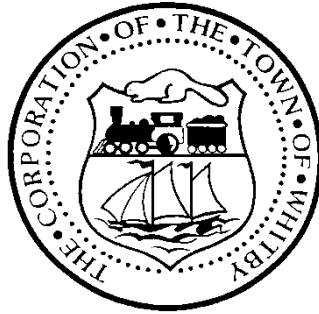




Corporation of the Town of Whitby

Restricted Area (Zoning) By-Law

2585

As Amended

Date of Consolidation: September 2025

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2585

AS AMENDED BY BY-LAWS

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A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF WHITBY.

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

SECTION 1 TITLE

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 2585, 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.

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SECTION 2 DEFINITIONS

(1307-82)

In this By-law, unless the context requires otherwise:

(5994-07)

ACCESSORY Repealed by By-law Amendment 5994-07

(6311-10)

ACCESSORY APARTMENT

(8142-24)

Repealed by By-law Amendment 8142-24

(5994-07)

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 structures shall be separate from the main building.

(6775-13)

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.

(8142-24)

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.

(6775-13)

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.

(6775-13)

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

(6926-14)

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.

(7979-23)

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.

(7979-23)

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 and social activities.

(6926-14)

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.

(6926-14)

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.

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.

- (3334-93) **AUDIO/VISUAL CENTRE** means a building or part of a building with a minimum gross floor area of 450 m² (4844 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.
- (3334-93) **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.
- (6775-13) **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.
- (689-78) **AUTOMOBILE SERVICE STATION** 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.
- (4005-97) **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.
- (4468-99) **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.
- (6926-14) **BASEMENT** means any storey below the first storey.
- (6775-13) **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
- (1881-85) **BLOCK TOWNHOUSING Repealed by By-law 6926-14**
- (193-69)
(3393-93) **BOARDING AND 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.
- (1883-85) **BOAT AND MARINE ACCESSORY SALES ESTABLISHMENT** means a building or part of a building in which boats, motors, boat trailers, marine accessories and related parts and equipment are kept and offered for sale including wholesales and servicing.
- (3334-93) **BOAT AND 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.
- (6775-13) **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.
-

- (6775-13) **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.
- BUILDING BY-LAW** means any building by-law within the meaning of The Planning Act.
- BUILDING INSPECTOR** means the officer or employee of The Corporation for the time being charged with the duty of enforcing the provisions of the Building By-law of The Corporation.
- (6926-14) **BUILDING, MAIN** means the building or buildings located on a lot in which is conducted the principal use of the lot.
- (689-78) **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.
- (6926-14) **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.
- (3334-93) **CATALOGUE STORE** means a building or part of a building with a minimum gross floor area of 450 m² (4844 ft²), 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.
- (6775-13) **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.
- (6926-14) **CELLAR** means a basement as defined herein.
- (6775-13) **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 administrative 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.
- (6926-14) **COMMERCIAL SCHOOL** 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.
- (6926-14) **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.
- (6926-14) **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.
- (6204-09) **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.
- (6775-13) **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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- (1832-85) **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.
- CORPORATION** means The Corporation of the Town of Whitby.
- COUNCIL** means the Council of The Corporation of the Town of Whitby.
- COUNTY** means the Corporation of the County of Ontario.
- (4468-99) **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.
- DENTIST** means a dentist within the meaning of The Dentistry Act.
- (6926-14) **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.
- DRUGLESS PRACTITIONER** means a drugless practitioner within the meaning of The Drugless Practitioners Act.
- 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.
- (6926-14) **DRY CLEANING ESTABLISHMENT** means a building or part of a building, where dry cleaning, dying, cleaning, or pressing of articles of clothing and fabrics is carried on.
- (6775-13) **DWELLING** means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units.
- (8133-24) **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.
- (6926-14) **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.
- (6926-14) **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.
- (6926-14) **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.
- DWELLING HOUSE, DUPLEX** means the whole of a dwelling house that is divided horizontally into two separate family dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- (1881-85) **DWELLING HOUSE, LINK** means one of a group of not more than eight single detached dwellings but not less than three single detached dwellings attached to each other, side by side, each of which dwelling house;
-

- (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 above grade or a private garage or a privacy fence or wall to another dwelling house in the same row; and,
- (c) contains a private garage within or contiguous to each unit.

