwelling unit on a private street shall be 2 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitor parking.
 - (c) The minimum number of parking spaces for a stacked townhouse dwelling unit shall be 1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
 - (d) In addition to the required parking for dwelling units in an apartment building, parking for non-residential uses within the same building shall also be provided in accordance with such uses as described in Table 4A(2).
 - (e) The following provisions apply to private driveways with direct motor vehicle access from a street serving a single detached dwelling, semi-detached dwelling, duplex dwelling and townhouse dwelling which have a private garage or carport:
 - (i) The minimum width of a private driveway on a lot shall be 3.0 metres, except that the minimum width of a private driveway in an interior side yard leading to a private garage, carport or parking space in the rear yard shall be 2.75 metres.
 - (ii) The maximum width of a private driveway on a lot serving a one car private garage shall be 4.4 metres.
 - (iii) Notwithstanding section 14.3 (e)(ii), the maximum width of a driveway leading to a private garage or carport situated in the rear yard and accessed from a street shall be 3.0 metres or the width of the garage door, whichever is the greater and no maximum driveway width shall apply if the driveway is accessed from a lane.
 - (iv) The maximum width of a private driveway on a lot serving a two car width private garage shall be 7 metres.
 - (v) Notwithstanding provision 14.3 (e)(iv) above, where a garage door opening used for motor vehicle access faces an interior side lot line, the maximum width of a private driveway in the front yard measured along the street line shall be 6.0 metres.
 - (vi) Any hard surface area abutting a driveway used or capable of being used for parking a motor vehicle shall be included in the driveway width calculation excluding any parking pad or hammerhead used for the purpose of manoeuvring a vehicle such that the vehicle can exit the property in a forward motion.
 - (vii) Notwithstanding provision 14.3 (e)(vi) above, one walkway access may be connected to one side of the driveway provided the maximum width of the walkway shall be 1.5 metres and the walkway shall not extend out from the front wall or porch for more than 50% of the depth from the street to the front wall or porch of the dwelling.
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- (7252-17)**
- (f) The minimum distance between an intersection of street lines and the nearest driveway shall be 9.0 metres except in Residential Zones, in which case the minimum distance between an intersection of street lines and the nearest driveway shall be 6 metres and provided further that no driveway shall access a lot by crossing through a visibility triangle.
 - (g) The minimum lot frontage for a single detached dwelling containing an attached two car private garage accessed from the front yard shall be 10.5 metres. This provision does not apply to a private garage containing a tandem parking space.
 - (h) Subsection 3.9 of Section 4A of By-law # 1784 shall not apply.
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14.4 Residential Zone Regulations

14.4.1 Uses Permitted

The following Table 14.4(1) establishes the uses permitted in the Low Density (LD), Medium Density (MD) and High Density (HD) Zones. The uses permitted in the LD, MD and HD Zones are identified in Table 14.4(1) through “Yes” under the column related to each zone. The uses not permitted in the LD, MD, and HD Zones are identified in Table 14.4(1) through a not permitted (n/p) symbol under the column related to each zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted use as described following Table 14.4(1).

Table 14.4(1): Uses Permitted in Residential Zones

Residential Use	LD Zone	MD Zone	HD Zone
Single detached dwelling	Yes	n/p	n/p
Semi-detached dwelling	Yes	n/p	n/p
Street townhouse dwelling	n/p	Yes	Yes
Block townhouse dwelling	n/p	Yes	Yes
Back to back townhouse dwelling	n/p	Yes	Yes
Stacked townhouse dwelling	n/p	Yes	Yes
Apartment building	n/p	Yes	Yes
Retirement home	n/p	Yes	Yes
Long term care home	n/p	Yes	Yes

Non-Residential Uses	LD Zone	MD Zone	HD Zone
Day care establishment	n/p	n/p	Q1
Community centre	n/p	n/p	Q1

Qualifications:

Q1 Permitted on the ground floor of an apartment building, retirement home or long term care home.

14.4.2 Low Density (LD) Zone Provisions**(a) Lot and Building Requirements by Building Type**

- (i) The following Table 14.4(2) and additional provisions establish the zone standards that apply to the Low Density (LD) zone.

Table 14.4(2): Low Density (LD) Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Max. Front Yard	Min. Interior Side Yard	Minimum Exterior Side Yard	Min. Rear Yard	Minimum Front Yard Landscaped Open Space	Maximum Building Height
Single detached dwelling	240 m ²	8 m, except 11 m for a corner lot. ⁽³⁾	3 m ⁽¹⁾	NR	1.2 m & 0.6 m	3 m ⁽¹⁾	7.5 m	40% ⁽²⁾	11 m
Semi-detached dwelling	210 m ²	7 m/ unit, except 10 m for a corner lot	3 m ⁽¹⁾	NR	0.9 m ⁽⁴⁾	3 m ⁽¹⁾	7.5 m	25%	11 m
Notes: NR = No Requirement (1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres. (2) Except that for lots with frontages of less than 12 metres, the minimum front yard landscaped open space shall be 25%. (3) Except that for a single detached dwelling situated on a corner lot abutting a roundabout, the minimum lot frontage shall be 13 metres. (4) Except that where semi-detached dwellings on abutting lots share a common wall, no interior side yard shall be required.									

(b) Additional Provisions

- (i) For a single detached dwelling situated on a lot that abuts a lane, the larger required minimum interior side yard shall abut the lane.
- (ii) For a single detached dwelling situated on a corner lot abutting a roundabout, the vehicular access to the garage shall be taken from the exterior side lot line.

14.4.3 Medium Density (MD) Zone Provisions**(b) Lot and Building Requirements by Building Type**

- (i) The following Table 14.4(3) and additional provisions establish the zone standards that apply to the Medium Density (MD) Zone.

Table 14.4(3): Medium Density (MD) Zone Standards

Building Type	Min. Lot Area (m²)	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit with a front access garage	160 m ² / unit except 145 m ² / unit on a private street	6 m /unit except 5.5 m/ unit on a private street ⁽⁶⁾	3 m ⁽¹⁾	1.2m ⁽⁹⁾	3 m ⁽¹⁾	7.5 m	NR	25%	2 storeys ⁽⁵⁾	12 m
Street townhouse dwelling unit with a detached rear garage	165m ² / unit	5.5 m/ unit ⁽⁶⁾	3 m	1.2 m ⁽⁹⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport or unenclosed parking space ⁽²⁾⁽¹⁰⁾	25 m ² / unit	50%	2 storeys ⁽⁵⁾	12 m
Street townhouse dwelling unit with an integral rear garage	108 m ² / unit	5.5 m/ unit ⁽⁶⁾	3 m	1.2 m ⁽⁷⁾⁽⁹⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport or unenclosed parking space ⁽²⁾⁽¹⁰⁾	15 m ² / unit ⁽⁸⁾	50%	2 storeys ⁽⁵⁾	12 m
Block townhouse dwelling	NR	30 m	3 m ⁽¹⁾⁽³⁾	1.2m ⁽³⁾	3 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁵⁾	12 m
Stacked townhouse dwelling	NR	30 m	3 m ⁽¹⁾⁽³⁾	1.8 m ⁽³⁾	3 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁵⁾	12 m
Back to back townhouse dwelling unit	75 m ² / unit	5.5 m/ unit ⁽⁶⁾	3 m ⁽¹⁾⁽³⁾	1.5 m ⁽⁹⁾	3 m ⁽¹⁾⁽³⁾	NR	7.5 m ² / unit	NR	2 storeys ⁽⁵⁾	12 m

Notes: NR = No Requirement

- (1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (2) Except that the minimum distance where access is provided to both sides of a lane shall be 1.75 metres.
- (3) Except that for an underground parking area, the minimum setback shall be 0 metres.
- (4) Except that for the Medium Density Zone abutting Taunton Road or Dundas Street, the maximum building height shall be 8 storeys.
- (5) Except that for in the Medium Density Zone abutting Taunton Road or Dundas Street, the minimum building height shall be 3 storeys.
- (6) Except that for a corner lot, the minimum lot frontage shall be 9 metres.
- (7) If no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.
- (8) Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.
- (9) Where no common wall exists.
- (10) Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 metres.

(c) Additional Provisions

- (i) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.5 metres.
 - (ii) The following provisions apply to block townhouse dwellings:
 - (a) The minimum width of each dwelling unit shall be 5.5 metres.
 - (b) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (c) The provisions pertaining to setbacks for garages in subsection 14.2 apply to block townhouse dwellings, and for the purpose of applying these provisions to block townhouse dwellings, the boundary of an internal roadway shall be deemed to be a lot line and a theoretical line extending from the vertical division of the block townhouse dwelling units to the boundary of the internal roadway shall be considered the side lot line.
 - (d) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (e) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 m.
 - (f) The minimum distance from an integral garage of a block townhouse dwelling unit to an internal roadway shall be 5.8 m.
 - (g) The minimum landscaped open space on the lot shall be 30%.
 - (iii) The following provisions apply to stacked townhouse dwellings:
 - (a) The minimum separation distance between stacked townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (c) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 m.
 - (d) The minimum distance from an integral garage of a stacked townhouse dwelling unit to an internal roadway shall be 5.8 m.
 - (e) The minimum landscaped open space on the lot shall be 30%.
-

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- (iv) The following provisions apply to an apartment building, long term care home or retirement home:
 - (a) The minimum landscaped open space on the lot shall be 25%.
 - (b) The minimum separation between two buildings on the same lot shall be 12 metres.
-

14.4.4 High Density Zone (HD) Zone Provisions**(a) Lot and Building Requirements by Building Type**

The following Table 14.4(4) and additional provisions establish the zone standards that apply to the High Density zone.

Table 14.4(4): High Density (HD) Zone Standards

Building Type	Min. Lot Area (m²)	Min. Lot Frontage	Min. Front Yard	Max. Front Yard	Min. Interior Side Yard	Min. Ext. Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit	As per the Medium Density Zone described in 14.4.3										
Block townhouse dwelling	As per the Medium Density Zone described in 14.4.3										
Back to back townhouse dwelling unit	As per the Medium Density Zone described in 14.4.3										
Stacked townhouse dwelling	As per the Medium Density Zone described in 14.4.3										
Apartment building/ Retirement home/ Long term care home	NR	NR	3 m ⁽¹⁾	6 m ⁽²⁾	6 m ⁽¹⁾	3 m ⁽¹⁾	7.5m ⁽¹⁾	NR	NR	3 storeys	12 storeys

Notes:

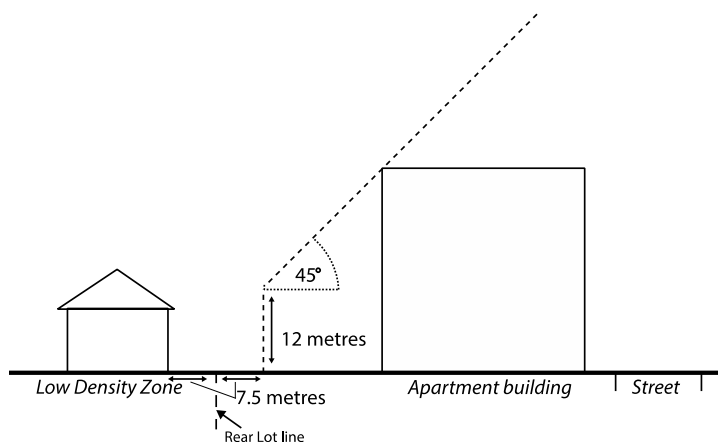
NR = No Requirement

⁽¹⁾ Except that for an underground parking area the minimum setback shall be 0 metres.

⁽²⁾ Except that a maximum of 25% of the building facing the street may have a greater front yard depth.

(b) Additional Provisions

- (i) The minimum residential density shall be 75 dwelling units per net hectare and the maximum residential density shall be 150 dwelling units per net hectare.
- (ii) For street townhouse dwellings, block townhouse dwellings, back to back townhouse dwellings and stacked townhouse dwellings, the respective additional provisions of subsection 14.4.3 apply.
- (iii) The following provisions apply to an apartment building, long term care home or retirement home:
 - (a) Where buildings are 8 storeys or more in height, a 3 to 5 storey podium shall be provided and the point tower portion of the building shall be set back a minimum of 3 metres from the outer edge of the exterior wall of the podium.
 - (b) Where the rear yard of a lot containing an apartment building, long term care home or retirement home abuts a lot in the Low Density or Medium Density Zone, the building height above 12.0 metres shall be limited by a 45-degree angular plane measured from a height of 12.0 metres at the 7.5 metre setback from an adjoining Low or Medium Density Zone.
 - (c) Where the side yard of a lot containing an apartment building, long term care home or retirement home abuts a lot in the Low Density or Medium Density zone, the building height above 12.0 metres shall be limited by a 45-degree angular plane measured from a height of 12.0 metres at the 6 metre setback from an adjoining Low or Medium Density Zone.

Illustration of Angular plane for rear yard abutting a rear yard of a residential use

- (d) The minimum separation distance between buildings with a point tower shall be 25 metres.

- (e) The minimum separation distance between apartment buildings of less than 8 storeys on one lot shall be 12 metres.
 - (f) The minimum landscaped open space on the lot shall be 25%.
 - (g) Any above ground parking structure:
 - (i) shall be inside the building such that the perimeter wall of the parking structure shall not be exposed to view from the street;
 - (ii) the portion of all floors facing a street shall be occupied by uses permitted in the zone other than parking, except for any egress or ingress driveway or ramp leading to the parking structure;
 - (iii) the uses required in (g)(ii) above shall extend at least 10.0 metres in depth from the wall facing the street and extend to the same height as the proposed parking structure;
 - (iv) shall be no higher than four storeys or the height of the podium where a podium is provided
-

14.5 West Whitby Institutional Zone Regulations

14.5.1 Uses Permitted

The following Table 14.5 (1) and additional provisions establish the uses permitted in the West Whitby Institutional (IWW) Zone. The uses permitted the IWW Zone are identified in Table 14.5 (1) through “Yes” under the column related to each zone.

Table 14.5 (1): Uses Permitted in the West Whitby Institutional Zone

Use	IWW Zone
Assembly Hall	Yes
Community centre	Yes
Day care establishment	Yes
Long term care home	Yes
Place of worship	Yes
School	Yes

14.5.2 West Whitby Institutional (IWW) Zone Provisions

(a) Lot and Building Requirements by Use

The following Table 14.5 (2) establishes the zone standards that apply to the West Whitby Institutional (IWW) Zone.

Table 14.5 (2): West Whitby Institutional (IWW) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Minimum Landscaped Open Space	Max. Building Height
Institutional	NR	NR	4 m	3 m	4 m	7.5 m	30% of the lot area	15 m

(8164-25)

14.5.3 Exceptions

(1) Exception 1: IWW-1 SW-2024-02

1. Defined Area

The lands located east of Coronation Road and north of Fire King Drive and zoned IWW-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 IWW-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 IWW Zone in accordance with Table 14.5(1)

Notwithstanding the definition of Place of Worship in Section 14.1 and any other definitions to the contrary, additional uses permitted in a Place of Worship may also include a day care establishment and a maximum of two guest suites in which sanitary facilities and cooking facilities may be provided.

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any IWW-1 Zone the following provisions shall apply to a Place of Worship:

(a) Number of Parking Spaces

The minimum number of required parking spaces for the sanctuary (worship area) and the assembly hall portion of the building shall be calculated based on the room that generates the greatest occupancy capacity.

(b) Number of Loading Spaces

Minimum 0.0 spaces

(7252-17) 14.6 Mixed Use Zone Regulations**14.6.1 Uses Permitted**

The following Table 14.6(1) establishes the uses permitted in the Mixed Use One North (MX1N), Mixed Use One South (MX1S), Mixed Use Two (MX2) and Mixed Use Two Special (MX2S) Zones. The uses permitted in the MX1N, MX1S, MX2 and MX2S Zones are identified in Table 14.6(1) through “Yes” under the column related to each zone. The uses not permitted in the MX1S, MX2, and MX2S Zones are identified in Table 14.6(1) through a not permitted (n/p) symbol under the column related to each zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted use as described following Table 14.6(1).

Table 14.6(1): Uses Permitted in Mixed Use Zones

Non- Residential Use	MX1N Zone	MX1S Zone	MX2 Zone	MX2S Zone
Animal care establishment	Yes	Q1	Q2	Q2
Art gallery	Yes	Q1	Q2	Q2
Assembly hall	Yes	Q1	Q2	Q2
Catering service establishment	Yes	Q1	Q2	Q2
Clinic	Yes	Q1	Q2	Q2
Commercial school	Yes	Q1	Q2	Q2
Community centre	Yes	Q1	Q2	Q2
Day care establishment	Yes	Q1	Q2	Q2
Eating establishment	Yes	Q1	Q2	Q2
Eating establishment, take-out	Yes	Q1	Q2	Q2
Financial institution	Yes	Q1	Q2	Q2
Food store	Yes	Q1	Q2	Q2
Hotel	Yes	n/p	n/p	n/p
Library	Yes	Q1	Q2	Q2
Museum	Yes	Q1	Q2	Q2
Office	Yes	Q1	Q2	Q2
Personal service establishment	Yes	Q1	Q2	Q2
Place of entertainment	Yes	Q1	Q2	Q2
Place of worship	Yes	Q1	Q2	Q2
Private school	Yes	Q1	Q2	Q2
Recreational club or facility	Yes	Q1	Q2	Q2
Retail store	Yes	Q1	Q2	Q2

Non- Residential Use	MX1N Zone	MX1S Zone	MX2 Zone	MX2S Zone
Service shop	Yes	Q1	Q2	Q2
Studio	Yes	Q1	Q2	Q2
Supermarket	Yes	Q1	n/p	Q2,Q3
Veterinary clinic	Yes	Q1	n/p	n/p
Wellness centre	Yes	Q1	Q2	Q2

Residential Use	MX1N Zone	MX1S Zone	MX2 Zone	MX2S Zone
Street townhouse dwelling	Yes	Yes	Q2	Q2
Block townhouse dwelling	Yes	Yes	Q2	Q2
Back to back townhouse dwelling	Yes	Yes	Q2	Q2
Stacked townhouse dwelling	Yes	Yes	Q2	Q2
Apartment building	Yes	Yes	Q2	Q2
Retirement home	Yes	Yes	Q2	Q2
Long term care home	Yes	Yes	Q2	Q2
Live work dwelling	Yes	Yes	Yes	Yes

Qualifications:

- Q1 Use must be integrated with residential uses on the same lot and may be integrated in the same building.
- Q2 Residential and non-residential uses must be integrated within each area zoned MX2 or MX2S and may be integrated in the same building.
- Q3 Permitted at the north east corner of Taunton Road West and Des Newman Boulevard.

(7414-18)

14.6.2 Mixed Use Zone Provisions**(a) Lot and Building Requirements by Building Type**

The following Table 14.6(2) and additional provisions establish the zone standards that apply to the Mixed Use 1 North (MX1N), Mixed Use One South (MX1S), Mixed Use Two (MX2) and Mixed Use Two Special (MX2S) Zones. Except as otherwise noted, the provisions apply to each of these zones.

Table 14.6(2): Mixed Use Zone Standards

Building Type	Minimum Lot Area (m ²)	Minimum Lot Frontage	Minimum Front Yard	Maximum Front Yard	Minimum Interior Side Yard	Minimum Exterior Side Yard	Min. Rear Yard	Minimum Outdoor Private Amenity Space	Minimum Front Yard Landscaped Open Space	Minimum Building Height	Maximum Building Height
Street townhouse dwelling unit with a front access garage	160 m ² /unit ⁽¹⁴⁾	6 m/unit except 5.5m/unit on a private street ⁽⁹⁾	3 m ⁽¹⁾	NR	1.2 m ⁽¹²⁾	3 m ⁽¹⁾	7.5 m	NR	25%	3 storeys ⁽⁶⁾	4 storeys
Street townhouse dwelling unit with a detached rear garage	165 m ² /unit	5.5 m/unit ⁽⁹⁾	3 m	NR	1.2 m ⁽¹²⁾	3 m ⁽¹⁾	2.5 m. to a garage, or unenclosed parking space ⁽²⁾⁽¹³⁾	25 m ² /unit	50%	3 storeys ⁽⁶⁾	4 storeys
Street townhouse dwelling unit with an integral rear garage	108 m ² /unit	5.5 m/unit ⁽⁹⁾	3 m	NR	1.2 m ⁽¹¹⁾⁽¹²⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport, or unenclosed parking space ⁽²⁾⁽¹³⁾	15 m ² /unit ⁽¹⁰⁾	50%	3 storeys ⁽⁶⁾	4 storeys
Block townhouse	NR	30 m	3 m ⁽¹⁾	NR	1.2 m	3 m ⁽¹⁾	7.5 m	NR	NR	3 storeys ⁽⁶⁾	4 storeys
Stacked townhouse dwelling	NR	30 m	3 m ⁽¹⁾	NR	1.2 m	3 m ⁽¹⁾	7.5 m	NR	NR	3 storeys ⁽⁶⁾	4 storeys
Back to back townhouse dwelling unit	75 m ² /unit	5.5 m/unit ⁽⁹⁾	3 m ⁽¹⁾	NR	1.2 m ⁽¹²⁾	3 m ⁽¹⁾	NR	7.5 m ² /unit	NR	3 storeys ⁽⁶⁾	4 storeys

Building Type	Minimum Lot Area (m ²)	Minimum Lot Frontage	Minimum Front Yard	Maximum Front Yard	Minimum Interior Side Yard	Minimum Exterior Side Yard	Min. Rear Yard	Minimum Outdoor Private Amenity Space	Minimum Front Yard Landscaped Open Space	Minimum Building Height	Maximum Building Height
Live work dwelling	135 m ²	5.5 m/unit ⁽⁹⁾	0.0 m	3 m ⁽³⁾	1.2 m ⁽¹²⁾	3 m ⁽¹⁾	2.5 m. to a garage, carport, or unenclosed parking space ⁽²⁾⁽¹³⁾	15 m ² /unit ⁽¹⁰⁾	NR	3 storeys ⁽⁶⁾	4 storeys
Apartment building/ Retirement home/ Long term care home	NR	NR	0.0 m	3 m ⁽³⁾⁽¹⁵⁾	0.0 m ⁽⁵⁾	0.0 m/ Max. 3 m ⁽³⁾⁽¹⁵⁾	7.5 m ⁽⁴⁾	NR	NR	3 storeys ⁽⁶⁾	8 storeys ⁽⁷⁾⁽⁸⁾⁽¹⁸⁾
Non-residential building	NR	NR	0.0 m	3 m ⁽³⁾⁽¹⁵⁾	0.0 m ⁽¹⁷⁾	0.0 m / Max. 3 m ⁽³⁾⁽¹⁵⁾	0.0 m ⁽¹⁷⁾	NR	NR	2 storeys ⁽¹⁶⁾	8 storeys ⁽⁷⁾⁽⁸⁾⁽¹⁸⁾

Notes:

NR = No Requirement

- ⁽¹⁾ Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- ⁽²⁾ Except that the minimum distance shall be 1.75 metres where access to a garage, carport or unenclosed parking space is provided from both sides of a lane.
- ⁽³⁾ A maximum of 25% of the building facing a street can have a greater yard.
- ⁽⁴⁾ Except that for an underground parking area the minimum setback shall be 0 metres.
- ⁽⁵⁾ Except that the minimum side yard shall be 3 metres abutting a Low Density or Medium Density Zone.
- ⁽⁶⁾ Except that the minimum number of storeys in the MX2 Zones located at the corner of Coronation Road and Twin Streams Road and at the corners of Des Newman Boulevard and Bonacord Avenue shall be 2 storeys.
- ⁽⁷⁾ Except that in the MX1N and MX1S Zones, the maximum building height may be increased to 12 storeys in locations identified in a Gateway Area where such locations are determined to be within 200 metres measured along all street lines at the intersection of Rossland Road West and Des Newman Boulevard.
- ⁽⁸⁾ Except that the maximum number of storeys in the MX2 Zones located at the corner of Coronation Road and Twin Streams Road and at the corners of Des Newman Boulevard and Bonacord Avenue, shall be 4 storeys.
- ⁽⁹⁾ Except that for a corner lot, the minimum lot frontage per unit shall be 9 metres.
- ⁽¹⁰⁾ Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.
- ⁽¹¹⁾ Within a street townhouse dwelling, if no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.
- ⁽¹²⁾ Where no common wall exists.
- ⁽¹³⁾ Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 metres.
- ⁽¹⁴⁾ Except the minimum lot area shall be 145 square metres on a private street.
- ⁽¹⁵⁾ This provision only applies to buildings within 30 metres of a street line.
- ⁽¹⁶⁾ For a non-residential building, the requirement for a building to be two storeys shall be considered to be met where the building has a minimum height of 7.5 metres and there is functional space above the first storey.
- ⁽¹⁷⁾ Except that the minimum interior side yard and minimum rear yard shall be 7.5 metres abutting a Low Density or Medium Density Zone
- ⁽¹⁸⁾ Except that in the MX2S Zones situated along Taunton Road West, west of Coronation Road and west of Cochrane Street, the maximum building height may be increased to 12 storeys.

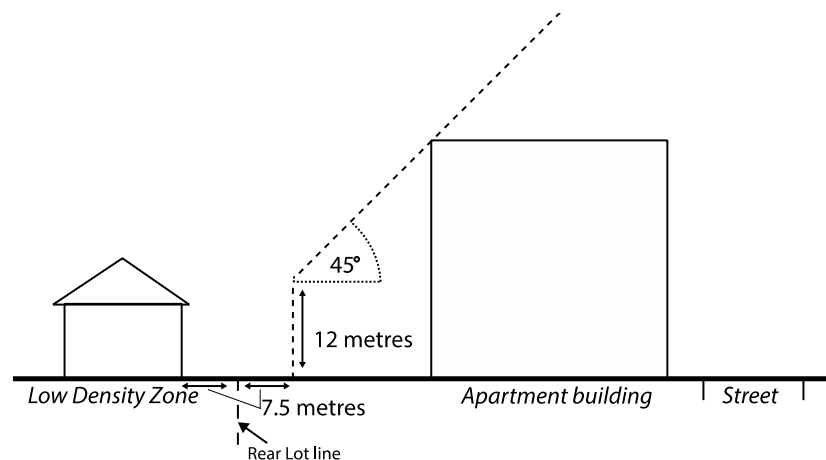
(b) Additional Provisions

- (i) For a street townhouse dwelling unit with a detached rear garage, the minimum separation distance between the detached rear garage and the dwelling unit shall be 5 metres.
- (ii) The following additional provisions apply to block townhouse dwellings:
 - (a) The minimum width of each dwelling unit shall be 5.5 metres.
 - (b) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (c) The provisions pertaining to setbacks for garages in subsection 14.2 apply to block townhouse dwellings, and for the purpose of applying these provisions to block townhouse dwellings, the boundary of an internal roadway shall be deemed to be a lot line and a theoretical line extending from the vertical division of the block townhouse dwelling units to the boundary of the internal roadway shall be considered the side lot line.
 - (d) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (e) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 m
 - (f) The minimum distance from an integral garage of a block townhouse dwelling unit to an internal roadway shall be 5.8 m.
 - (g) The minimum landscaped open space on the lot shall be 30%.
- (iii) The following additional provisions apply to back to back townhouse dwellings:
 - (a) The minimum lot depth for a back to back townhouse dwelling unit shall be 13.5 metres.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (c) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 m
 - (d) The minimum distance from an integral garage of a back to back townhouse dwelling unit to an internal roadway shall be 5.8 m.
- (iv) The following additional provisions apply to stacked townhouse dwellings:
 - (a) The minimum separation distance between stacked townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.8 m.
 - (c) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 m

- (d) The minimum distance from an integral garage of a stacked townhouse dwelling unit to an internal roadway shall be 5.8 m.
 - (e) The minimum landscaped open space on the lot shall be 30%.
 - (v) The following additional provisions apply to non-residential buildings, apartment buildings, retirement homes or long term care homes:
 - (a) In no case shall a parking area be permitted between a building and the front lot line.
 - (b) Parking areas adjacent to a street shall be separated from the street by a landscaped open space area having a minimum width of 2.5 metres excluding any driveways.
 - (c) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door shall be 0.6 metres.
 - (d) The minimum height of the first storey for all non-residential uses shall be 3.5 metres.
 - (vi) The following additional provisions apply to live work dwellings:
 - (a) The following uses are permitted as the non-residential component of a live work dwelling:
 - (i) Art gallery
 - (ii) Catering service establishment
 - (iii) Eating establishment
 - (iv) Eating establishment, take out
 - (v) Food store
 - (vi) Office
 - (vii) Personal service establishment
 - (viii) Retail store
 - (ix) Studio
 - (x) Wellness centre
 - (b) The minimum gross floor area for all non-residential uses situated on the first storey shall be 60 square metres excluding any floor area used for a washroom, mechanical or electrical room or storage room. Non-residential uses shall not be permitted above the first storey.
 - (c) The basement may be used for storage for the non-residential use.
 - (d) In no case shall a parking area be permitted between a building and the front lot line.
 - (e) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door shall be 0.6 metres.
 - (f) The minimum height of the first storey for all non-residential uses shall be 3.5 metres.
-

- (vii) The following additional provisions apply to an apartment building, long term care home or retirement home:
- (a) Where buildings are 8 storeys or more in height, a 3 to 5 storey podium shall be provided and the point tower portion of the building shall be set back a minimum of 3 metres from the outer edge of the exterior wall of the podium.
 - (b) Where the rear yard of a lot containing an apartment building, long term care home or retirement home abuts a lot in the Low Density or Medium Density Zone, the building height above 12.0 metres shall be limited by a 45-degree angular plane measured from a height of 12.0 metres at the 7.5 metre setback from an adjoining Low or Medium Density Zone.
 - (c) Where the side yard of a lot containing an apartment building, long term care home or retirement home abuts a lot in the Low Density or Medium Density Zone, the building height above 12.0 metres shall be limited by a 45-degree angular plane measured from a height of 12.0 metres at the 3 metre setback from an adjoining Low or Medium Density Zone.
 - (d) The minimum separation distance between the point tower portions of adjacent buildings shall be 25 metres.
 - (e) The minimum landscaped open space on the lot shall be 25%.

Illustration of angular plane for rear yard abutting a rear yard of a residential use in a Low Density or Medium Density Zone



- (viii) The following additional provisions apply to above ground parking structures:
- (a) Any above ground parking structure shall be inside the building such that the perimeter wall of the parking structure shall not be exposed to view from the street;
 - (b) The portion of all floors facing a street shall be occupied by uses permitted in the zone other than parking, except for any egress or ingress driveway or ramps leading to the parking structure;
 - (c) The uses required in (viii)(b) above shall extend at least 10.0 metres in depth from the wall facing the street and extend to the same height as the proposed parking structure;
 - (d) Any above ground parking structure shall be no higher than four storeys or the height of the podium where a podium is provided.

- (ix) The following additional provisions apply to drive through lanes:
 - (a) Drive through lanes shall not be permitted between a building and a public street where the building is located within 20 metres of the public street;
 - (b) Drive through lanes shall not be within 7.5 metres of a residential use;
- (x) For Mixed Use 1 Zones (MX1N and MX1S):
 - (a) The maximum gross leasable area for all retail store and personal service establishment uses in the Mixed Use 1 Zones shall be 15,000 square metres.
 - (b) The minimum residential density shall be 45 units per net hectare.
- (xi) For Mixed Use 2 Zones (MX2 and MX2S):
 - (a) Where the MX2 or MX2S Zone abuts Dundas Street West or Taunton Road West, the minimum residential density shall be 60 units per net hectare.
 - (b) Where the MX2 or MX2S Zone abuts Coronation Road or Des Newman Boulevard, but does not also abut Dundas Street West or Taunton Road, the minimum residential density shall be 45 units per net hectare and the maximum residential density shall be 70 units per net hectare.
- (xii) For the Mixed Use 2 Zone (MX2):
 - (a) The maximum gross leasable area for all retail store and personal service establishment uses shall be 1,500 square metres.
- (xiii) For the Mixed Use 2 Special Zone (MX2S):
 - (a) The maximum gross leasable area for retail store and personal service establishment uses shall be 3,500 square metres, except at the intersection of Taunton Road West and Des Newman Boulevard where the maximum gross leasable area shall be 7,560 square metres.
- (xiv) Notwithstanding the definition of a lot, any severances by way of consent, or the registration at any time of any Condominium Declaration, Plan of Subdivision, or conveyance, the original boundary of a lot in the MX1N, MX1S, MX2 and MX2S Zone shall continue to be considered to be the lot boundary.

(7653-20)

14.6.3 Exceptions

(1) Exception 1: MX1N-1
840 Rossland Road West

1. Defined Area

The lands located north of Rossland Road West and south of the Canadian Pacific Railway rail line and zoned MX1N-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 MX1N-1 Zone use any lot or erect, alter or use any building or structure except for the following uses:

- apartment building

- mixed use building containing one or more of the non-residential uses permitted in the MX1N Zone

Provided that any buildings situated to the east or west of the proposed entrance driveway and adjacent to Rossland Road West shall only be developed as mixed use buildings.

3. Zone Provisions

In any MX1N-1 Zone, the applicable zone provisions of By-law #1784 shall continue to apply including the applicable provisions of subsection 14.6.2 except that the following additional provisions shall also apply:

(a) Lot Line Determination

The lot line abutting Rossland Road West shall be deemed the front lot line and the lot line abutting the Canadian Pacific Railway right of way shall be deemed the rear lot line and all other lot lines shall be deemed interior side lot lines.

(b) Net Residential Density Maximum

280 units per net hectare

Provided however that the calculation of net residential density includes any aisles, driveways and/or internal roadways.

(c) Height of Building Maximum

12 storeys

Provided however that any building situated to the east of the proposed entrance driveway and adjacent to the Rossland Road West street line shall have a maximum height of 7 storeys.

Provided further that any building situated to the west of the proposed entrance driveway and adjacent to the Rossland Road West street line shall have a maximum height of 8 storeys.

(d) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access, activity room and any architectural features shall not exceed 6 metres.

(e) Non-Residential Provisions

(i) The minimum gross floor area devoted to non-residential uses shall be 900 m² excluding outdoor patios related to non-residential uses.

(ii) Non-residential uses, where integrated in a mixed use building, shall only be permitted on the first and second storey.

(iii) The minimum floor to ceiling height of the first storey for all non-residential uses shall be 4.5 m.

- (iv) Notwithstanding the minimum building yard setback provisions of this By-law to the contrary, any outdoor patio or any ornamental or architectural structure such as a canopy or a colonnade may project to within 0.3 m of the property line.
- (v) No drive through facilities are permitted.
- (f) **Parking and Loading Requirements**

Notwithstanding any provisions of Section 4A and subsection 14.3 to the contrary, the following provisions shall apply:

- (i) **Number of Resident Parking Spaces**
Minimum 1.0 space per apartment dwelling unit
- (ii) **Number of Visitor Parking Spaces**
Minimum 0.15 spaces per apartment dwelling unit
- (iii) **Number of Non-Residential Parking Spaces**
Minimum 1.0 space per 23 m² of gross leasable area
- (iv) Any parking structure situated below finished grade may be located no closer than 1.0 m to any street line or any other lot line provided that any roof deck or finished top level of the parking structure is not greater than 1.0 m above finished grade. This provision shall also apply to ventilation shafts, stairways and other similar facilities associated with a parking structure that projects above finished grade.
- (v) Any parking area or parking spaces at finished grade shall be setback a minimum distance of 2.5m from any street line, 2.0 m from any other lot line, 3.5 m from the exterior wall of a main building other than an end wall and 1.8 m from an end wall.
- (vi) 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.
- (vii) The parking space dimensions for an accessible parking space shall be:

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.8 m	3.4 m	2.4 m

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

The following subsections of By-law #1784 shall not apply to the lands zoned MX1N-1 by this By-law Amendment

14.6.2.(b)(vii)(a)

5. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where a conflict between the definitions set forth hereunder and those set forth in Section 2 and subsection 14.1 of By-law #1784, the following definitions shall apply:

- (a) **“Landscaped Open Space”** means the open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, trees and shrubs, 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 on the roof of a building, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area, private balcony or private terrace.

(7931-22)

(2) **Exception 2: MX2S-2 North-east corner of Dundas Street West and Des Newman Boulevard**

1. Defined Area

The land located at the north-east corner of Dundas Street West and Des Newman Boulevard and zoned MX2S-2 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 MX2S-2 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 MX2S Zone
- mixed use building containing one or more of the permitted non-residential uses in the MX2S Zone in conjunction with one or more of the following residential uses:
 - apartment dwelling units
 - seniors apartment dwelling units
 - long term care home
 - retirement home

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any MX2S-2 Zone, the following provisions shall apply to a mixed use building as described in subsection 2 above:

- (a) Lot Line Determination

Notwithstanding the definition of “Lot, Through Corner” the lot line abutting Dundas Street West shall be deemed the front lot line and the lot line opposite the front lot line abutting Bluegill Crescent shall be deemed the rear lot line. The lot line abutting Des Newman Boulevard shall be deemed the exterior side lot line and the lot line opposite the exterior side lot line abutting Coho Drive shall be deemed the interior side lot line.

- (b) Height of Building
Maximum 9 storeys

Notwithstanding any definitions or zone provisions to the contrary, the height of building shall be determined from the finished grade level at the main entrance to the building which is situated on the north façade of the building.

- (c) 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 including washroom facilities and any architectural features shall not exceed 7.0 metres.

Notwithstanding any definitions to the contrary, roof top appurtenances such as those listed above shall not constitute a storey when determining maximum height of building.

- (d) Non-Residential Provisions

(i) The minimum gross floor area devoted to non-residential uses shall be 460m² inclusive of any directly related refuse and recycling area but excluding outdoor patios related to non-residential uses.

(ii) Non-residential uses shall only be permitted on the first storey

(iii) No drive through facilities are permitted.

- (e) Parking and Loading Requirements

(i) 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.

(ii) The parking space dimensions for an accessible parking space shall be

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.8 m	3.4 m	2.4 m

- (f) Parking Structures

Notwithstanding any definitions or zone provisions to the contrary, any below grade exit stairs from the underground parking structure and any related stair enclosure structure may be located no closer than 0.45 metres from a street line provided no stair enclosure structure shall exceed 3.0 meters in height.

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where a conflict between the definitions set forth hereunder and those set forth in Section 2 and subsection 14.1 of By-law #1784, the following definitions shall apply:

- (a) **Retirement Home** means a building or part of a building containing semi-independent or other special needs living accommodation wherein a central kitchen and dining facilities, common amenity spaces, housekeeping services and onsite medical services are provided and where commercial, office and personal service establishment type uses may be provided and may also include independent dwelling units.
- (b) **Amenity Space, Common** means indoor or outdoor space including a roof area that is communal and available for use by the occupants of a building on a lot for recreational or social activities.

5. Zoning Provisions That Do Not Apply

The following provisions of By-law #1784 shall not apply to the lands zoned MX2S-2 by this By-law amendment:

- 4(g) Sight Triangles
- 4(l) Roads
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes
- 14.6.2 (b)(vii)(a)

(7252-17) 14.7 Prestige Employment Zone Regulations**14.7.1 Uses Permitted**

The following Table 14.7 (1) and additional provisions establish the uses permitted in the Prestige Employment (PE) Zone. The uses permitted in the PE Zone are identified in Table 14.7 (1) through “Yes” under the column related to each zone.

Table 14.7 (1): Uses Permitted in Prestige Employment Zone

Use	PE Zone
Ancillary retail sales	Yes
Assembly hall	Yes
Banquet hall	Yes
Business services including industrial supply, printing/graphic design establishment and other similar services	Yes
Catering service establishment	Yes
Commercial school	Yes
Communication facility	Yes
Craft brewery	Yes
Data centre	Yes
Equipment sales and rental - light	Yes
Eating establishment	Yes
Eating establishment, takeout	Yes
Financial institution	Yes
Food preparation plant	Yes
Health care complex	Yes
Hotel	Yes
Light manufacturing	Yes
Medical marihuana production facility	Yes
Office	Yes
Personal service establishment	Yes
Pharmaceutical production facility	Yes
Place of entertainment	Yes
Recreational club or facility	Yes
Research and development facility	Yes
Technology industry	Yes

14.7.2 Uses Prohibited

The following uses shall be prohibited:

- automobile sales establishment;
- elementary school, secondary school and private school;
- public garage
- retail store
- salvage yard
- self storage warehouse
- warehouse facility
- waste processing station, waste transfer station and recycling facility.

14.7.3 Prestige Employment (PE) Zone Provisions**(a) Lot and Building Requirements by Use**

The following Table 14.7 (2) establishes the zone standards that apply to the Prestige Employment (PE) Zone.

Table 14.7 (2): Prestige Employment (PE) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Minimum Landscaped Open Space	Min. Building Height	Max. Building Height
Prestige Employment	0.4 ha	30 m	6 m	3 m	4 m	7.5 m	10% of the lot area	1 storeys ⁽¹⁾	4 storeys ⁽²⁾

Notes:

NR = No Requirement

- ⁽¹⁾ Except that the minimum building height shall be 2 storeys for buildings containing permitted commercial or personal service uses or buildings within a Gateway Area where such locations are determined to be within 200 metres measured along all street lines at the intersection of Taunton Road West and Des Newman Boulevard and at the intersection of Rossland Road West and Des Newman Boulevard. The requirement for a building to be two storeys shall be considered to be met where the building has a minimum height of 7.5 metres and there is functional space above the first storey.
- ⁽²⁾ Except that the maximum building height shall be 12 storeys within a Gateway Area where such locations are determined to be within 200 metres measured along all street lines at the intersection of Taunton Road West and Des Newman Boulevard and at the intersection of Rossland Road West and Des Newman Boulevard.

(b) Additional Provisions

- (i) The maximum gross floor area permitted for personal service establishments, eating establishments, takeout eating establishments, financial institutions, or recreational clubs or facilities shall be 500 square metres per premise.
- (ii) A maximum of 3 personal service establishment, eating establishment, takeout eating establishment, financial institution or recreational club or facility premises are permitted on a lot.

- (iii) For ancillary retail sales within light manufacturing uses, up to a maximum of 10 percent of the gross floor area of a use may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided the retail sales and display area is separated from the principal manufacturing use by solid partition walls and does not occupy more than 500 square metres of gross floor area.
- (iv) The maximum gross floor area for all other ancillary retail sales shall be 500 square metres per premise.
- (v) The minimum gross floor area for a Health Care Complex shall be 2,000 square metres.
- (vi) No office use with a gross leasable area greater than 10,000 square metres shall be permitted unless such office use is integrated with other permitted uses on the same lot.
- (vii) Save and except parking and the temporary storage of refuse in accessory bulk containers or receptacles for immediate pickup, all permitted uses and other operations incidental thereto including storage shall be carried on internal to a building.
- (viii) A landscaped open space strip measuring a minimum of 3 metres in width shall be provided adjacent to any lot line abutting a street.

(7900-22)

14.7.4 Exceptions**Exception 1: PE-1
Block 270 on Plan 40M-2647****1. Defined Area**

The lands located west of Des Newman Boulevard and north of Woodrow Court and zoned PE-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 PE-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 PE Zone
- Commercial self-storage warehouse

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any PE-1 Zone the following provisions shall apply:

(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 PE-1 by this By-law shall be considered to be one lot.

(b) Location of Commercial Self-Storage Warehouse Buildings

No commercial self-storage warehouse building shall be situated any closer than 90 metres from the Des Newman street line.

(c) Parking Requirements

(i) Number of Parking Spaces

The minimum number of outdoor parking spaces required for any commercial self-storage warehouse buildings with a maximum gross floor area of 12,200 m² shall be 1 parking space per 500 m².

4. Zoning Provisions That Do Not Apply

The following zone provisions shall not apply to the lands zoned PE-1 by this By-law amendment:

4A 1.2(c) Parking Spaces Required – More Than One Use on a Lot

14.2.6 Frontage on a Street

4A 4.1(b) Non-Residential Parking Provisions – Location of Parking

4A 5.3 Loading Space Regulations – More Than One Use on a Lot

(7958-23)

**Exception 2: (PE-2)
Part of Block 271 Part 3, Plan 40M2647**

1. Defined Area

The lands located on the west side of Woodrow Court between Des Newman Boulevard and Highway 412 and zoned PE-2 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 PE-2 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 PE Zone; and
- Warehouse Facility

(8097-24)

**(4) Exception 4 PE-4
Woodrow Court**

1. Defined Area

The lands located south of Woodrow Court and west of Des Newman Boulevard, municipally known as Parts 2 and 3 of Block 271 on Plan 40M-2647 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. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any PE-4 Zone the following provisions shall apply to a hotel.

-
(a)	Height of Building Maximum	6 storeys
(b)	Number of Parking Spaces Minimum	0.85 spaces per guest room or suite plus 1 space per 10 m ² of gross floor area devoted to other accessory uses such as a restaurant, lounge, meeting room or banquet hall.
(c)	Number of Loading Spaces Minimum	1.0 space
-

(7959-23)

Section 15 Brooklin Community Secondary Plan Area

- 15.1 [Definitions](#)
- 15.2 [General Provisions](#)
- 15.3 [Parking and Loading Provisions](#)
- 15.4 [Residential – Brooklin Zone Regulations](#)
- 15.5 [Institutional – Brooklin Zone Regulations](#)
- 15.6 [Mixed Use – Brooklin Zone Regulations](#)
- 15.7 [Prestige Employment – Brooklin Zone Regulations](#)
- 15.8 [Business Park – Brooklin Zone Regulations](#)
- 15.9 [General Employment – Brooklin Zone Regulations](#)
- 15.10 [Local Commercial – Brooklin Zone Regulations](#)
- 15.11 [Special Purpose Commercial – Brooklin Zone Regulations](#)
- 15.12 [Natural Heritage System – Brooklin Zone Regulations](#)
- 15.13 [Natural Hazard Land – Brooklin Overlay Zone Regulations](#)

15.1 Definitions

- (a) Notwithstanding Section 2 of By-law #1784, as amended, the following definitions shall apply to all Brooklin Community Secondary Plan (B) Zones. Where a use is defined, it shall not be interpreted to include any other defined use unless it is stated in the definitions to the contrary. Where a word or term is not herein defined, the definitions of Section 2, as amended, shall apply.

“Accessory Structure” means any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such accessory structure is located. Such accessory structure shall be separate from the main building.

“Additional Dwelling Unit” means a separate self-contained dwelling unit either located within a permitted residential dwelling or located within an accessory structure which is secondary to the main residential building on the same lot.

“Amenity Space, Common” means indoor or outdoor space including a roof area that is communal and available for use by the occupants of a building on a lot for recreational or social activities.

“Amenity Space, Private” means indoor or outdoor space including a roof area that is for the exclusive use of the occupants of a dwelling unit of a building on a lot for their personal recreational or social activities.

“Ancillary retail sales” means retail uses associated with but clearly subordinate to a principal use.

“Apartment building” means a building that contains four or more dwelling units where each dwelling unit has a separate external access either directly from outside and/or through a common inside area, and may contain other uses permitted in the zone in which it is permitted.

“Animal Care Establishment” means a building or part of a building where pets and domestic animals are groomed and 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.

“Angular plane” means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

"Balcony" means an attached covered or uncovered platform projecting from the face of an exterior wall, including above a porch, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and does not have direct exterior access to grade.

"Conservation Use" means a use dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.

"Commercial Self Storage Warehouse" means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building only to place or remove their personal property.

"Craft Brewery/Distillery" means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

"Day Care Establishment" means:

- (a) 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,
- (b) 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.

"Driveway" means an unobstructed and maintained surfaced vehicular way of access from a street, lane or internal roadway to facilities such as a parking area, parking space, aisle, loading space, private garage, carport, parking structure, building or structure.

"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.

"Dwelling Unit, Back To Back Stacked Townhouse" means a dwelling unit in a back to back stacked townhouse dwelling.

"Dwelling, Block Townhouse" means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is separated from the adjacent dwelling unit by a common wall, and each dwelling unit has its own entrance from the outside and a private garage, carport, or parking space and where each unit may share common vehicular access to a public street via a driveway, but shall not include a street townhouse dwelling.

"Dwelling Unit, Block Townhouse" means a dwelling unit in a block townhouse dwelling.

"Dwelling, Live Work" means a street townhouse dwelling unit, where the first storey, or part thereof, is designed, constructed and used for non-residential uses as permitted by this By-law. A live work dwelling shall not be considered a mixed use building.

"Dwelling, Semi-Detached" means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall.

"Dwelling, Stacked Townhouse" means a building containing more than four dwelling units, each dwelling unit being separated from the other vertically and horizontally and each unit having a private entrance.

"Dwelling Unit, Stacked Townhouse" means a dwelling unit in a stacked townhouse dwelling.

"Dwelling, Street Townhouse" means a building containing a minimum of three and a maximum of eight dwelling units, wherein each dwelling unit is on a separate freehold lot with frontage on a street, and each dwelling unit is separated from the adjacent dwelling unit by a common wall or a wall separating private garages, and each dwelling unit has its own entrance from the outside, a driveway from a street or lane, and a private garage, carport, or parking space.

"Dwelling Unit, Street Townhouse" means a dwelling unit in a street townhouse dwelling.

"Finished Grade Level" means the average elevation of the finished surface of the ground abutting the front wall of the main building or structure nearest to the street, but shall not include any embankment in lieu of steps.

"First Floor Height" means the height of the first storey.

"Food Preparation Plant" means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

"Food Store" means a building or part of a building having a gross leasable area of less than 1,200 square metres wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty food stores such as, but not limited in kind to a health food store, a butcher shop, a retail bakery, a delicatessen, a fruit and vegetable market, or other specialty food store.

"Front Wall" means the wall of a building facing or most nearly facing the street from which the building has its primary entrance door.

"Heavy Equipment Sales and Service" means a building or part of a building where new and/or used heavy equipment is kept for display and sale, and may include as an accessory use the repair and service of heavy equipment, but shall not include a contractor's yard.

"Hazardous Lands" means property or land that could be unsafe for development due to naturally occurring processes such as, for example, poor drainage, unstable or organic soils, flood susceptibility or any other physical condition which could cause property damage, loss of life, or lead to the deterioration or degradation of the environment.

"Height, Building" means the vertical distance between the finished grade level and, in the case of a flat roof, the highest point of the roof surface, in the case of a mansard roof, the deck roof line, and in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge exclusive of any accessory roof construction such as a chimney, tower, steeple, antenna or communication dish.

"Industrial Use" means premises used for activities such as assembling, fabricating, manufacturing, packaging, processing, repair activities, service trades and construction uses and may include ancillary retail sales and distribution of such products.

"Internal roadway" means a right of way or roadway that provides vehicular access to the parking areas and parking spaces on a residential property intended for multi-unit residential development and is not a lane or private street.

"Lane" means a right of way or roadway owned and maintained by the Town that provides vehicular access to the rear of a lot where the lot also fronts or flanks onto a street, or where a lot fronts onto public or private open space.

"Landscaped Open Space" means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and, notwithstanding the foregoing, includes any surfaced walk, patio or stairs, but does not include any driveway, internal roadway or private street ramp or motor vehicle parking area, whether surfaced or not.

"Light manufacturing" means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

"Lot" means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium, and includes a Parcel of Tied Land but excludes a zero decimal three metre reserve.

"Lot, Corner" means a lot situated at the intersection of and abutting upon two or more streets or two portions of the same street, provided that the angle of intersection of such streets, or the bend in such street is not more than 135 degrees.

Lot, Through Corner means a lot having separate limits on three or more separate streets. Such through corner lot shall be deemed to have a front yard on each street in accordance with the provisions of the zone or zones in which each front yard is located.

"Lot Line, Front" means the line that divides the lot from the street, provided that in the case of a corner lot, the shorter lot line that so abuts the street is deemed to be the front line of the lot, and the longer line that so abuts the street is deemed to be the exterior side lot line of the lot. Where a lot is a through lot, the lot line abutting the wider street right of way shall be deemed the front lot line.

However, where a lot is a through lot and the abutting streets are of equal right-of-way width, the lot line where the principal access to the lot is provided, shall be deemed to be the front lot line.

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

"Passive Recreational Use" means outdoor recreational facilities including for example, bicycle paths, walking or hiking trails, interpretative or educational signage, lookouts, boardwalks, benches, shade structures, but shall not include trails for use by motorized vehicles, or buildings.

"Personal Service Establishment" means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

"Place of Entertainment" means a building or part of a building intended for recreational or entertainment uses, including a movie/film or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

"Place of Worship" means a building or part of a building used by any religious organization for religious worship services, or rites and may include for example facilities such as administrative offices, a rectory or manse, public hall or auditorium, rooms for meeting or classes for religious instruction but shall not include any day care establishment or private school.

"Podium" means the base of a building, in a building consisting of a base and a point tower above the base.

"Point Tower" means the portion of a building above the podium of the building, where the building is at least eight storeys.

"Private Street" means a right-of-way or roadway that provides vehicular access to individual freehold lots or Parcels of Tied Land and is maintained by a condominium corporation and is not a lane.

"Recreational Club or Facility" means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

"Roundabout" means an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic within the intersection.

"Sight Triangle" means a triangular area of land on a corner lot that is determined by measuring from the point of intersection of street lines the distance required along each such street line and joining such points with a straight line. The triangular shaped area of land between the intersecting lines and the straight line joining the points the required distance along the street lines is the sight triangle.

"Storey" means the portion of the building which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling or roof next above it.

"Street" means the right of way of a public highway or a private street.

"Supermarket" means a building, or part of a building, containing a departmentalized food store and where the gross leasable area for such use is 1,200 square metres or greater.

"Technology Industry" means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

"Transport Terminal" means a premises used for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

"Vehicle Storage Compound" means an area of land, with or without buildings or structures, whose principal use is the temporary outside storage of vehicles and does not include a salvage yard.

"Wholesale Distribution Centre" means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

(b) Notwithstanding subsection 15.1(a), the definitions in Section 2 for the following terms do not apply.

- Automobile parts store
 - Bakeshop or confectionary shop
 - Chapel
 - Church
 - Convenience retail store
 - Day nursery
 - Dwelling, common wall semi-detached
 - Dwelling, link
 - Dwelling, low density cluster
 - Height, apartment building, long term care home or retirement home
 - Kiosk
 - Laundry shop
 - Merchandise distribution centre
 - Music or dance studio
 - Pet daycare
 - Pet grooming
 - Place of entertainment and assembly
 - Plumbing supply centre
 - Pool supply centre
 - Retail sporting goods centre
 - Retail warehouse facility with food sales
 - Retail/Wholesale automobile parts store
 - Shopping Centre
-

15.2 General Provisions

15.2.1 Application

The general provisions in Section 4 of By-law #1784, as amended, shall not apply to lands which are subject to a Brooklin Community Secondary Plan (B) Zone. Only the following general provisions shall apply to Brooklin Community Secondary Plan (B) Zones.

15.2.2 Public Uses

- (a) Notwithstanding any other provisions of this By-law to the contrary, the Town of Whitby or Region of Durham or any of their municipal service boards as defined in the Municipal Act, and any agency of the Federal or Provincial Government, or any telephone, telecommunications, cable, natural gas, railway, or pipeline company, may use any land or erect or use any building or structure in any zone provided the use of any land, building or structure is in compliance with the most restrictive regulations contained in the zone and is in compliance with the parking requirements for such use and provided further that:
 - (i) no goods, material or equipment shall be stored in the open, except as permitted in such zone,
 - (ii) any building erected under the authority of this paragraph in any Residential (LD-B, MD-B, HD-B) Zone and Mixed Use Zone (MX1-B, MX3-B) shall be designed and maintained in general harmony with buildings of the type permitted in such zone.
- (b) The exemption in subsection (a) for a use in any zone shall not apply to:
 - (i) The Natural Heritage System – Brooklin Zone and the Natural Hazard Land - Brooklin Overlay Zone except for linear infrastructure and the uses otherwise permitted in that Zone;
 - (ii) Permit any outside storage, or a waste transfer or waste processing facility;
 - (iii) Permit any land, building or structure used by any local School Board, University or College; or,
 - (iv) Permit any land or building to be used for administrative offices, retail sales, or vehicular or equipment maintenance purposes of any utility company.

15.2.3 Legal Non-Conforming Uses

- (a) Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of passing of this By-law, and provided that such land, building or structure continues to be used for that purpose.
- (b) Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any such building or structure that is a non-conforming use, provided such alteration or repair does not contravene the provisions of this By-law by increasing the height, size or volume or change the use of such building or structure.

15.2.4 Legal Non-Complying Buildings and Structures

A non-complying building or structure which existed legally prior to the passing of this By-law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:

- (a) does not further increase the extent of a non-compliance;
-

- (b) complies with all other applicable provisions of this By-law.

15.2.5 Legal Non-Complying Lots

Where a lot having a lesser lot area, and/or lot depth, and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the date of the passing of this By-law # or where such smaller lot is subsequently created as a result of an expropriation or a conveyance to a public road authority for road widening, such smaller lot may be used and a building or structure may be erected, altered or used on such small lot, provided that all other requirements of this By-law are complied with.

15.2.6 Greater Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

15.2.7 Frontage on a Street

- (a) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a street.
- (b) Where a lot is separated from a street by land owned by the Town, the Region of Durham or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may only be erected upon such lot if access to the street has been granted.
- (c) Where the lot and setback requirements in a zone apply to freehold lots abutting a public street, such provisions shall equally apply to freehold lots abutting a private street.

15.2.8 Reduction of Requirements

No person shall change the purpose for which any lot or building is used or erect any new building or addition to any existing building or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building or lot to be in contravention of this Bylaw, providing that nothing herein shall prevent the conveyance to a public road authority of part of any lot for the purpose of a public highway and provided further that in the event of any such conveyance, the buildings on the remaining portion of the lot may be continued to be used in the same manner and to the same extent as if such conveyance had never taken place.

15.2.9 Sight Triangle and Visibility Triangle

- (a) A sight triangle shall be required only where a visibility triangle abutting a corner lot has not been incorporated into the right of way of a public street.
 - (b) Notwithstanding any other provision of this By-law to the contrary, in a sight triangle no building, structure, fence, wall, driveway, hedge, tree, shrub or other vegetative planting or landscaping feature shall be erected, maintained or permitted that has a height of greater than 0.9 metres above finished grade level.
 - (c) Where a corner lot abuts a visibility triangle the setback provisions and minimum front yard landscaped open space provisions shall be measured and/or calculated as if the visibility triangle had not been conveyed, provided all buildings are set back a minimum of 0.6 metres from the visibility triangle with the exception that window sills, belt courses, steps, cornices, eaves, and eave troughs may project to within 0.3 metres of the lot line of the lot that forms one of the sides of the visibility triangle.
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15.2.10 Continuation of Farming Uses

Nothing herein contained shall prevent the continued use of any land, building or structure or additions to such buildings or structures for farming purposes.

15.2.11 Natural Heritage System – Brooklin Zone and Natural Hazard Land – Brooklin Overlay Zone

No part of a Natural Heritage System – Brooklin Zone and Natural Hazard Land - Brooklin Overlay Zone shall be used in calculating the lot frontage, lot area, lot coverage, or yards required by this By-law for uses in adjacent zones.

15.2.12 Swimming Pools

- (a) Notwithstanding any other provisions of this By-law to the contrary, an unenclosed, outdoor swimming pool, or hot tub may be permitted as an accessory use to a residential use in accordance with the following provisions:
 - (i) Any swimming pool, or hot tub shall only be located in a rear yard or interior side yard;
 - (ii) Any swimming pool or hot tub shall be set back a minimum distance of 1.0 metre from any side lot line or rear lot line and 4.5 metres from the front lot line and the set back shall be measured to the water's edge;
 - (iii) Any recreational equipment, including slides, associated with a swimming pool, or hot tub shall not exceed a maximum height of 2.4 metres.
- (b) Where an outdoor swimming pool or hot tub is provided accessory to any other use, the minimum yards of the applicable zones shall apply and shall be measured to the water's edge.

15.2.13 Satellite Dish Antenna

- (a) Satellite dish antennae are permitted in any Zone provided that:
 - (i) it does not exceed a diameter of 1.2 metres;
 - (ii) it is not attached to the front wall of the main building.

15.2.14 Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory use incidental thereto.

15.2.15 Accessory Structures

- (a) Location
 - (i) Accessory structures are permitted on a lot where a main building housing a principal permitted use already exists or is under construction and except as otherwise provided herein, any accessory structure shall only be erected in the rear yard, interior side yard and exterior side yard and shall comply with the yard requirements of this By-law.
 - (ii) Notwithstanding any other provision of this By-law to the contrary, in a Residential Zone and Mixed Use Zone, an accessory structure containing an additional dwelling unit, a detached private garage, carport, storage shed, playhouse or other such similar accessory uses, may be erected and used in the rear yard, interior side yard and exterior side yard provided that such accessory structure is located no closer than:
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- (a) 3.0 metres to any street line, except no closer than 5.8 metres to the lot line abutting the street where the vehicular access to a garage faces the lot line abutting the street;
 - (b) 0.6 metres to any interior lot line or rear lot line where there are no doors or windows in the wall facing that interior lot line or rear lot line;
 - (c) 1.2 metres to any interior lot line or rear lot line where there are doors or windows in the wall facing that interior lot line or rear lot line;
 - (d) 1.75 metres to a lane where a garage door faces the lane and vehicular access to the lane is provided on both sides of the lane and 2.5 metres to a lane where a garage door faces the lane and vehicular access to the lane is provided only on one side of the lane; and
 - (e) 5.0 metres to the main building on the lot where the opening for vehicular access from the private garage faces the rear lot line. The parking of motor vehicles is not permitted between the private garage and the main building.
- (iii) Notwithstanding subsection (a)(ii)(a) above, in a Residential Zone and Mixed Use Zone, accessory structures with a floor area of 10 square metres or less and a height of 2.5 metres or less shall be located no closer than 1.0 metre from a street line or 0.3 m reserve.
- (iv) Notwithstanding subsections (a)(ii)(b) and (c) above, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.
- (b) Height
 - (i) No accessory structure shall exceed a building height of 3.5 metres provided that:
 - (a) an accessory structure on any non-residential lot shall not exceed a building height of 4.5 metres;
 - (b) a detached private garage with a flat roof shall not exceed a building height of 3.5 metres and a detached garage with a pitched roof shall not exceed a building height of 4.5 metres.
- (c) Lot Coverage
 - (i) The maximum number of accessory structures permitted on any residential lot shall be four.
 - (ii) The total combined lot coverage of all accessory structures on any residential lot shall be the lesser of:
 - (a) 15% of the lot area; or
 - (b) 60 square metres of ground floor area.
 - (iii) The total combined lot coverage of all accessory structures on any non-residential lot shall be 5%.
- (d) Excluded Uses

No trailer, portable building or shipping container shall be used as an accessory structure or private garage in any Residential Zone or Mixed Use Zone.

15.2.16 Yard Encroachments Permitted

- (a) No part of any required yard shall be encroached upon except as permitted in Table 15.2(1).

Table 15.2(1): Yard Encroachments Permitted

Structure or Feature	Applicable Yard	Maximum Encroachment into a Required Minimum Yard
Window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, and other similar architectural details	All	0.6 metres or half the distance of the required yard, whichever is less, except that eaves troughs may encroach beyond this limit.
Clothes poles, arbors, flag poles, garden trellises, fences, retaining walls including footings, or similar structure or garden feature elements.	All	To the lot line
Drop awning, cantilevered canopy or other weather shelter	All	To within 0.6 metres of a lot line
A fire escape or exterior staircase	Interior side exterior side, rear	1.5 metres or half the distance of the required yard, whichever is less
Unenclosed barrier free ramp	All	To within 0.3 metres of the lot line
Deck less than or equal to 0.6 metres above grade ⁽¹⁾	Front, exterior side	2.0 metres
Deck less than or equal to 0.6 metres above grade ⁽¹⁾	Interior side, rear	To within 0.6 metres of the side lot line or rear lot line
Deck greater than 0.6 metres above grade ⁽¹⁾ and/or Porches with or without foundations	Front, exterior side	2.0 metres
Deck greater than 0.6 metres above grade ⁽¹⁾ and/or Porches with or without foundations	Interior side	1 metre, but no closer than 0.6 metres from the lot line
Deck greater than 0.6 metres above grade ⁽¹⁾ and/or Porches with or without foundations	Rear	3.5 metres
Stairs to a deck or porch	Front, exterior side	To within 0.3 metres of the front or side lot line
Stairs to a deck or porch	Rear	To within 0.6 metres of rear lot line
Stairs to a deck or porch	Interior side	To within 0.6 metres of the interior side lot line
Balcony ⁽¹⁾⁽²⁾	Front, rear	1.5 metres
Balcony ⁽¹⁾⁽²⁾	Interior side, exterior side	1.5 metres or one-third the distance of the required yard, whichever is less
Bay, box and bow window, with or without foundation, having a maximum width of 4.0 metres	All	0.6 metres or half the distance of the required yard, whichever is less
Air conditioners, heat pumps, swimming pool pumps, treatment filters, and heaters	Rear, interior side, exterior side	To within 0.3 metres of the lot line
Below grade access stairs	Rear, interior side, exterior side	1.5 metres

(1) Where a deck, porch or stairs to said deck or porch or a balcony are related to a townhouse dwelling, the maximum encroachment may be to within 0.0 metres of the interior side lot line.

(2) Where a balcony is located on the roof of a porch or above a driveway, it may encroach to the maximum permitted for a deck or porch.

- (b) Where a deck, porch or stairs to said deck or porch or a balcony are related to a block or stacked townhouse dwelling unit the yard encroachment provisions of Table 15.2(1) shall apply as if each dwelling unit is located on a separate lot.

15.2.17 Group Homes

- (a) A group home shall be permitted in all dwelling types within all zones where residential uses are permitted.
- (b) A group home shall comply with the zone provisions which apply to the type of dwelling unit within which the group home is located.
- (c) Notwithstanding the above provisions, a group home with six or more residents, exclusive of staff, shall not be permitted to locate within a dwelling unit in an apartment building.

15.2.18 Residential Sales Offices

- (a) Residential sales offices shall be permitted in all Residential Zones, Mixed Use and Commercial Zones;
- (b) Residential sales offices shall be located on a proposed lot or block within a draft approved or registered plan of subdivision or within a unit of a draft approved or registered condominium building;
- (c) Residential sales offices shall be constructed or located in accordance with the zone provisions for the lot or block within which they are located;
- (d) Residential sales offices may be permitted outside a draft approved or registered plan of subdivision, subject to complying with the Zoning By-law.

15.2.19 Model Home

- (a) A model home shall be permitted on lands that have received draft plan approval.
 - (b) A model home shall be constructed or located in accordance with the zone provisions for the lot or block within which it is located.
 - (c) Parking shall be provided on a separate lot or block for each model home in accordance with the parking requirements for the dwelling type and zone category in which the model home is located.
 - (d) In the case of a model home(s) being constructed without a separate and distinct residential sales office on site, the parking standards required for a residential sales office shall apply.
 - (e) The total number of model homes which may be permitted on lands that have received draft plan approval for residential purposes shall not exceed the lesser of 10 dwellings or 10% of the total number of residential units in each individual phase of the development.
 - (f) For the purposes of establishing the location of the lot lines, the model home shall be built within the lot defined by the draft approved plan of subdivision within which it is located, as if these lots were defined by a registered plan of subdivision.
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15.2.20 Additional Dwelling Units

Notwithstanding any other provision of this By-law to the contrary, a maximum of three additional dwelling units shall be permitted on a parcel of residential urban land that permits a single detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or in an accessory structure related to a single detached dwelling, semi-detached dwelling, link dwelling, or street townhouse dwelling unit subject to the following provisions:

- (a) Additional Dwelling Unit Configurations:
 - (i) A maximum of two additional dwelling units shall be permitted within a permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within an accessory structure, or,
 - (ii) A maximum of three additional dwelling units shall be permitted within a permitted principal dwelling where there is no additional dwelling unit located within an accessory structure, and,
 - (iii) No more than one additional dwelling unit shall be permitted within an accessory structure.
 - (b) Notwithstanding (a) above, an additional dwelling unit shall be permitted on a lot containing a permitted residential dwelling in any Agriculture Zone provided that the lot is serviced by municipal water and sanitary services, and is located within the Town of Whitby Official Plan Urban Area Boundary, with the exception that:
 - (i) For lands situated outside of the Town of Whitby Official Plan Urban Area Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
 - (ii) No more than one additional dwelling unit shall be permitted within an accessory structure.
 - (c) Any dwelling or lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.
 - (d) Notwithstanding anything in this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan, a maximum of one additional dwelling unit is permitted either within a legally permitted principal dwelling or within an accessory building per lot.
 - (e) Notwithstanding anything in this By-law to the contrary, for a lot located within the Protected Countryside of the Greenbelt Plan, a maximum of one additional dwelling unit shall be permitted either within a legally permitted principal dwelling or an accessory structure that existed on or where building permits were issued prior to July 1, 2017.
 - (f) New additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any land designated Environmental Protection, Natural Heritage System or Hazard Land as per the Town of Whitby Official Plan.
 - (g) Additional dwelling units are not permitted in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
 - (h) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a public or private street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
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- (i) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- (j) Where an additional dwelling unit is present within an accessory structure, the additional dwelling unit structure shall be excluded from the maximum lot coverage or floor space index requirements.
- (k) Where an additional dwelling unit is located within an accessory structure the following provisions shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres in all Residential zones, and 5.5 metres in all other zones
Maximum Gross Floor Area:	75 sq. m.

Notwithstanding any other provision of this By-law to the contrary, all other performance standards related to an accessory structure shall continue to apply.

- (l) Parking:
 - (i) Where an additional dwelling unit parking space is situated on a driveway, a reduced parking space width of 2.5 m and length of 5.0m shall be permitted for the additional dwelling unit.
 - (ii) A parking space that is provided and maintained for the sole use of the occupant of an additional dwelling unit or principal dwelling unit may be a tandem parking space.
 - (iii) No minimum parking space requirements are required for any additional dwelling unit situated on a lot within a Protected Major Transit Station Area as outlined/delineated within the Town of Whitby Official Plan.
- (m) Driveway Width:

Notwithstanding any other provision of this By-law to the contrary, a single vehicle wide driveway with direct access to a garage or carport, may be widened to a maximum width of 5.5m to accommodate additional parking spaces associated with an additional dwelling unit(s).
- (n) Notwithstanding any other provision of this By-law to the contrary, an additional dwelling unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

15.2.21 Home Based Business

- (a) A home based business shall be permitted in any zone that permits a dwelling unit subject to the following provisions:
 - (i) the use is conducted entirely within a dwelling unit however limited storage is permitted in an attached garage or accessory structure provided it does not obstruct or eliminate a required parking space;
 - (ii) except for home daycare no more than three persons at any one time shall be present in a single detached dwelling to receive teaching and/or instruction and no more than one person at any one time shall be present to receive teaching and/or instruction in any dwelling unit other than a single detached dwelling;

- (iii) no more than two persons at any one time shall be present in a single detached dwelling to receive client based treatment or services and no more than one person at any one time shall be present to receive client based treatment or services in any dwelling unit other than a single detached dwelling;
- (iv) the home based business may be operated only by the occupants of the dwelling unit and employees who are not occupants of the dwelling unit are not permitted.
- (v) the gross floor area occupied by all home based businesses is no more than 25% of the gross floor area of the dwelling unit or 50 square metres whichever is less and for this provision gross floor area shall include any floor area in a basement or cellar;
- (vi) no goods or handicrafts are offered or displayed for sale other than goods or handicrafts produced on site;
- (vii) retail sales conducted by telephone, internet, mail order or other similar approach is permitted provided that customers do not enter the property to inspect, purchase or take possession of any goods;
- (viii) there is no outside storage or outside display of goods, handicrafts, equipment or supplies;
- (ix) there is no display of a sign advertising the existence of a home based business within the dwelling unit other than a sign erected in conformity with the Permanent Sign By-law of the Town; and,
- (x) there is no equipment or a process or activity which creates an adverse effect or becomes obnoxious in regard to noise, odour, fumes, vibration, glare, traffic or parking nor causes electrical interference with telephone, television, radio or satellite equipment.

(b) A home based business shall not include the following:

- adult entertainment establishment
- automobile sales establishment
- body rub establishment
- clinic
- contractor's yard
- eating establishment
- escort service
- kennel
- motor vehicle paint and body shop
- premises used as a base of operations to assemble persons for transportation to work off-site or the pick-up of goods, materials or equipment for distribution or use off-site
- public garage
- retail store
- salvage yard
- take out eating establishment
- taxi establishment

15.2.22 Zero Decimal Three (0.3) Metre Reserves

For the purposes of this By-law, a 0.3 metre reserve shall be considered to be part of the abutting street.

15.2.23 Attached Private Garages on Lots Accessed by a Lane

- (a) Attached private garages that are part of the main building are permitted provided that the wall of the private garage facing the lane:

- (i) is located no further than 7.5 metres from the rear lot line;
- (ii) is located no closer than 1.75 metres to the rear lot line where a garage door faces the lane and access to the lane is provided on both sides of the lane and 2.5 metres to a rear lot line where a garage door faces the lane and access to the lane is provided only on one side of the lane.

15.2.24 Attached Private Garages Accessed by a Driveway from a Street

No part of a private garage shall project beyond the front wall of the first storey of the dwelling except where a porch is provided, in which case the private garage shall not project beyond the front of the porch.

15.2.25 Zone Boundaries

- (a) If the zone boundary is shown on a map Schedule;
 - (i) as following a street, lane, railway right-of-way, electric transmission line right-of-way, municipal boundary or watercourse, then the centre line of the street, lane, railway right-of-way, electric transmission line right-of-way, municipal boundary or watercourse is the boundary;
 - (ii) as substantially following lot lines shown on a registered plan of subdivision except where the lot line is a street line, then the lot lines are the boundary;
 - (iii) as not being in accordance with the above provisions, then the zone boundary shall be scaled from the map Schedule.
- (b) The extent and exact location of the Natural Heritage System – Brooklin Zone and any related Vegetation Protection Zone boundaries and Natural Hazard Land - Brooklin Overlay Zone boundaries shall be based on the lands shown on Schedules 'K' and "K1" of the Brooklin Community Secondary Plan and be determined based on the best available mapping by the Town in consultation with the Conservation Authority and any other applicable agency. The respective zone boundaries may be refined and adjusted with additions and deletions without amendment to the By-law provided the Conservation Authority concurs.

15.2.26 Height Exemptions

- (a) The following shall be exempt from the calculation of building height:
 - cupolas, finials and weather vanes, or similar architectural, landscape or ornamental features;
 - chimneys;
 - flag poles;
 - light standards;
 - lightning rods;
 - parapets;
 - mechanical penthouses less than or equal to 6 metres in height;
 - unenclosed mechanical equipment set back 5 metres from the roof edge;
 - skylights less than 0.6 metres in height;
 - hydro, radio, television or microwave towers, antennae and similar features;
 - clock towers; and,
 - steeples;
- (b) Notwithstanding (a) above, in a Residential Zone, flag poles and light standards shall not exceed 10 metres in height.

15.2.27 Common Amenity Space Requirements

- (a) A minimum common amenity space shall be required for the following building types in Residential Zones and Mixed Use Zones where the buildings are accessed by an internal roadway or a private street:
- apartment building
 - back to back townhouse dwelling
 - back to back stacked townhouse dwelling
 - block townhouse dwelling
 - stacked townhouse dwelling
- (b) The minimum required common amenity space:
- (i) For an apartment building shall be 5m²/dwelling unit
 - (ii) For a back to back townhouse dwelling, back to back stacked townhouse dwelling, block townhouse dwelling and stacked townhouse dwelling shall be 8m²/dwelling unit
- (c) Any required common amenity space shall be located on the same lot as the dwellings to which the common amenity space is required.
- (d) A portion of the minimum common amenity space required by this provision shall be located outdoors and not within an enclosed building or structure in accordance with the following:
- (i) For an apartment building the minimum outdoor common amenity space requirement shall be the provision of at least one contiguous outdoor area of a minimum of 55m² at grade.
 - (ii) For a back to back townhouse dwelling, back to back stacked townhouse dwelling, block townhouse dwelling and a stacked townhouse dwelling the minimum outdoor common amenity space requirement shall be 50% of the total required common amenity space and at least one such outdoor area shall be aggregated into a contiguous area of at least 55m².
- (e) Where any outdoor common amenity space is provided at grade it shall be included in satisfying any applicable minimum landscaped open space requirement of this By-law.

15.2.28 TransCanada Pipeline Setbacks

- (a) Notwithstanding any other provisions of this By-law to the contrary, wherever any TransCanada pipeline right-of-way exists the following requirements shall apply:
- (i) No main building or structure or principal use shall be located within 7 metres of the pipeline right-of-way.
 - (ii) No accessory structure or accessory use shall be located within 3 metres of the pipeline right-of-way.
 - (iii) No parking area or loading area including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces and any associated aisle or driveway shall be located within 7 metres of the pipeline right-of-way.

15.2.29 Natural Hazard Land – Brooklin Overlay Zone

The Natural Hazard Land – Brooklin Overlay Zone includes lands that could be unsafe due to naturally occurring processes such as poor drainage, unstable soils, steep slopes and flooding. These lands are likely subject to the provisions of the Conservation Authorities Act. No person shall use any land or erect, alter or use any building or structure within the Natural Hazard Land – Brooklin Overlay Zone except in accordance with the provisions of subsection 15.13 of this By-law and the applicable subsections of this By-law relating to any underlying zone categories.

Where a detailed study such as an Environmental Impact Study, in support of a development application concludes that the boundary of a Natural Hazard Land – Brooklin Overlay Zone may be reduced or removed, the underlying or abutting zone category shall apply provided that the Conservation Authority concurs with the study findings. Where more than one zone category underlies or abuts the area being reduced or removed, the underlying or abutting zone category shall apply in the same proportion that underlies or abuts the area reduced or removed.

15.3 Parking and Loading Provisions

The parking and loading provisions in Section 4A of By-law # 1784, as amended, shall apply to lands which are subject to a Brooklin Community Secondary Plan (B) Zone, except as described as follows:

- (a) The minimum number of parking spaces for a back to back townhouse dwelling unit shall be 2 spaces per dwelling unit.
 - (b) The minimum number of parking spaces for a street townhouse dwelling unit on a private street and a back to back townhouse dwelling unit on a private street shall be 2 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitor parking.
 - (c) The minimum number of parking spaces for a stacked townhouse dwelling unit and a back to back stacked townhouse dwelling unit shall be 1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking.
 - (d) In addition to the required parking for dwelling units in an apartment building, parking for non-residential uses within the same building shall also be provided in accordance with such uses as described in Table 4A(2) of By-law #1784.
 - (e) The following provisions apply to private driveways with direct motor vehicle access from a public street serving a single detached dwelling, semi-detached dwelling, and townhouse dwelling which have a private garage or carport:
 - (i) The minimum width of a private driveway on a lot shall be 3.0 metres, except that the minimum width of a private driveway in an interior side yard leading to a private garage, carport or parking space in the rear yard shall be 2.75 metres.
 - (ii) The maximum width of a private driveway on a lot serving a one car private garage shall be 5.5 metres.
 - (iii) Notwithstanding section 15.3 (e)(ii), in the rear yard the maximum width of a driveway leading to a private garage or carport situated in the rear yard and accessed from a street shall be 3.0 metres or the width of the garage door, whichever is the greater and no maximum driveway width shall apply if the driveway is accessed from a lane.
 - (iv) The maximum width of a private driveway on a lot serving a two car width private garage shall be 7 metres.
 - (v) Notwithstanding provision 15.3 (e)(iv) above, where a garage door opening used for motor vehicle access faces an interior side lot line, the maximum width of a private driveway in the front yard measured along the street line shall be 6.0 metres.
 - (vi) Any hard surface area abutting a driveway used or capable of being used for parking a motor vehicle shall be included in the driveway width calculation excluding any parking pad or hammerhead used for the purpose of manoeuvring a vehicle such that the vehicle can exit the property in a forward motion.
 - (vii) Notwithstanding provision 15.3 (e)(vi) above, one walkway access may be connected to one side of the driveway provided the maximum width of the walkway shall be 1.5 metres and the walkway shall not extend out from the front wall or porch more than 50% of the depth from the street to the front wall or porch of the dwelling.
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- (f) The minimum distance between an intersection of street lines and the nearest driveway shall be 9.0 metres except in Residential Zones, in which case the minimum distance between an intersection of street lines and the nearest driveway shall be 6 metres and provided further that no driveway shall access a lot by crossing through a visibility triangle.
 - (g) The minimum lot frontage for a single detached dwelling containing an attached two car private garage accessed from the front yard shall be 9.75 metres for an interior lot. This provision does not apply to a private garage containing a tandem parking space.
 - (h) Subsection 3.9 of Section 4A of By-law #1784 shall not apply.
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15.4 Residential – Brooklin Zone Regulations

15.4.1 Uses Permitted

The following Table 15.4(1) establishes the uses permitted in the Low Density – Brooklin (LD-B), Medium Density – Brooklin (MD-B) and High Density – Brooklin (HD-B) Zones. The uses permitted in the LD-B, MD-B and HD-B Zones are identified in Table 15.4(1) through a YES under the column related to each zone. The uses not permitted in the LD-B, MD-B and HD-B Zones are identified in Table 15.4(1) through a not permitted (n/p) symbol under the column related to each zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted use as described following Table 15.4(1).

Table 15.4(1): Uses Permitted in Residential – Brooklin Zones

Residential Use	LD-B Zone	MD-B Zone	HD-B Zone
Single-detached dwelling	YES	n/p	n/p
Semi-detached dwelling	YES	n/p	n/p
Street townhouse dwelling	Q1	YES	YES
Block townhouse dwelling	n/p	YES	YES
Stacked townhouse dwelling	n/p	YES	YES
Back to back townhouse dwelling	n/p	YES	YES
Back to back stacked townhouse dwelling	n/p	YES	YES
Apartment building	n/p	YES	YES
Retirement home	n/p	YES	YES
Long term care home	n/p	YES	YES

Non-Residential Uses	LD-B Zone	MD-B Zone	HD-B Zone
Day care establishment	n/p	n/p	Q2
Community centre	n/p	n/p	Q2

Qualifications:

Q1 Permitted as a street townhouse dwelling unit with a front access garage.

Q2 Permitted on the ground floor of an apartment building, retirement home or long term care home.

15.4.2 Low Density – Brooklin (LD-B) Zone Provisions

(a) Lot and Building Requirements by Building Type

- (i) The following Table 15.4(2) and additional provisions establish the zone standards that apply to the Low Density – Brooklin (LD-B) zone.

Table 15.4(2): Low Density – Brooklin (LD-B) Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Front Yard Landscaped Open Space	Max. Building Height
Single detached dwelling	240 m ²	8 m, except 11 m for a corner lot ⁽²⁾	3.0 m ⁽¹⁾	1.2 m on one side & 0.6 m on the other side	3 m ⁽¹⁾	7.0 m	25%	12 m
Semi-detached dwelling	210 m ²	7 m/ unit, except 10 m for a corner lot ⁽²⁾	3.0 m ⁽¹⁾	0.9 m ⁽³⁾	3 m ⁽¹⁾	7.0 m	25%	12 m
Street townhouse dwelling unit with a front access garage	180 m ²	6.0 m except 9 m for a corner lot ⁽²⁾	3.0 m ⁽¹⁾	1.2 m ⁽³⁾	3.0 m ⁽¹⁾	7.0 m	20%	12 m

Notes NR = No Requirement

- ⁽¹⁾ Except that for the wall of a private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- ⁽²⁾ Except that for dwellings situated on a corner lot abutting a roundabout, the minimum lot frontage shall be 13 metres.
- ⁽³⁾ Except that where dwellings on abutting lots share a common wall or are connected by a wall separating private garages no interior side yard shall be required.

(b) Additional Provisions

- (i) For a single detached dwelling situated on a lot that abuts a lane, the larger required minimum interior side yard shall abut the lane.
- (ii) For a single detached dwelling, semi-detached dwelling or a street townhouse dwelling unit with a front access garage situated on a corner lot abutting a roundabout where the driveway access to a private garage or parking space is taken from a public street, such access shall be taken from the public street with the lesser right of way width. Where the public streets are of the same right of way width, the driveway access shall be taken from the public street deemed to have the lesser volume of traffic.

(8123-24)

(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
(b)	Lot Frontage Minimum	7.0 m
(c)	Exterior Side Yard Minimum	1.5 m
(d)	Rear Yard Minimum	5.0 m

15.4.3 Medium Density – Brooklin (MD-B) Zone Provisions**(a) Lot and Building Requirements by Building Type**

- (i) The following Table 15.4(3) and additional provisions establish the zone standards that apply to the Medium Density – Brooklin (MD-B) Zone.

Table 15.4(3): Medium Density – Brooklin (MD-B) Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit with a front access garage	160 m ² /unit except 145 m ² /unit on a private street	6 m, except 5.5 m/unit on a private street ⁽⁴⁾	3 m ⁽¹⁾	1.2 m ⁽⁷⁾	3 m ⁽¹⁾	7.0 m	NR	20%	2 storeys ⁽⁹⁾	4 storeys
Street townhouse dwelling unit with a detached rear garage	165 m ²	5.5 m/unit ⁽⁴⁾	3.0 m	1.2 m ⁽⁷⁾	3.0 m ⁽¹⁾	2.5 m to a garage, carport or unenclosed parking space ⁽²⁾⁽⁸⁾	25 m ² /unit	50%	2 storeys ⁽⁹⁾	4 storeys
Street townhouse dwelling unit with an integral rear garage	114 m ² /unit	5.5 m/unit ⁽⁴⁾	3.0 m	1.2 m ⁽⁵⁾⁽⁷⁾	3.0 m ⁽¹⁾	2.5 m to a garage, carport or unenclosed parking space ⁽²⁾⁽⁸⁾	15 m ² /unit ⁽⁶⁾	50%	2 storeys ⁽⁹⁾	4 storeys
Block townhouse dwelling	NR	30 m	3.0 m ⁽¹⁾⁽³⁾	1.2 m ⁽³⁾	3.0 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁹⁾	4 storeys
Stacked townhouse dwelling	NR	30 m	3.0 m ⁽¹⁾⁽³⁾	1.8 m ⁽³⁾	3.0 m ⁽¹⁾⁽³⁾	7.5 m	NR	NR	2 storeys ⁽⁹⁾	4 storeys

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Back to Back townhouse dwelling	75 m ² /unit	5.5 m/unit ⁽⁴⁾	3.0 m ⁽¹⁾⁽³⁾	1.5 m ⁽³⁾	3.0 m ⁽¹⁾⁽³⁾	NR	7.5 m ² /unit	NR	2 storeys ⁽⁹⁾	4 storeys
Apartment building/Back to back stacked townhouse dwelling / Retirement home/Long term care home	NR	NR	4.0 m ⁽³⁾	6.0 m ⁽³⁾	4.0 m ⁽³⁾	7.5 m ⁽³⁾	NR	NR	2 storeys ⁽⁹⁾	4 storeys

Notes NR = No Requirement

- (1) Except that for the wall of a private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- (2) Except that the minimum distance where access is provided to both sides of a lane shall be 1.75 metres.
- (3) Except that for an underground parking area, the minimum setback shall be 0 m.
- (4) Except that for a corner lot or through corner lot, the minimum lot frontage shall be 9 metres, provided however that for a street townhouse dwelling unit with a front access garage situated on a corner lot or through corner lot abutting a roundabout the minimum lot frontage shall be 13 metres
- (5) If no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 m.
- (6) Except that the minimum private amenity space shall be 10 m² for lots with frontage of less than 6 m.
- (7) Where no common wall exists.
- (8) Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 m
- (9) Except that the minimum building height shall be 3 storeys abutting arterial roads.

(b) Additional Provisions

- (i) The following provisions apply to street townhouse dwellings with a front access garage:
 - (a) For a street townhouse dwelling unit with a front access garage situated on a corner lot or through corner lot abutting a roundabout where the driveway access to a private garage or parking space is taken from a public street, such access shall be taken from the public street with the lesser right of way width. Where the public streets are of the same right of way width, the driveway access shall be taken from the public street deemed to have the lesser volume of traffic.
 - (ii) The following provisions apply to block townhouse dwellings:
 - (a) The minimum width of each dwelling unit shall be 5.5 metres.
 - (b) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres to a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (c) The provisions pertaining to setbacks for garages in subsection 15.2 apply to block townhouse dwellings, and for the purpose of applying these provisions to block townhouse dwellings, the boundary of an internal roadway shall be deemed to be a lot line and a theoretical line extending from the vertical division of the block townhouse dwelling units to the boundary of the internal roadway shall be considered the side lot line.
 - (d) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
 - (e) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 metres.
 - (f) The minimum distance from an integral garage of a block townhouse dwelling unit to an internal roadway shall be 5.8 metres.
 - (g) The minimum landscaped open space on the lot shall be 30%.
 - (iii) The following provisions apply to stacked townhouse dwellings:
 - (a) The minimum separation distance between stacked townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
 - (c) The minimum distance from a wall other than an end wall to an internal driveway shall be 3.0 metres.
 - (d) The minimum distance from an integral garage of a stacked townhouse dwelling unit to an internal roadway shall be 5.8 metres.
 - (e) The minimum landscaped open space on the lot shall be 30%.
-

- (iv) The following provisions apply to back to back townhouse dwellings:
- (a) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.5 metres.
- (v) The following provisions apply to an apartment building, back to back stacked townhouse dwelling, long term care home or retirement home:
- (a) The minimum landscaped open space on the lot shall be 25%.
- (b) On sites with multiple buildings six storeys or greater in height, the minimum separation distance between buildings that face each other where windows are proposed shall be 12 metres clear of any projections such as balconies and cantilevers.

(c) **Exceptions**

(8147-25)

(1) **Exception 1: MD-B-1
5035 Anderson Street**

1. **Defined Area**

The lands located at 5035 Anderson Street and zoned Medium Density – Brooklin Zone Exception 1 (MD-B-1) 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 MD-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 within the MD-B Zone in accordance with Table 15.4(1) Uses Permitted in Residential – Brooklin Zones.

3. **Zone Provisions**

Notwithstanding any provisions of the By-law to the contrary including any provisions of the MD-B Zone, for any use, building or structure in an MD-B-1 Zone, the following additional provisions shall apply to a Street Townhouse Dwelling with a front access garage:

Lot Area	
Minimum	130 m ²

Front/Exterior Yard Setback to Private Street:

The minimum separation distance from the end wall of a Street Townhouse Dwelling to the travelled portion of a private street and/or parking area shall be	2.0m

Decks, Porches, Steps, Patios and Balconies:

Decks, porches, patios, and balconies are permitted to project from a main wall of a dwelling unit provided they are setback a minimum distance of 2.0m from the travelled portion of a private street and/or parking area.

15.4.4 High Density – Brooklin Zone (HD-B) Zone Provisions**(a) Lot and Building Requirements by Building Type**

The following Table 15.4(4) and additional provisions establish the zone standards that apply to the High Density – Brooklin Zone.

Table 15.4(4): High Density – Brooklin (HD-B) Zone Standards

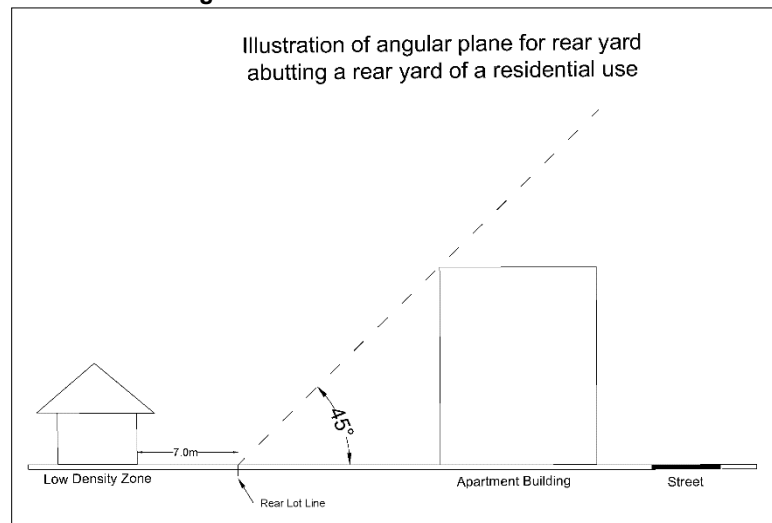
Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Max. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling	n/a	As per the Medium Density – Brooklin Zone described in 15.4.3									
Block townhouse dwelling	n/a	As per the Medium Density – Brooklin Zone described in 15.4.3									
Back to back townhouse dwelling	n/a	As per the Medium Density – Brooklin Zone described in 15.4.3									
Stacked townhouse dwelling	n/a	As per the Medium Density – Brooklin Zone described in 15.4.3									
Apartment building/Back to back stacked townhouse dwelling/ Retirement home/ Long term care home	NR	NR	4.0 m ⁽¹⁾	6.0 m ⁽¹⁾⁽²⁾	6.0 m ⁽¹⁾	4.0 m ⁽¹⁾	7.5 m ⁽¹⁾	NR	NR	4 storeys ⁽³⁾	8 storeys ⁽⁴⁾

Notes NR = No Requirement

- (1) Except that for an underground parking area, the minimum setback shall be 0 metres.
- (2) Except that a maximum of 25% of the building facing the street may have a greater front yard depth.
- (3) Except that the minimum building height shall be 3 storeys on the portion of the site abutting a LD-B Zone.
- (4) Except that the maximum building height in an HD-B Zone in a Community Central Area shall be 12 storeys.

(b) Additional Provisions

- (i) For block townhouse dwellings, back to back townhouse dwellings and stacked townhouse dwellings, the respective additional provisions of subsection 15.4.3 (b) apply.
- (ii) The following provisions apply to an apartment building, back to back stacked townhouse dwelling, long term care home or retirement home:
 - (a) Where buildings are 8 storeys or more in height, a podium shall be provided and the point tower portion of the building shall be set back a minimum of 3 metres from the outer edge of the exterior wall of the podium.
 - (b) Where a lot line of a lot containing an apartment building, back to back stacked townhouse dwelling, long term care home or retirement home abuts a lot in an LD-B Zone, the building height shall be limited by a 45-degree angular plane measured from the property line that abuts the LD-B Zone.

Illustration of Angular Plane Provision

- (c) The minimum separation distance between point tower portions of buildings that face each other where windows are proposed shall be 25 metres.
- (d) On sites with multiple buildings six storeys or greater in height, the minimum separation distance between buildings that face each other where windows are proposed shall be 12 metres clear of any projections such as balconies and cantilevers.
- (e) The minimum landscaped open space on the lot shall be 25%.
- (f) Any above ground parking structure:
 - (i) shall be inside the building such that the perimeter wall of the parking structure shall not be exposed to view from the street;
 - (ii) shall have all floors facing a street occupied by uses permitted in the zone other than parking, except for any egress or ingress driveway or ramp leading to the parking structure;

- (iii) shall have the uses required in (f)(ii) above extend at least 10.0 metres in depth from the wall facing the street and extend to the same height as the proposed parking structure;
 - (iv) shall be no higher than four storeys or the height of the podium where a podium is provided.
-

15.5 Institutional – Brooklin Zone Regulations

15.5.1 Uses Permitted

The following Table 15.5 (1) and additional provisions establish the uses permitted in the Institutional – Brooklin I-B Zone. The uses permitted the I-B Zone are identified in Table 15.5 (1) through YES under the column related to each zone.

Table 15.5 (1): Uses Permitted in the Institutional – Brooklin Zone

Use	I-B Zone
Assembly Hall	YES
Community centre	YES
Day care establishment	YES
Long term care home	YES
Place of worship	YES
School	YES

15.5.2 Institutional – Brooklin Zone Provisions

(a) Lot and Building Requirements by Use

The following Table 15.5 (2) establishes the zone standards that apply to the Institutional – Brooklin I-B Zone.

Table 15.5 (2): Institutional – Brooklin (I-B) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Landscaped Open Space	Max. Building Height
Institutional	NR	NR	4 m	3 m	4 m	7.5 m	30% of the lot area	15 m

15.6 Mixed Use – Brooklin Zone Regulations

15.6.1 Uses Permitted

The following Table 15.6(1) establishes the uses permitted in Mixed Use One – Brooklin (MX1-B) and Mixed Use Three – Brooklin (MX3-B) Zones through YES under the column related to each zone. The uses not permitted in the MX1-B and MX3-B Zones are identified in Table 15.6(1) through a not permitted (n/p) symbol under the column related to each zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted use as described following Table 15.6(1).

Table 15.6(1): Uses Permitted in Mixed Use – Brooklin Zones

Non-Residential Use	MX1-B	MX3-B
Animal care establishment	Q1, Q2	Q1, Q3
Art gallery	Q1, Q2	Q1, Q3
Assembly hall	Q1, Q2	Q1, Q3
Catering service establishment	Q1, Q2	Q1, Q3
Clinic	Q1, Q2	Q1, Q3
Commercial school	Q1, Q2	Q1, Q3
Community centre	Q1, Q2	Q1, Q3
Day care establishment	Q1, Q2	Q1, Q3
Dry cleaning establishment	Q1, Q2	Q1, Q3
Eating establishment	Q1, Q2	Q1, Q3
Eating establishment, take-out	Q1, Q2	Q1, Q3
Financial institution	Q1, Q2	Q1, Q3
Food store	Q1, Q2	Q1, Q3
Library	Q1, Q2	Q1, Q3
Museum	Q1, Q2	Q1, Q3
Office	Q1, Q2	Q1, Q3
Personal service establishment	Q1, Q2	Q1, Q3
Place of entertainment	Q1, Q2	Q1, Q3
Place of worship	Q1, Q2	Q1, Q3
Private school	Q1, Q2	Q1, Q3
Recreational club or facility	Q1, Q2	Q1, Q3
Retail store	Q1, Q2	Q1, Q3
Service shop	Q1, Q2	Q1, Q3
Studio	Q1, Q2	Q1, Q3
Supermarket	Q1, Q2	n/p
Veterinary clinic	Q1, Q2	Q1, Q3
Wellness centre	Q1, Q2	Q1, Q3

Residential Use	MX1-B	MX3-B
Street townhouse dwelling	Q1, Q2	Q1, Q3
Block townhouse dwelling	Q1, Q2	Q1, Q3
Back to back townhouse dwelling	Q1, Q2	Q1, Q3
Back to back stacked townhouse dwelling	Q1, Q2	Q1, Q3
Stacked townhouse dwelling	Q1, Q2	Q1, Q3
Apartment building	Q1, Q2	Q1, Q3
Retirement home	Q1, Q2	Q1, Q3
Long term care home	Q1, Q2	Q1, Q3
Live work dwelling	Q1, Q2	Q1, Q3

Qualifications:

- Q1 Each lot must have a mix of two or more uses.
- Q2 Each area zoned MX1-B must have a mix of residential and non-residential uses and the uses may be integrated in the same building.
- Q3 Each lot zoned MX3-B must have a mix of residential and non-residential uses on the same lot and the uses may be integrated in the same building.

15.6.2 Mixed Use – Brooklin Zone Provisions**(a) Lot and Building Requirements by Building Type**

The following Table 15.6(2) and additional provisions establish the zone standards that apply to the Mixed Use One – Brooklin (MX1-B) and Mixed Use Three – Brooklin (MX3-B) Zones. Except as otherwise noted, the provisions apply to each of these zones.

Table 15.6(2): Mixed Use – Brooklin Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Max. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Street townhouse dwelling unit with a front access garage	160 m ² /unit ⁽¹⁾	6 m/unit except 5.5 m on a private street ⁽²⁾	3 m ⁽³⁾	NR	1.2 m ⁽⁴⁾	3 m ⁽³⁾	7.5 m	NR	20%	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Street townhouse dwelling unit with a detached rear garage	165 m ² /unit	5.5 m/unit ⁽²⁾	3 m	NR	1.2 m ⁽⁴⁾	3 m ⁽³⁾	2.5 m to a garage, or unenclosed parking space ⁽⁵⁾⁽⁶⁾	25 m ² /unit	50%	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Street townhouse dwelling unit with an integral rear garage	108 m ² /unit	5.5 m/unit ⁽²⁾	3 m	NR	1.2 m ⁽⁴⁾⁽⁷⁾	3 m ⁽³⁾	2.5 m to a garage, or unenclosed parking space ⁽⁵⁾⁽⁶⁾	15 m ² /unit ⁽¹²⁾	50%	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Block townhouse dwelling	NR	30 m	3 m ⁽³⁾	NR	1.2 m	3 m ⁽³⁾	7.5 m	NR	NR	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Stacked townhouse dwelling	NR	30 m	3 m ⁽³⁾	NR	1.8 m	3 m ⁽³⁾	7.5 m	NR	NR	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Back to back townhouse dwelling unit	75 m ² /unit	5.5 m/unit ⁽²⁾	3 m ⁽³⁾	NR	1.5 m ⁽⁴⁾	3 m ⁽³⁾⁽⁸⁾	NR	7.5 m ² /unit	NR	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾
Live work dwelling	135 m ² /unit	5.5 m/unit ⁽²⁾	0.0 m	3 m ⁽⁹⁾	1.2 m ⁽⁴⁾	3 m ⁽³⁾	2.5 m to a garage, or unenclosed parking space ⁽⁵⁾⁽⁶⁾	15 m ² /unit ⁽¹²⁾	NR	4 storeys ⁽¹⁵⁾	⁽¹⁶⁾

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Max. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Apartment building/Back to back stacked townhouse dwelling/ Retirement home/ Long term care home	NR	NR	0.0 m	3 m ⁽⁹⁾⁽¹⁰⁾	0.0 m ⁽¹³⁾	3 m ⁽⁸⁾⁽⁹⁾⁽¹⁰⁾	7.5 m ⁽⁸⁾	NR	NR	4 storeys ⁽¹⁵⁾	8 storeys ^{(14) (16)}
Non-residential building	NR	NR	0.0 m	3 m ⁽⁹⁾⁽¹⁰⁾	0.0 m ⁽¹¹⁾	0.0 m / max. 3 m ⁽⁹⁾⁽¹⁰⁾	0.0 m ⁽¹¹⁾	NR	NR	2 storeys ⁽¹⁷⁾	8 storeys ^{(14) (16)}

Notes NR = No Requirement

- (1) Except the minimum lot area shall be 120 square metres on a private street.
- (2) Except that for a corner lot, the minimum lot frontage shall be 9 metres. Provided however that for a street townhouse dwelling unit with a front access garage situated on a corner lot or through corner lot abutting a roundabout the minimum lot frontage shall be 13 metres.
- (3) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres
- (4) Where no common wall exists.
- (5) Except that the minimum distance shall be 1.75 metres where access to a garage, carport or unenclosed parking space is provided from both sides of a lane.
- (6) Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 metres.
- (7) Within a street townhouse dwelling, if no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.
- (8) Except that for an underground parking area, the minimum setback shall be 0 metres.
- (9) A maximum of 25% of the building facing a street can have a greater yard.
- (10) This provision only applies to buildings within 30 metres of a street line.
- (11) Except that the minimum interior side yard and minimum rear yard shall be 7.5 metres abutting a LD or MD Zone
- (12) Except that the min. private amenity space shall be 10 m² for lots with frontage of less than 6m
- (13) Except that the minimum side yard shall be 3 metres abutting a LD-B or MD-B Zone
- (14) Except that the maximum building height within a MX1-B Zone shall be 12 storeys
- (15) Except that the minimum building height in an MX3-B Zone shall be 2 storeys
- (16) Except that the maximum building height in an MX3-B Zone shall be 4 storeys
- (17) For a non-residential building, the requirement for a building to be a minimum of two storeys shall be met where the building has a minimum height of 7.5 metres and there is functional floor space above the first storey or there is functional mezzanine space above the first storey.

(b) Additional Provisions

- (i) The following provisions apply to street townhouse dwelling units with a detached rear garage:
 - (a) For a street townhouse dwelling unit with a detached rear garage, the minimum separation distance between the detached rear garage and the dwelling unit shall be 5 metres.
 - (ii) The following provisions apply to block townhouse dwellings:
 - (a) The minimum width of each dwelling unit shall be 5.5 metres.
 - (b) The minimum separation distance between block townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (c) The provisions pertaining to setbacks for garages in subsection 15.2 apply to block townhouse dwellings, and for the purpose of applying these provisions to block townhouse dwellings, the boundary of an internal roadway shall be deemed to be a lot line and a theoretical line extending from the vertical division of the block townhouse dwelling units to the boundary of the internal roadway shall be considered the side lot line.
 - (d) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
 - (e) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 metres.
 - (f) The minimum distance from an integral garage of a block townhouse dwelling unit to an internal roadway shall be 5.8 metres.
 - (g) The minimum landscaped open space on the lot shall be 30%.
 - (iii) The following provisions apply to stacked townhouse dwellings:
 - (a) The minimum separation distance between stacked townhouse dwellings on the same lot shall be 2.4 metres for an end wall to end wall condition, 15 metres for a rear wall to rear wall condition, and 15 metres for a front wall to front wall condition.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
 - (c) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 metres.
 - (d) The minimum distance from an integral garage of a stacked townhouse dwelling unit to an internal roadway shall be 5.8 metres.
 - (e) The minimum landscaped open space on the lot shall be 30%.
 - (iv) The following provisions apply to back to back townhouse dwellings:
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- (a) The minimum lot depth for a back to back townhouse dwelling unit shall be 13.5 metres.
 - (b) The minimum distance from an end wall to an internal roadway shall be 1.5 metres.
 - (c) The minimum distance from a wall other than an end wall to an internal roadway shall be 3.0 metres
 - (d) The minimum distance from an integral garage of a back to back townhouse dwelling unit to an internal roadway shall be 5.8 metres.
 - (v) The following provisions apply to live work dwellings:
 - (a) The following uses are permitted as the non-residential component of a live work dwelling:
 - (i) Art gallery
 - (ii) Catering service establishment
 - (iii) Eating establishment
 - (iv) Eating establishment, take out
 - (v) Food store
 - (vi) Office
 - (vii) Personal service establishment
 - (viii) Retail store
 - (ix) Studio
 - (x) Wellness centre
 - (b) The minimum gross floor area for all non-residential uses situated on the first storey shall be 60 square metres excluding any floor area used for a washroom, mechanical or electrical room or storage room. Non-residential uses shall not be permitted above the first storey.
 - (c) The basement may be used for storage for the non-residential use.
 - (d) In no case shall a parking area be permitted between a building and the front lot line.
 - (e) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door shall be 0.3 metres.
 - (f) The minimum height of the first storey for all non-residential uses shall be 3.5 metres.
 - (vi) The following provisions apply to an apartment building, back to back stacked townhouse dwelling, long term care home and retirement home:
 - (a) Where buildings are 8 storeys or more in height, a podium shall be provided and the point tower portion of the building shall be set back a minimum of 3 metres from the outer edge of the exterior wall of the podium.
 - (b) The minimum separation distance between point tower portions of buildings that face each other where windows are proposed shall be 25 metres.
-

- (c) On sites with multiple buildings six storeys or greater in height, the minimum separation distance between buildings that face each other where windows are proposed shall be 12 metres clear of any projections such as balconies and cantilevers.
 - (d) The minimum landscaped open space on the lot shall be 25%.
 - (vii) The following provisions apply to apartment buildings, retirement homes, long term care homes and non-residential buildings:
 - (a) In no case shall a parking area be permitted between a building and the front lot line.
 - (b) Parking areas adjacent to a street shall be separated from the street by a landscaped open space area having a minimum width of 2.5 metres excluding any driveways.
 - (c) The maximum elevation of the ground floor of the first storey above finished grade level at the primary entrance door shall be 0.3 metres.
 - (d) The minimum height of the first storey for all non-residential uses shall be 3.5 metres.
 - (viii) The following provisions apply to above ground parking structures:
 - (a) Any above ground parking structure shall be inside the building such that the perimeter wall of the parking structure shall not be exposed to view from the street;
 - (b) The portion of all floors facing a street shall be occupied by uses permitted in the zone other than parking, except for any egress or ingress driveway or ramps leading to the parking structure;
 - (c) The uses required in (viii)(b) above shall extend at least 10.0 metres in depth from the wall facing the street and extend to the same height as the proposed parking structure;
 - (d) Any above ground parking structure shall be no higher than four storeys or the height of the podium where a podium is provided.
 - (ix) The following provisions apply to drive through lanes:
 - (a) Drive through lanes shall not be permitted between a building and a public street where the building is located within 20 metres of the public street;
 - (b) Drive through lanes shall not be within 7.5 metres of a residential use;
 - (x) Notwithstanding the definition of a lot, any severances by way of consent, or the registration at any time of any Condominium Declaration, Plan of Subdivision, or conveyance, the original boundary of a lot in the MX1-B and MX3-B Zone shall continue to be considered to be the lot boundary.
-

(8123-24)

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
Maximum	6.0 m

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

(c) Setback to a Visibility Triangle

Minimum	6.0 m

(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)

15.7 Prestige Employment – Brooklin Zone Regulations

15.7.1 Uses Permitted

The following Table 15.7 (1) and additional provisions establish the uses permitted in the Prestige Employment – Brooklin (PE-B) Zone. The uses permitted in the PE-B Zone are identified in Table 15.7 (1) through YES under the column related to each zone.

Table 15.7 (1): Uses Permitted in Prestige Employment – Brooklin Zone

Use	PE-B Zone
Ancillary retail sales	YES
Assembly hall	YES
Banquet hall	YES
Business services including industrial supply, printing/graphic design establishment and other similar services	YES
Catering service establishment	YES
Commercial school	YES
Communication facility	YES
Craft brewery/distillery	YES
Data centre	YES
Equipment sales and rental – light	YES
Eating establishment	YES
Eating establishment, takeout	YES
Financial institution	YES
Food preparation plant	YES
Hotel	YES
Light manufacturing	YES
Office	YES
Personal service establishment	YES
Pharmaceutical production facility	YES
Place of entertainment	YES
Post-secondary education facility	YES
Recreational club or facility	YES
Research and development facility	YES
Technology industry	YES
Warehouse distribution facility	YES
Warehouse facility	YES
Wholesale distribution centre	YES

15.7.2 Uses Prohibited

The following uses shall be prohibited:

- commercial self storage warehouse
- elementary school, secondary school and private school
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- transport terminal
- waste processing station, waste transfer station and recycling facility.

15.7.3 Prestige Employment – Brooklin (PE-B) Zone Provisions**(a) Lot and Building Requirements by Use**

The following Table 15.7 (2) and additional provisions establish the zone standards that apply to the Prestige Employment Brooklin (PE-B) Zone.

Table 15.7 (2): Prestige Employment – Brooklin (PE-B) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Landscaped Open Space	Max. Building Height
Prestige Employment	0.4 ha	30 m	6 m	3 m	4 m	7.5 m	10% of the lot area	8 storeys

Notes

NR= No Requirement

(b) Additional Provisions

- (i) The maximum gross floor area permitted for personal service establishments, eating establishments, takeout eating establishments, financial institutions, or recreational clubs or facilities shall be 500 square metres per premise.
- (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment, financial institution or recreational club or facility premises shall be four such uses permitted on a lot.
- (iii) Ancillary retail sales associated with light manufacturing uses, shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided the retail sales and display area is separated from the principal manufacturing use by solid partition walls and does not occupy more than 500 square metres of gross floor area.
- (iv) The maximum gross floor area for ancillary retail sales associated with other uses shall be 250 square metres per premise.
- (v) No office use with a gross leasable area greater than 10,000 square metres shall be permitted unless such office use is integrated with other permitted uses on the same lot.

- (vi) Save and except parking and the temporary storage of refuse in accessory bulk containers or receptacles for immediate pickup, all permitted uses and other operations incidental thereto including storage shall be carried on internal to a building.
 - (vii) A landscaped open space strip measuring a minimum of 3 metres in width shall be provided adjacent to any lot line abutting a street.
-

15.8 Business Park – Brooklin Zone Regulations

15.8.1 Uses Permitted

The following Table 15.8 (1) and additional provisions establish the uses permitted in the Business Park – Brooklin (BP-B) Zone. The uses permitted in the BP-B Zone are identified in Table 15.8 (1) through Yes under the column related to each zone.

Table 15.8 (1): Uses Permitted in Business Park – Brooklin Zone

Use	BP-B Zone
Ancillary retail sales	YES
Assembly hall	YES
Banquet hall	YES
Business services including industrial supply, printing/graphic design establishment and other similar services	YES
Catering service establishment	YES
Commercial school	YES
Communication facility	YES
Craft brewery/distillery	YES
Data centre	YES
Equipment sales and rental – light	YES
Eating establishment	YES
Eating establishment, takeout	YES
Financial institution	YES
Food preparation plant	YES
Hotel	YES
Light manufacturing	YES
Office	YES
Personal service establishment	YES
Pharmaceutical production facility	YES
Place of entertainment	YES
Post-secondary education facility	YES
Recreational club or facility	YES
Research and development facility	YES
Technology industry	YES

15.8.2 Uses Prohibited

The following uses shall be prohibited:

- automobile sales establishment
- automobile service station
- car wash

- commercial self storage warehouse
- elementary school, secondary school;
- gas bar
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- warehouse distribution facility
- warehouse facility
- waste processing station, waste transfer station and recycling facility.
- wholesale distribution centre

15.8.3 Business Park – Brooklin (BP-B) Zone Provisions

(a) Lot and Building Requirements by Use

The following Table 15.8 (2) and additional zone provisions establish the zone standards that apply to the Business Park – Brooklin (BP-B) Zone.

Table 15.8 (2): Business Park – Brooklin (BP-B) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Landscaped Open Space	Max. Building Height
Business Park	0.4 ha	30 m	6 m	3 m	4 m	7.5 m	20% of the lot area	8 storeys

Notes NR= No Requirement

(b) Additional Provisions

- (i) The maximum gross floor area permitted for personal service establishments, eating establishments, takeout eating establishments, financial institutions, or recreational clubs or facilities shall be 500 square metres per premise.
- (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment, financial institution or recreational club or facility premises shall be four such uses permitted on a lot.
- (iii) Ancillary retail sales associated with a light manufacturing uses, shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided the retail sales and display area is separated from the principal manufacturing use by solid partition walls and does not occupy more than 500 square metres of gross floor area.
- (iv) The maximum gross floor area for ancillary retail sales associated with other uses shall be 250 square metres per premise.
- (v) No office use with a gross leasable area greater than 10,000 square metres shall be permitted unless such office use is integrated with other permitted uses on the same lot.
- (vi) Save and except parking and the temporary storage of refuse in accessory bulk containers or receptacles for immediate pickup, all permitted uses and

other operations incidental thereto including storage shall be carried on internal to a building.

- (vii) A landscaped open space strip measuring a minimum of 3 metres in width shall be provided adjacent to any lot line abutting a street.

15.9 General Employment – Brooklin Regulations

15.9.1 Uses Permitted

The following Table 15.9 (1) and additional provisions establish the uses permitted in the General Employment – Brooklin (GE-B) Zone. The uses permitted in the GE-B Zone are identified in Table 15.9 (1) through Yes under the column related to each zone.

Table 15.9 (1) Uses Permitted in General Employment – Brooklin Zone

Use	GE-B Zone
Ancillary office	Q1
Ancillary retail sales	Q1
Catering service establishment	YES
Commercial self-storage warehouse	YES
Communication facility	YES
Contractor's Yard	YES
Craft brewery/distillery	YES
Data centre	YES
Equipment sales and rental – light	YES
Food preparation plant	YES
Heavy equipment sales and service	YES
Industrial use	YES
Laundry	YES
Light manufacturing	YES
Outside storage	YES
Parking area, heavy vehicles	YES
Pharmaceutical production facility	YES
Public garage	YES
Research and development facility	YES
Service shop	YES
Technology industry	YES
Transport terminal	YES
Warehouse distribution facility	YES
Warehouse facility	YES
Wholesale distribution centre	YES
Vehicle storage compound	YES

Qualifications:

Q1 Use must be incidental, subordinate and accessory to an industrial use or light manufacturing use and may be situated within the primary use or situated on the same lot as the primary use.

15.9.2 General Employment – Brooklin (GE-B) Zone Provisions**(a) Lot and Building Requirements by Use**

The following Table 15.9 (2) and additional provisions establish the zone standards that apply to the General Employment – Brooklin (GE-B) Zone.

Table 15.9 (2): General Employment – Brooklin Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Landscaped Open Space	Max. Building Height
General Employment	0.4 ha	30 m	7.5 m	4.5 m	7.5 m	7.5 m	10% of the lot area	20 m

Notes NR= No Requirement

(b) Additional Provisions

- (i) Ancillary retail sales associated with a light manufacturing use or other industrial use shall be permitted to a maximum of 10 percent (%) of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided the retail sale and display area is separated from the principal manufacturing use by solid partition walls and does not occupy more than 500 square metres of gross floor area.
- (ii) The maximum gross floor area for ancillary retail sales associated with other permitted uses shall be 500 square metres per premise.
- (iii) The office use component of an industrial use or a light manufacturing use shall be smaller in scale and subordinate to the primary use and shall not exceed 10% of the gross floor area of the primary use.
- (iv) A landscaped open space strip measuring a minimum of 3 metres in width shall be provided adjacent to any lot line abutting a street.

(8219-25)**15.9.3 Exceptions****Exception 1: GE-B-1
5515 Garrard Road****1. Defined Area**

The lands located east of Garrard Road and south of Highway 407 and zoned GE-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. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, in any GE-B-1 Zone the following provisions shall apply:

(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 GE-B-1 by this By-law shall be considered to be one lot.

(b) Parking

(i) Number of Parking Spaces

Use or purpose	Minimum Number of Parking Spaces Required (per building)
• Warehouse Distribution Facility • Warehouse Facility • Wholesale Distribution Centre	1 parking space per 50m ² of gross floor area up to 2800 m ² plus 1 additional parking space per 250m ² of gross floor area of the building in excess of 2,800m ² .

(ii) Location of Parking Spaces

Any parking area and parking spaces are permitted in all yards.

(iii) Driveway Width
Minimum

12m

Provided however that the maximum width for a driveway intended primarily for a truck access to the site shall be 26m.

(c) Outside Storage

Notwithstanding any provisions of this By-law to the contrary, outside storage including any outside storage of vehicles including commercial vehicles and motor vehicles and any trailers shall be permitted in the rear yard and in the interior side yard provided that such outside storage is not readily visible from the streetline.

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned GE-B-1 by this By-law amendment:

4A(4.5) Aisle Width Serving a Parking Area of a Non-Residential Use

15.10 Local Commercial – Brooklin Zone Regulations

15.10.1 Uses Permitted

The following Table 15.10 (1) and additional provisions establish the uses permitted in the Local Commercial – Brooklin C1-B Zone. The uses permitted in the C1-B Zone are identified in Table 15.10 (1) through YES under the column related to each zone.

Table 15.10 (1): Uses Permitted in Local Commercial – Brooklin Zone

Use	C1-B Zone
Animal care establishment	YES
Bakeshop	YES
Clinic	YES
Community centre	YES
Day care establishment	YES
Dry cleaning establishment	YES
Eating establishment	YES
Eating establishment, take-out	YES
Financial institution	YES
Food store	YES
Library	YES
Office	YES
Personal service establishment	YES
Place of entertainment	YES
Place of worship	YES
Recreational Club or Facility	YES
Retail store	YES
Service shop	YES
School, commercial	YES
Studio	YES

15.10.2 Local Commercial – Brooklin Zone Provisions**(a) Lot and Building Requirements by Use**

The following Table 15.10 (2) and additional provisions establish the zone standards that apply to the Local Commercial – Brooklin Zone.

Table 15.10 (2) Local Commercial – Brooklin C1-B Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Yard	Min. Exterior Yard	Min. Rear Yard	Min. Landscaped Open Space	Max Building Height
Local Commercial	0.4 ha	30 m	0.0 m	3.0 m	4.0 m	3.0 m	10% of the lot area	14 m

Notes: NR = No Requirement

(b) Additional Provisions

- (i) Parking areas adjacent to a street line shall be separated from the street by a landscaped open space area having a minimum width of 2.5 metres excluding any driveways.
- (ii) The maximum elevation of the ground floor of the first storey above finished grade level at an entrance door shall be 0.3 metres.
- (iii) The minimum height of the first storey shall be 3.5 metres.

15.11 Special Purpose Commercial – Brooklin Zone Regulations

15.11.1 Uses Permitted

The following Table 15.11 (1) and additional provisions establish the uses permitted in the Special Purpose Commercial – Brooklin (SPC-B) Zone. The uses permitted in the SPC-B Zone are identified in Table 15.11 (1) through YES under the column related to each zone.

Table 15.11 (1) Uses Permitted in Special Purpose Commercial – Brooklin Zone

Use	SPC-B Zone
Animal care establishment	YES
Assembly hall	YES
Automobile sales establishment	YES
Boat and recreational vehicle sales establishment	YES
Catering service establishment	YES
Eating establishment	YES
Eating establishment – take out	YES
Equipment sales and rental – light	YES
Financial institution	YES
Funeral Establishment	YES
Home improvement centre	YES
Home supply centre	YES
Hotel	YES
Motor vehicle rental	YES
Outside storage	Q1
Place of entertainment	YES
Place of worship	YES
Public garage	YES
Recreational club or facility	YES
Retail nursery	YES
Service shop	YES
Veterinary clinic	YES
Wellness centre	YES

Qualifications:

Q1 Outside storage is permitted subject to the following:

- (a) any outside storage is an accessory and incidental activity devoted to the principal use for which the lot, building or structure is used.
- (b) any outside storage is restricted to the interior side yard or rear yard.
- (c) any outside storage is suitably screened from view from any adjacent street line.

15.11.2 Special Purpose Commercial - Brooklin (SPC-B) Zone Provisions**(a) Lot and Building Requirements by Use**

The following Table 15.11 (2) and additional provisions establish the zone standards that apply to the Special Purpose Commercial – Brooklin (SPC-B) Zone.

Table 15.11 (2) Special Purpose Commercial – Brooklin (SPC-B) Zone Standards

Zone	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Site Yard	Min. Rear Yard	Min. Landscaped Open Space	Max Building Height
Special Purpose Commercial	0.8 ha	60 m	7.5 m	7.5 m	7.5 m	7.5 m	10% of the lot area	20 m

Notes:**NR = No Requirement****(b) Additional Provisions**

- (i) Parking areas adjacent to a street line shall be separated from the street by a landscaped open space area having a minimum width of 2.5 metres excluding any driveways.
- (ii) The maximum elevation of the ground floor of the first storey above finished grade level at an entrance door shall be 0.3 metres.
- (iii) The minimum height of the first storey shall be 3.5 metres.

5.12 Natural Heritage System – Brooklin Zone Regulations

15.12.1 Uses Permitted

The following Table 15.12 (1) and additional provisions establish the uses permitted in the Natural Heritage System - Brooklin (NHS-B) Zone. The uses permitted in the NHS-B Zone are identified in Table 15.12 (1) through YES under the column related to each zone.

Table 15.12 (1): Uses Permitted in Natural Heritage System – Brooklin (NHS-B) Zone

USE	ZONE
Conservation use	YES
Passive recreational use	YES

15.12.2 Additional Provisions

- (a) No habitable buildings or structures are permitted.

15.13 Natural Hazard Land – Brooklin Overlay Zone Regulations**15.13.1 Uses Permitted**

The uses permitted in the Natural Hazard Land – Brooklin (NHL-B) Overlay Zone shall be as per the uses permitted in the Natural Heritage System – Brooklin Zone in 15.12.1

15.13.2 Additional Provisions

- (a) Where a lot is subject to a Natural Hazard Land - Brooklin Overlay Zone, no uses and no building or structure or expansion to a building or structure shall be permitted until all technical studies, based on approved terms of reference, required by the Town and/or Conservation Authority are approved. The requirements for the technical studies may be scoped or waived subject to the concurrence of the Conservation Authority.
 - (b) No habitable buildings or structures are permitted.
-

Section 16**Administration**

(3760-95
(7959-23)

- (a) This By-law shall be administered by the Township Building Inspector and no permit for the erection or use of any building or structure and no approval of application for any municipal license shall be issued or given where such use is in violation of any provisions of this By-law.
 - (b) No person shall erect and use any building or structure without first obtaining from the Building Inspector, a Building Permit. A written application for such Permit shall show the following particulars:
 - (i) Location and size of the land.
 - (ii) Location and size of the building.
 - (iii) Proposed location of all future buildings.
 - (iv) All services to be used or installed.
 - (v) Statement by the owner of the intended use of the land and buildings.
 - (c) By-laws Number 1553, 1556, 1613, 1689, 1691, 1723 and 1738, be and the same are hereby repealed.
-

Section 17 Violations and Penalties

(188-75)
(3178-92)
(3760-95)
(7959-23)

- (a) Every person who contravenes any provision of this By-law is guilty of an offence and, on conviction, is liable:
 - (i) on a first conviction, to a fine of not more than \$25,000.00; and,
 - (ii) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is:
 - (i) on a first conviction a fine of not more than \$50,000.00; and,
 - (ii) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection (a).
- (c) The provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, shall apply to any prosecution for any offence under this By-law, and, without limiting the generality of the foregoing, the aforesaid fines which are exclusive of costs, shall be recoverable thereunder.

Section 18 Approval

(376--95)

(7959-23)

This By-law shall come into effect on the day it is passed by the Council subject to the approval of The Ontario Municipal Board.

A.D., 1960.

Wm. A. Heron, REEVE

Murray Robinson, CLERK

ORIGINAL OF BY-LAW NUMBER 1784 PASSED AS PROVIDED ABOVE, RECEIVED APPROVAL OF THE ONTARIO MUNICIPAL BOARD ON MAY 19TH, 1960.

Schedule ‘A’ Zone Requirements Table
(3454-94)

Zone	Use	Lot Type	Min. Lot Area Without Services (Sq. Metres)	Minimum Lot Area With Public Water Supply or Public Sanitary Sewer (Sq. Metres)	Min. Lot Frontage Without Services (Metres)	Min. Lot Frontage With Public Water Supply or Public Sanitary Sewer (Metres)	Min. Lot Depth (Metres)	Max. Lot Coverage (Percent)	Min. Front Yard (1) (Metres)	Min. Interior Side Yard (Metres)	Min. Exterior Side Yard (Metres)	Min. Rear Yard (Metres)	Min. Ground Floor Area 1 Storey (Sq. Metres)	Min. Ground Floor Area 1 ½ Storey (Sq. Metres)	Min. Ground Floor Area 2 Storey (Sq. Metres)	Max. Building Height (Metres)
All Zones	Recreational Institutional	n/a	n/a	n/a	n/a	n/a	n/a	20 20	12.0 12.0	12.0 12.0	12.0 12.0	10.5 12.0	n/a	n/a	n/a	n/a
R1	Residential	Interior Corner	1,670 1,670	1,020 1,145	30.5 30.5	24.5 27.5	n/a	20 20	12.0 12.0	1.5(2) 1.5(2)	12.0	6.0 6.0	125 125	100 100	75 75	8.5(5) 8.5(5)
R2	Residential	Interior Corner	1,575 1,575	925 1,125	27.5 27.5	21.5 26.0	n/a	20 20	10.5 10.5	1.5(2) 1.5(2)	10.5	6.0 6.0	111 111	89 89	67 67	8.5(5) 8.5(5)
R3	Residential	Interior Corner	1,485 1,575	835 1,045	24.5 26.0	18.5 23.0	n/a	20 20	9.0 9.0	1.5(2) 1.5(2)	9.0	6.0 6.0	97 97	78 78	59 59	8.5(5) 8.5(5)
C1	Commercial	n/a	n/a	n/a	n/a	n/a	n/a	30	10.5(3)	3.0	9.0	3.0	n/a	n/a	n/a	10.5
C1	Residential	n/a	n/a	n/a	n/a	n/a	n/a	30	10.5(3)	3.0	9.0	3.0	Minimum 70 Per Dwelling Unit	Minimum 70 Per Dwelling Unit	Minimum 70 Per Dwelling Unit	Minimum 70 Per Dwelling Unit
C2	Commercial Except Public Garage	n/a	n/a	n/a	n/a	n/a	n/a	30	10.5(3)	3.0	9.0	3.0	n/a	n/a	n/a	10.5
C2	Commercial Public Garage	n/a	n/a	n/a	45.5	45.5	n/a	30	21.5	10.5	15.0	13.5	n/a	n/a	n/a	10.5
M1	Industrial Commercial	n/a	n/a	n/a	n/a	n/a	61.0	50	15.0	7.5	10.5	13.5	n/a	n/a	n/a	n/a
M1	Residential	n/a	n/a	n/a	n/a	n/a	n/a	n/a	15.0	7.5	10.5	13.5	97	78	59	10.5
M2	Open Storage	n/a	n/a	n/a	n/a	n/a	61.0	n/a	15.0	7.5	10.5	13.5	n/a	n/a	n/a	n/a
G	Conservation Farming	n/a	40HA	40HA	60	60	n/a	10	15.0	15.0	15.0	15.0	n/a	n/a	n/a	n/a
A	Residential (Other Than Farming)	n/a	2,785	2,785	45.5	45.5	n/a	10	15.0	15.0(4)	15.0	15.0	139	111	84	10.5
A	Farming	n/a	40HA	40HA	60	60	n/a	10	15.0	15.0	15.0	15.0	n/a	n/a	n/a	n/a

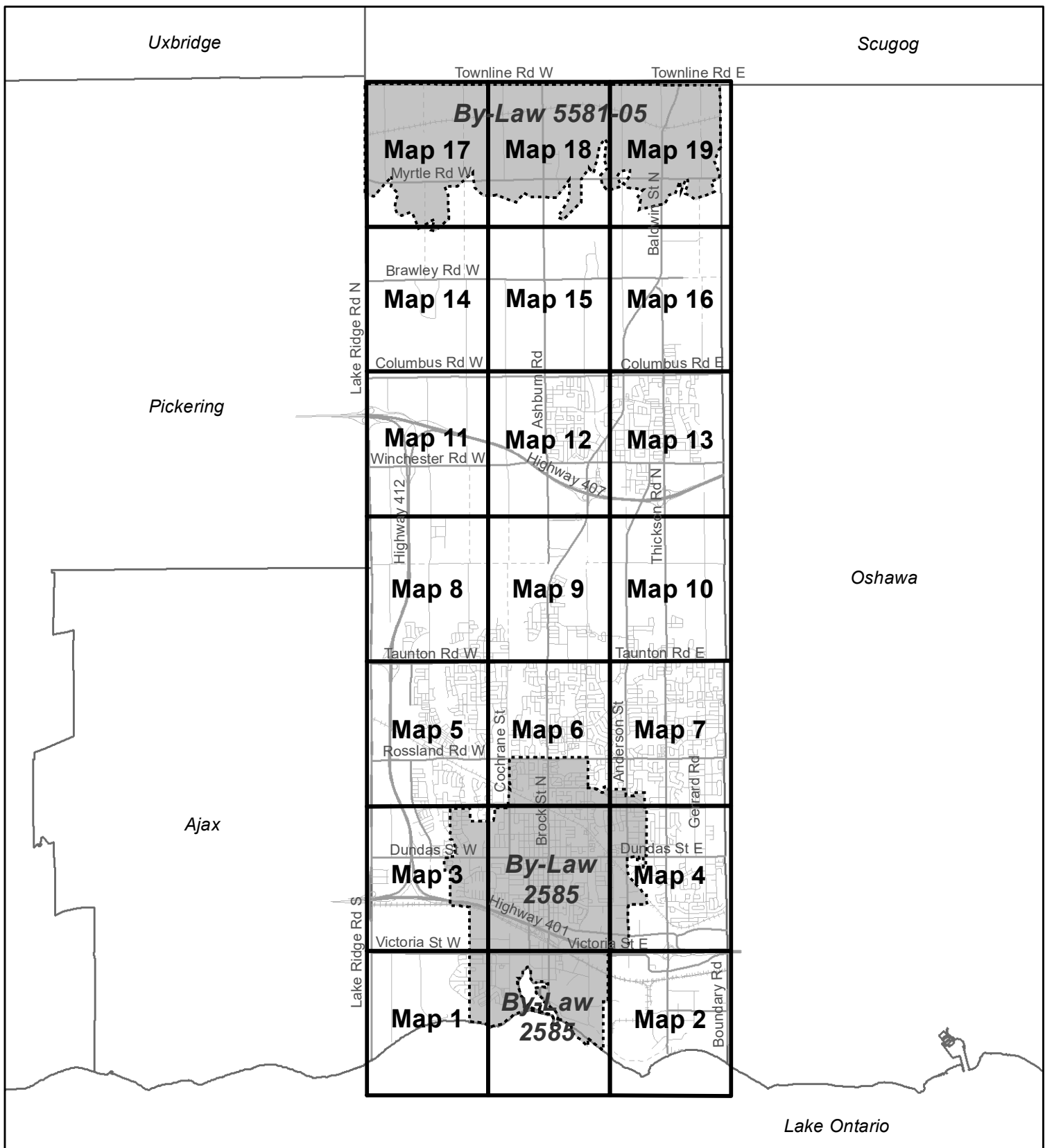
(1) Subject to 4 (1) regarding roads. (2) Subject to 5 (c) regarding garages. (3) 4.5 m additional to be provided when Front Yard parking is allowed. (4) Subject to 11 (c) regarding residential uses for persons not employed on the same lot (i.e. non-farm lots) (5) Except in the case of a building which existed prior to the date of passing of By-law # 3465-94, in which case the maximum building height of the existing building shall be 9.5 m.*All amendments have not been incorporated into this schedule. For accurate reference recourse should be had to be the amending by-laws

Schedule “A-1” Amendments to Zone Maps

Schedule “A-1” maps are maps included in by-laws that amend Schedule ‘B’ to By-law # 1784.

The original Zoning By-law amendments should be consulted for reference to individual Schedule “A-1” maps.

Schedule “B” Zone Maps



Town of Whitby **Schedule B** **Zoning By-Law 1784** **Index Map**

Zoning Revised: September 2025

These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Road Network
- Unopened Road Allowance
- By-Law 2585 and 5581-05
*Refer to Schedule A of By-Law 2585 and Schedule A-1 of By-Law 5581-05
- Key Map Index
- Municipal Boundary



1:110,000



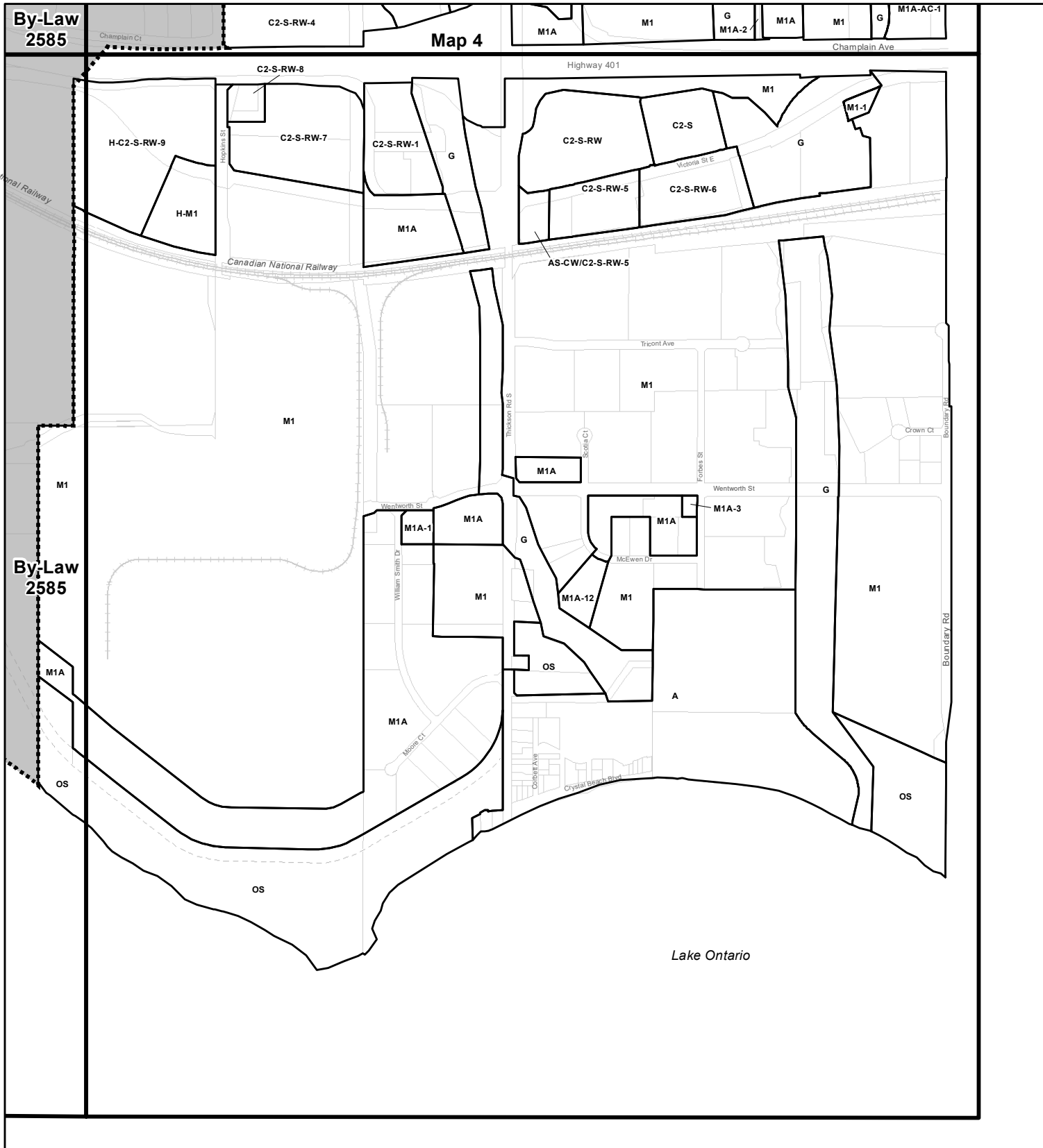
September 2025



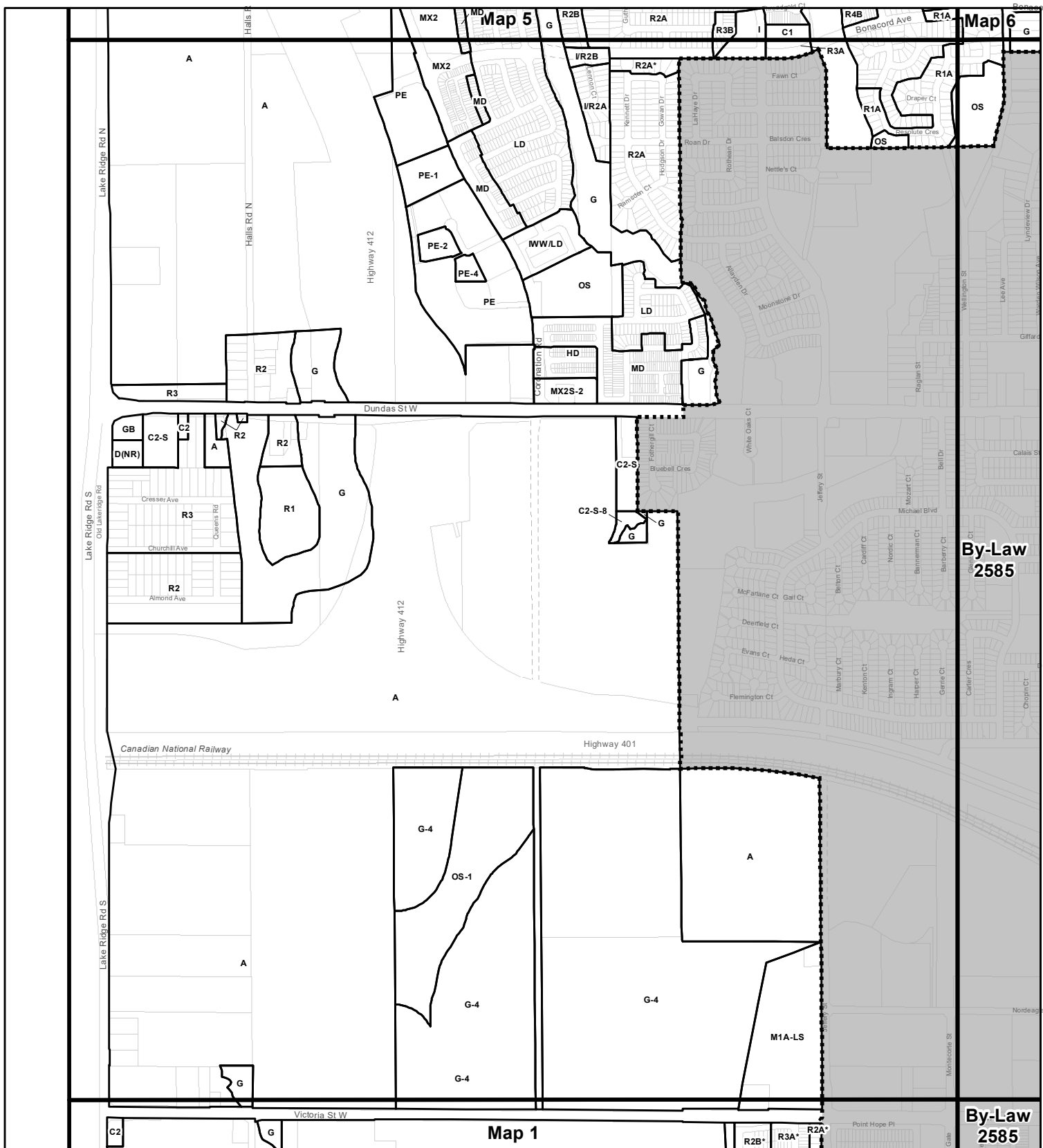
Date: September 2025
 NAD83 UTM Zone 17N

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Schedule B Zoning By-Law 1784 Key Map #2 Zoning Revised: September 2025 These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.	Legend - Railway - Unopened Road Allowance - By-Law 2585 *Refer to Schedule A for Key Maps - Key Map Index - Parcel Fabric - Zoning	1:15,000 0 200 400 Metres September 2025	Date: September 2025 NAD83 UTM Zone 17N Digital cartography by The Corporation of the Town of Whitby, Planning Department, December 2020. Copyright 2020 Town of Whitby. All rights reserved. May not be reproduced without permission. Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey. 575 Rossland Road East, Whitby, Ontario Canada L1N 2M8 Phone 905-430-4306 Fax 905-668-7812 www.whitby.ca



Schedule B **Zoning By-Law 1784** **Key Map #3**

Zoning Revised: September 2025

These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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0 200 400
Metres

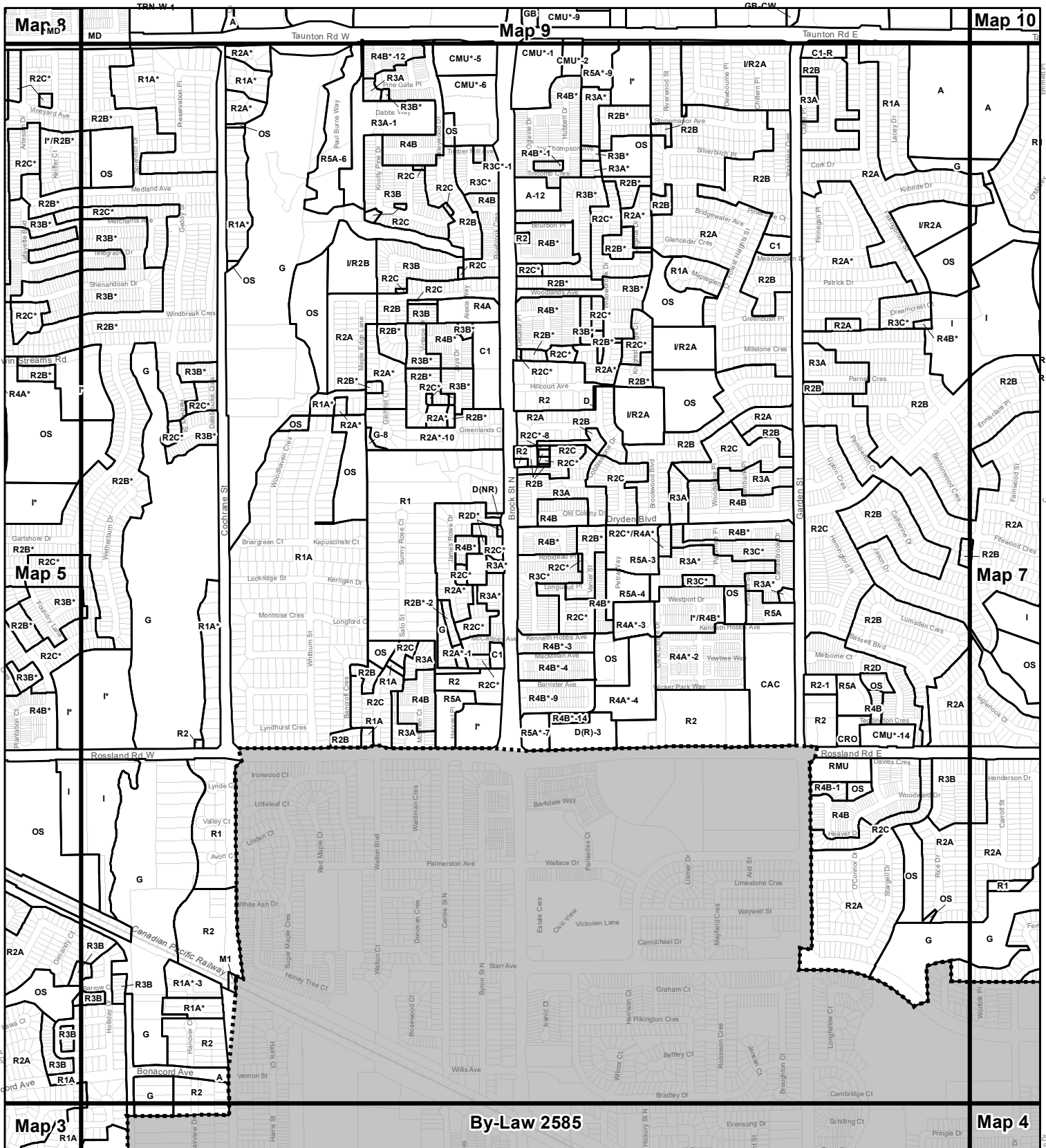
September 2025



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Schedule B **Zoning By-Law 1784** **Key Map #6**

Zoning Revised: September 2025

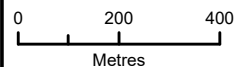
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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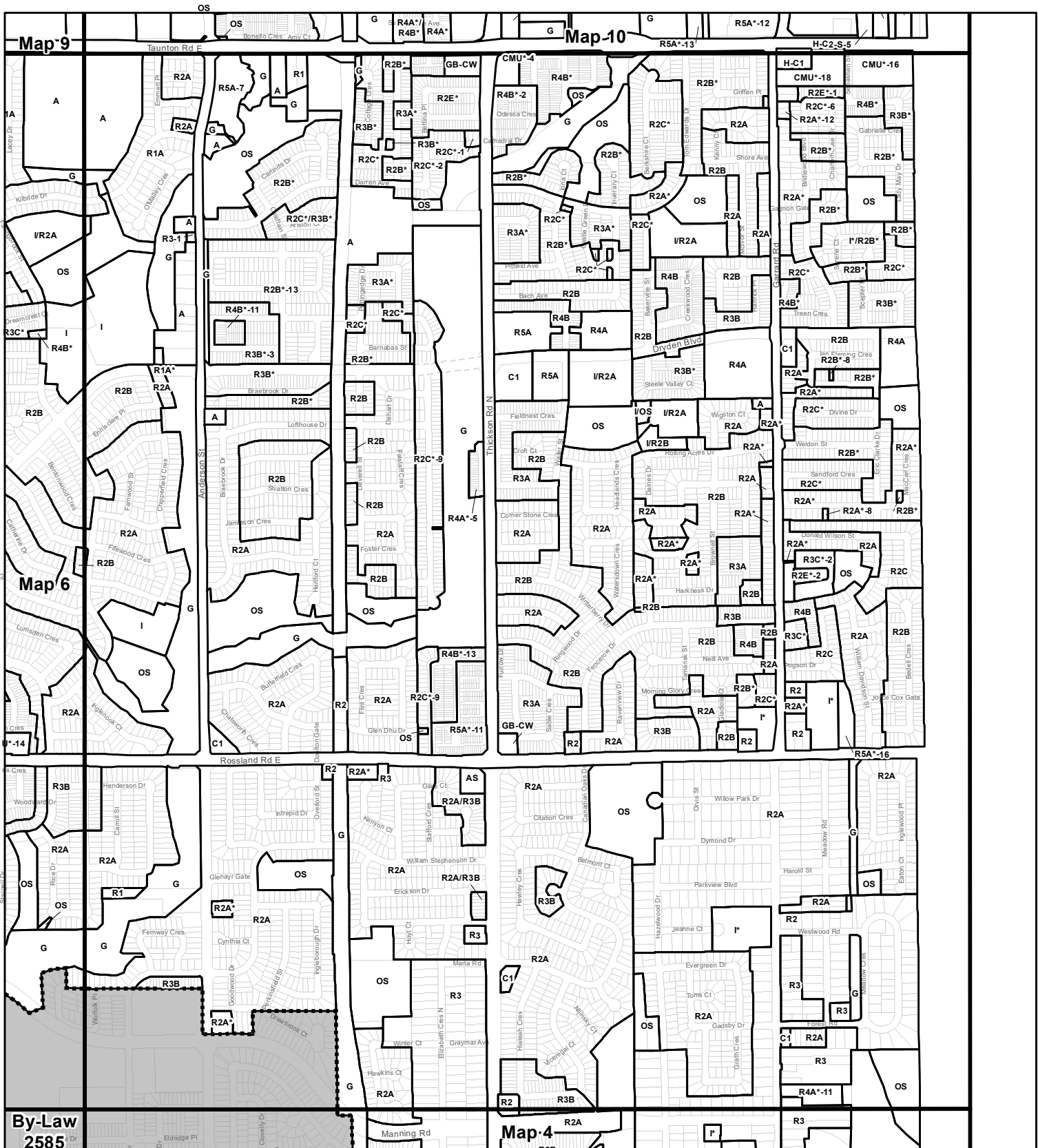
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Schedule B **Zoning By-Law 1784** **Key Map #7**

Zoning Revised: September 2025

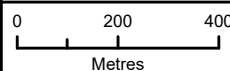
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- Zoning



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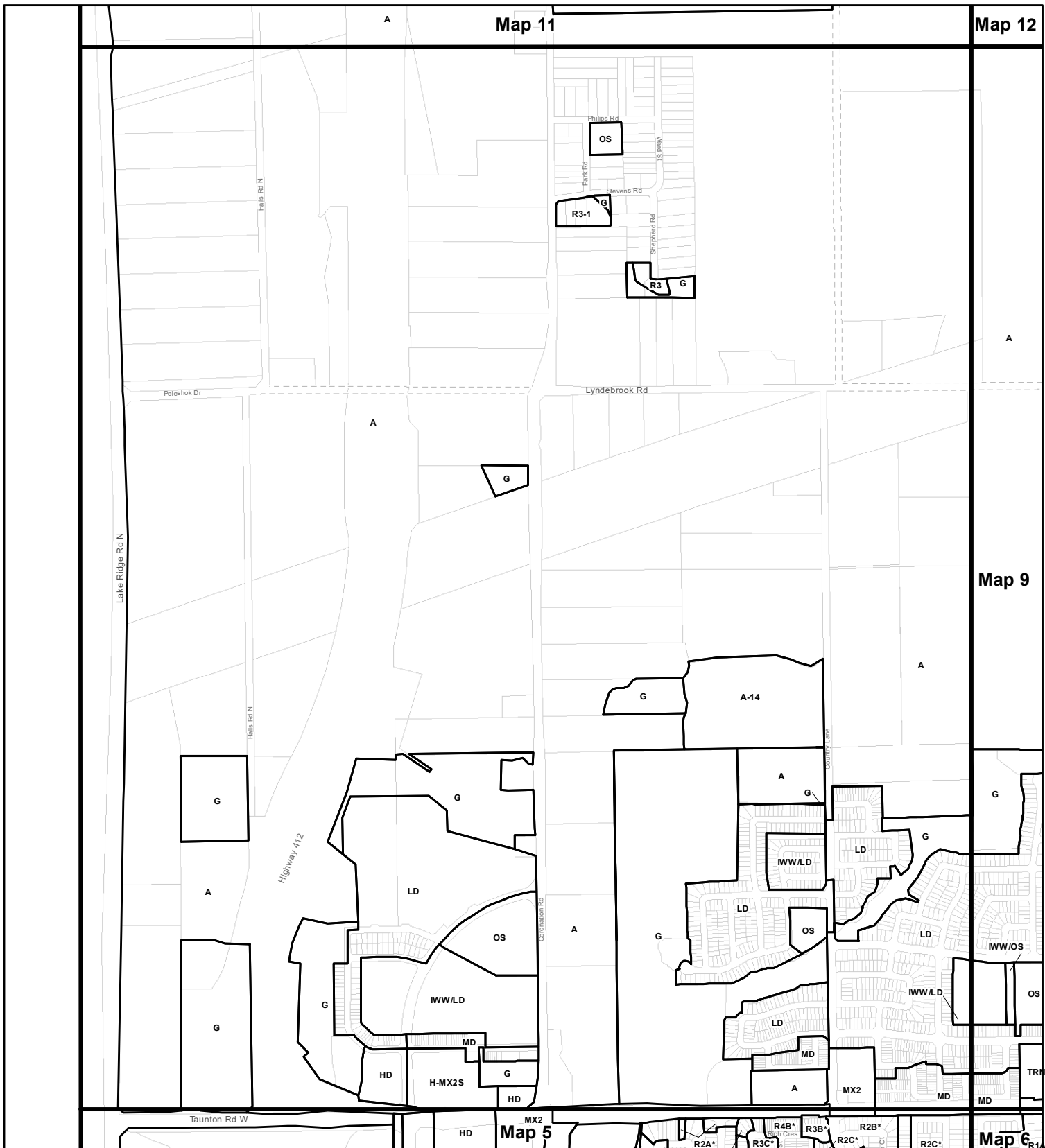
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Schedule B **Zoning By-Law 1784** **Key Map #8**

Zoning Revised: September 2025

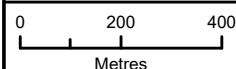
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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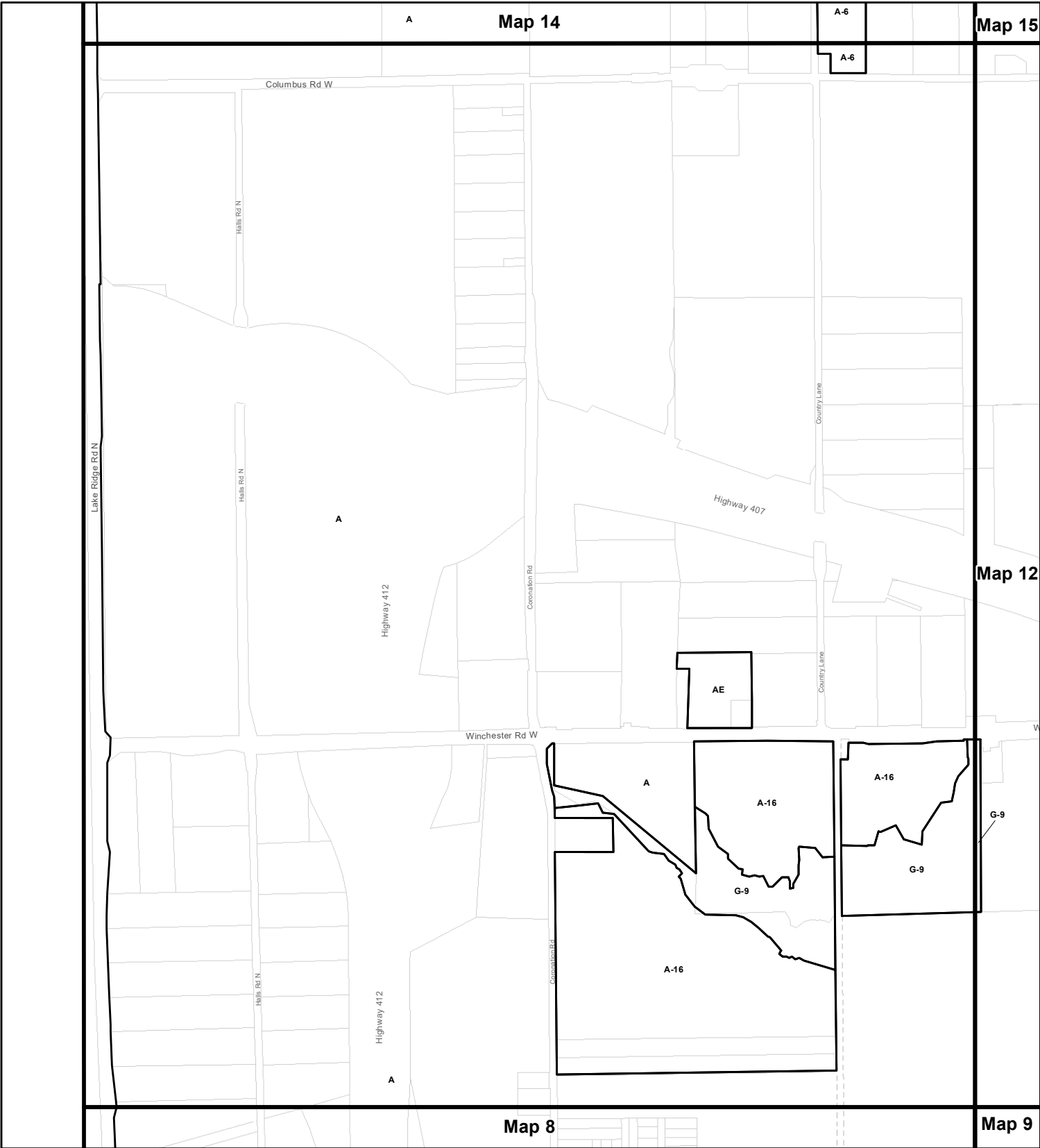
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Schedule B
Zoning By-Law 1784
Key Map #11
 Zoning Revised: September 2025

These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- ▤ By-Law 2585
*Refer to Schedule A for Key Maps
- ▭ Key Map Index
- ▭ Parcel Fabric
- G Zoning

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September 2025

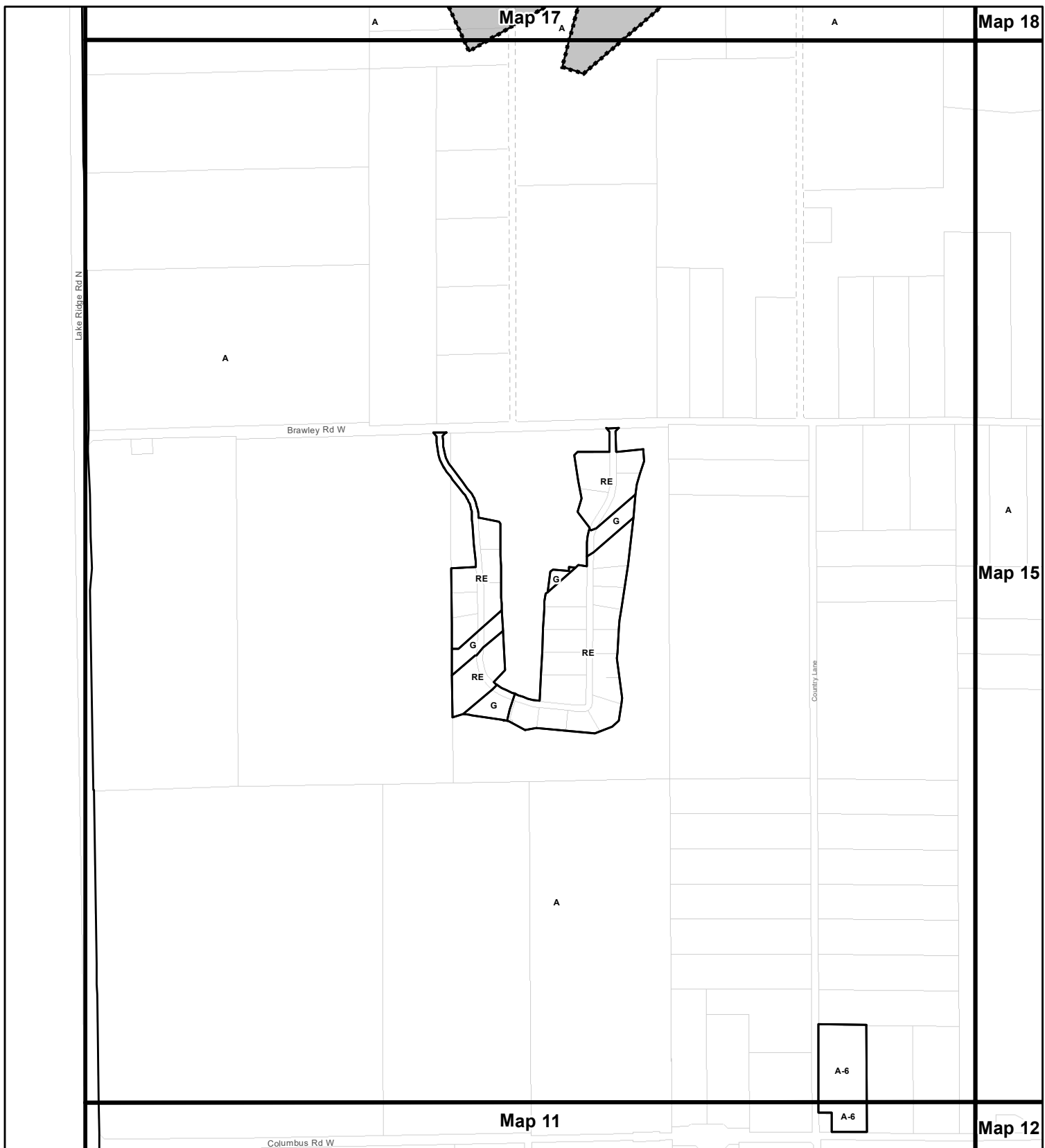

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Schedule B Zoning By-Law 1784 Key Map #14

Zoning Revised: September 2025

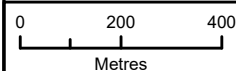
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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September 2025



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Schedule B **Zoning By-Law 1784** **Key Map #15**

Zoning Revised: September 2025

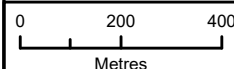
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- ▤ By-Law 2585
*Refer to Schedule A for Key Maps
- ▭ Key Map Index
- ▭ Parcel Fabric
- G Zoning



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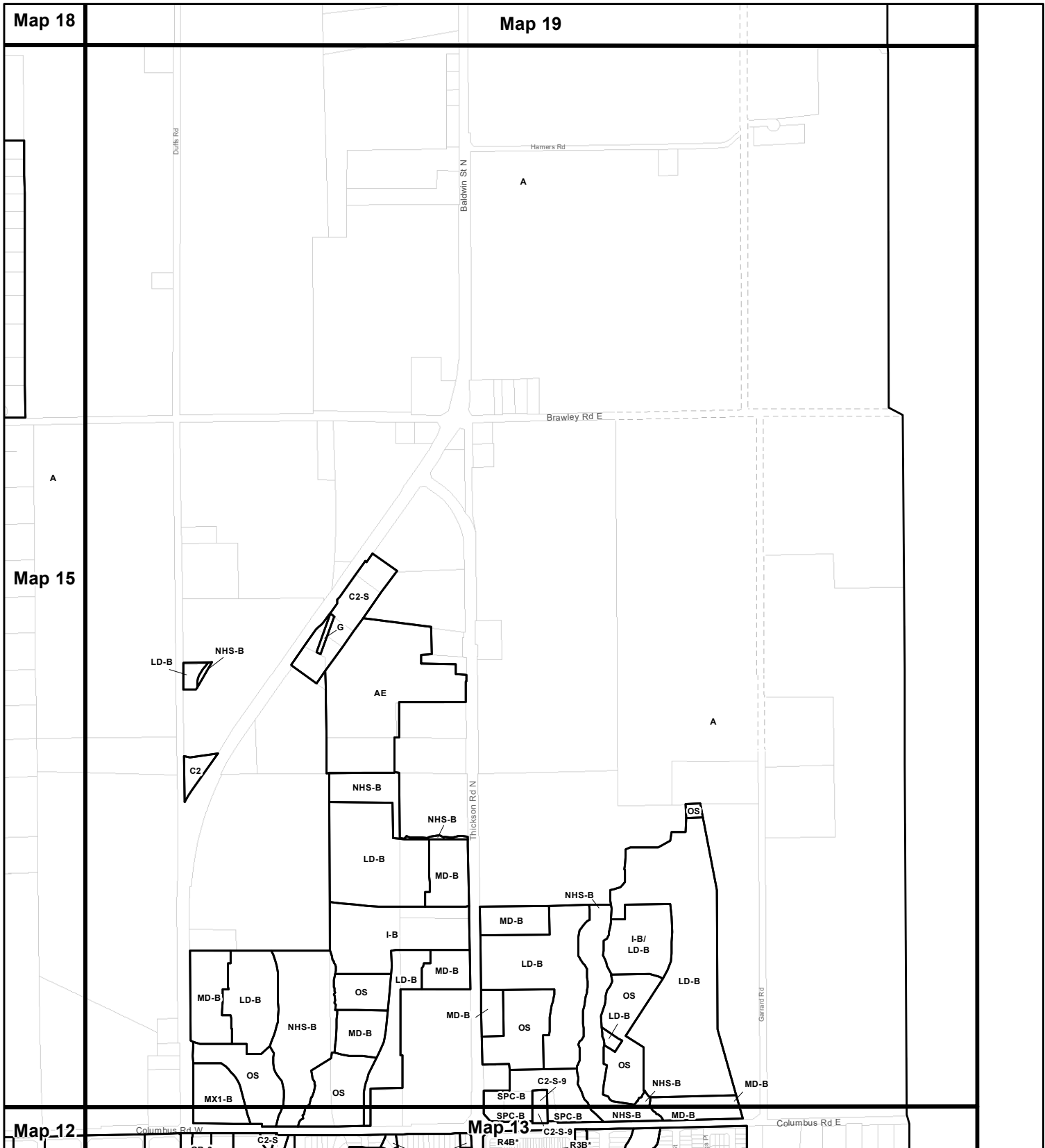
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Schedule B **Zoning By-Law 1784** **Key Map #16**

Zoning Revised: September 2025

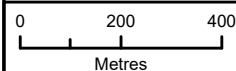
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- ▤ By-Law 2585
*Refer to Schedule A for Key Maps
- ▭ Key Map Index
- ▭ Parcel Fabric
- G Zoning



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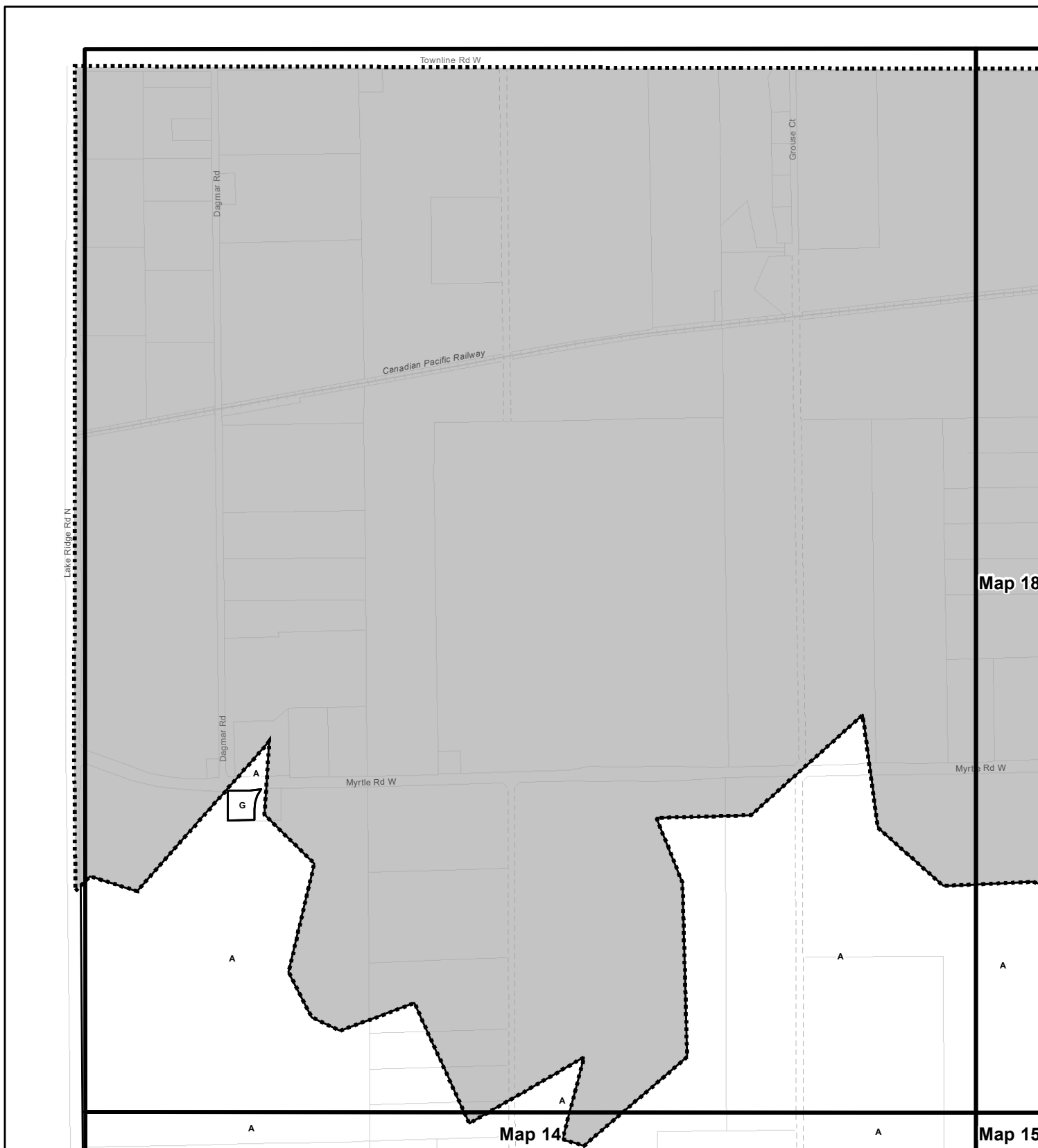
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Schedule B Zoning By-Law 1784 Key Map #17

Zoning Revised: September 2025

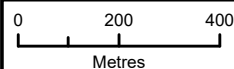
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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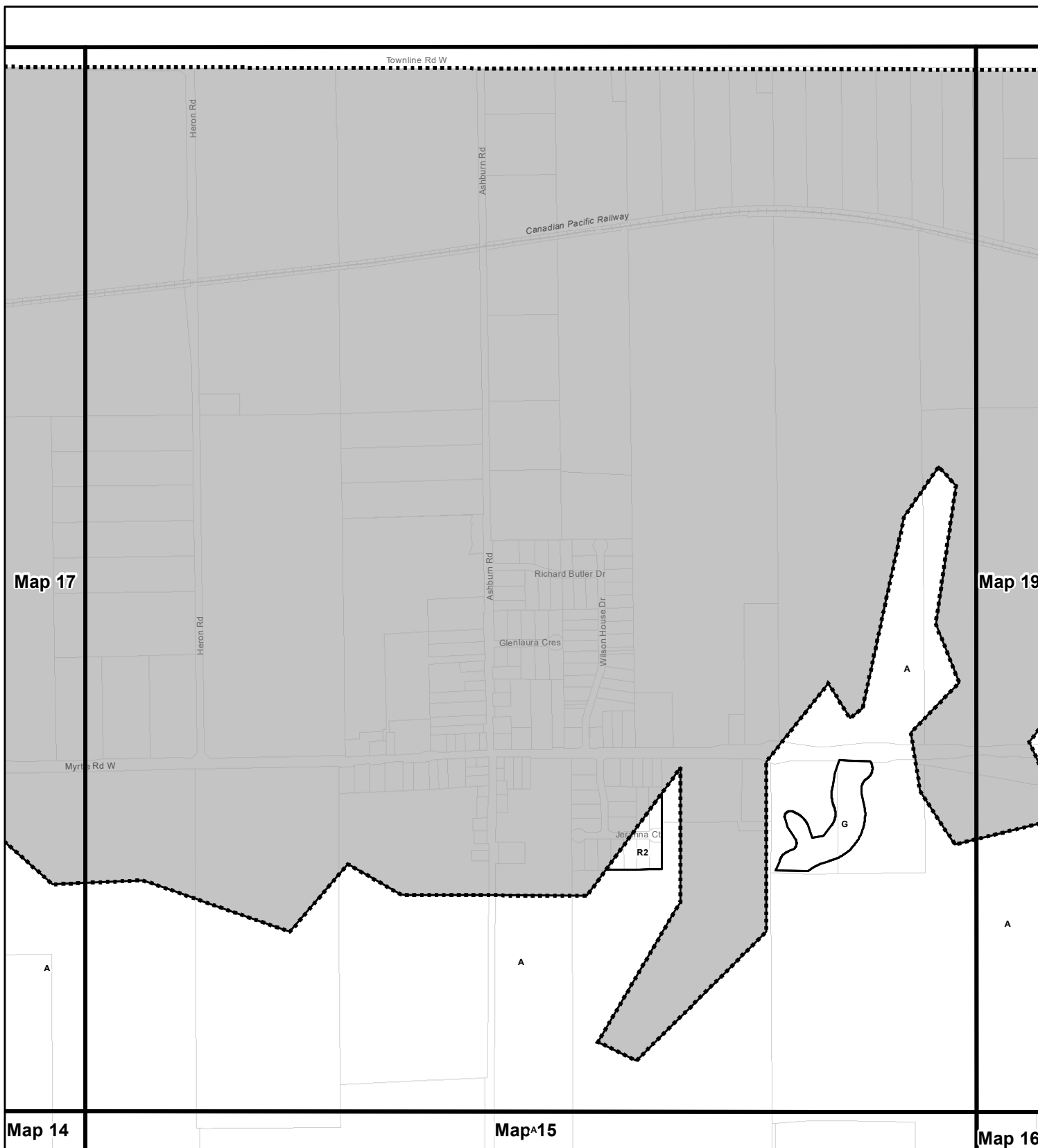
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Schedule B **Zoning By-Law 1784** **Key Map #18**

Zoning Revised: September 2025

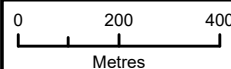
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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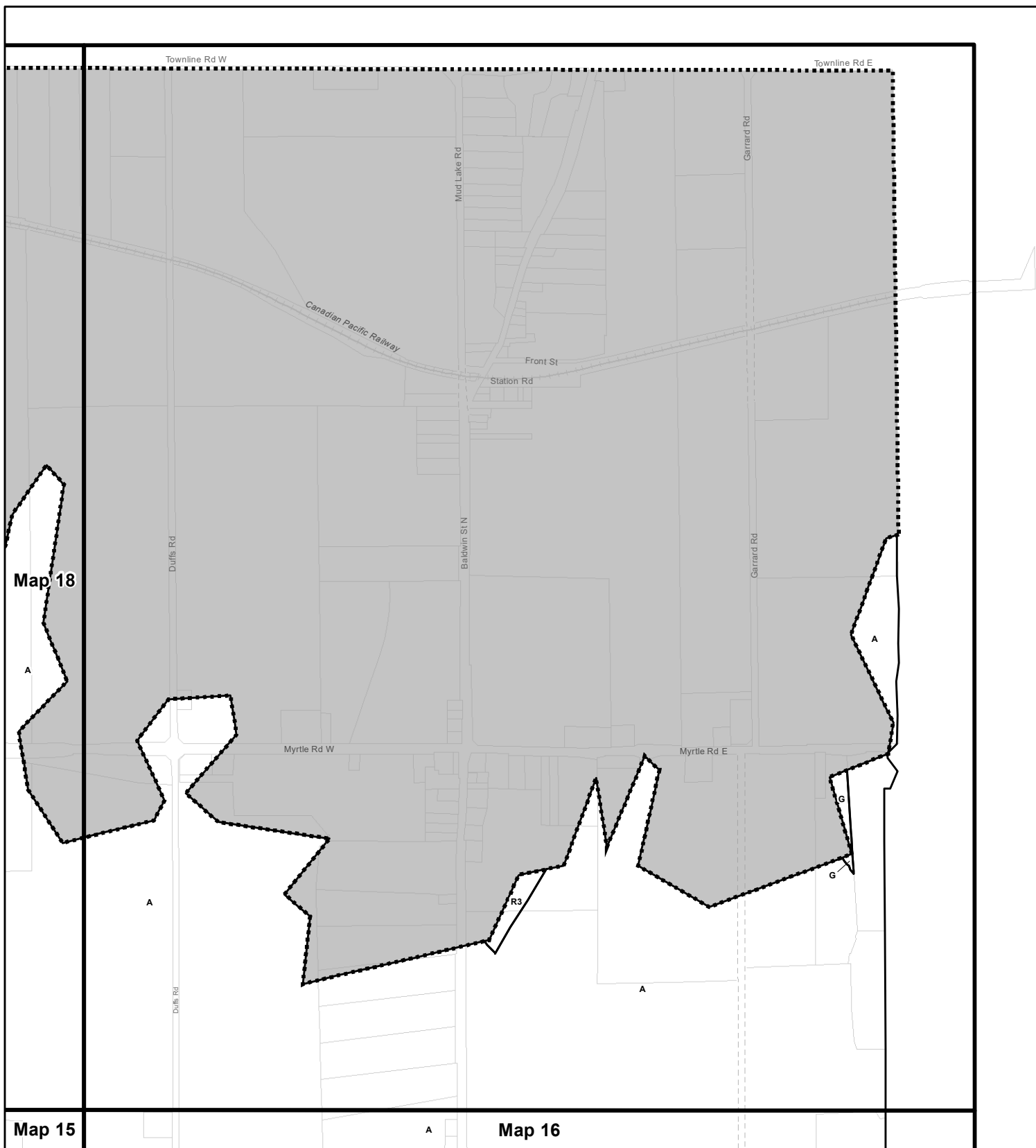
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Schedule B Zoning By-Law 1784 Key Map #19

Zoning Revised: September 2025

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Legend

- +++++ Railway
- Unopened Road Allowance
- By-Law 2585
*Refer to Schedule A for Key Maps
- Key Map Index
- Parcel Fabric
- Zoning



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