(6775-13) DWELLING HOUSE, SEMI-DETACHED means one of a pair of two attached single detached dwellings with a common masonry wall dividing the pair of family dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

DWELLING HOUSE, SEMI-DETACHED DUPLEX means one of a pair of two attached duplex dwelling houses with a common masonry wall dividing the pair of duplex dwelling houses vertically.

(568-77) DWELLING HOUSE, SPLIT LEVEL means a dwelling house in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between all levels of such dwelling house being always less than a full storey.

DWELLING HOUSE, TRIPLEX means the whole of a dwelling house that is divided horizontally into three separate family dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

(6775-13) DWELLING, SINGLE DETACHED means a separate building containing only one dwelling unit.

(7595-20) DWELLING, STACKED OR 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.

(6926-14) 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.

(6775-13) 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.

DWELLING UNIT AREA means the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year); and excluding public or common halls or areas, stairways and the thickness of outside walls.

(68-68) DWELLING UNIT, BACHELOR means a dwelling unit designed for occupancy by one person and consisting of a bed-living room, a bathroom and a kitchen or kitchenette.

(6775-13) 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.

(6775-13) 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.

(1080-80) EQUIPMENT SALES AND RENTAL - LIGHT means a building or part of a building or structure 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.

ERECT when used in this By-law includes building, construction, reconstruction and relocation and, without limiting the generality of the word, also includes: (a) any preliminary physical operation, such as excavating, filling or draining; (b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and, (c) any work for the doing of which a building permit is required under the Building By-law of The Corporation.

ERECTED and ERECTION shall have a corresponding meaning.

(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.

EXISTING means existing on the date of passing of this By-law.

(3334-93) 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.

(6926-14) 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.

(6926-14) 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.

(4468-99) FIRST STOREY means the storey with its floor closest to grade and having its ceiling more than 1.8 m above grade.

(6926-14) 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.

(2950-91) 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.

GOLF COURSE means a public or private area operated for the purpose of playing golf and includes a par 3 golf course but does not include driving ranges, miniature courses and similar uses.

(6775-13) 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.
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- (6926-14) **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 of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, sun room (unless such sun room is habitable at all seasons of the year).
- (3345-93)
(6926-14) **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 home, a home for the aged, or a retirement home.
- GUEST ROOM** means a room or suite of rooms used or maintained for the accommodation of the public.
- (6926-14) **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.
- HEIGHT and HEIGHT OF BUILDING** 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 ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna.
- HIGHWAY NUMBER 401** means the MacDonald Cartier Freeway.
- (6775-13) **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.
- (1080-80) **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.
- (1080-80) **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.
- (3334-93) **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.
- (6775-13) **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.
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- (2950-91) **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 of the kiosk may be devoted to the sale of convenience items.
- (2950-91)
(8133-24) **LANDSCAPED OPEN SPACE** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space areas or other common outdoor recreational activity areas or similar landscaped space situated above grade such as on a podium or roof of a building, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area or, private balcony or private terrace.
- LANE** means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- (6926-14) **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.
- 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.
- (6926-14) **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.
- (6926-14) **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.
- (6775-13) **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 total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or marsh, or between the rim of the banks of a river or watercourse.
- LOT, CORNER** means a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than one hundred and thirty-five (135) degrees and where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that:
- (a) in the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents; and
 - (b) any portion of the corner lot distant more than thirty decimal five (30.5) m from the corner, measured along the street line shall be deemed to be an interior lot.
- LOT COVERAGE** means that percentage of the lot area covered by the horizontal projections of the area of all buildings.

LOT DEPTH means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant six m from the front lot line.

LOT, INTERIOR means a lot other than a corner lot.

LOT LINE means any boundary of a lot or the vertical projection thereof.

LOT LINE, FRONT means in the case of an interior lot, 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 an 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.

LOT LINE, REAR means the lot line farthest from and opposite to the front lot line.

LOT LINE, SIDE means a lot line other than a front or rear lot line.

(6926-14) **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.

(2469-88) **LUBRITORIUM** means a building or part of a building where motor vehicles may be serviced which may include the changing of oil and other filters, motor oil, the greasing and topping up of fluids. The sales of oils, greases and other related products may be sold on a retail basis.

(1080-80) **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.

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.

(8133-24) **MIXED USE BUILDING** means a building containing residential uses and at least one other non-residential use.

(6926-14) **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.

(3531-94) **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.

(1080-80) **MOTOR VEHICLE PAINT AND BODY SHOP** means a building or part of a building where motor vehicles are customized, painted and/or repaired.

(1080-80) **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 stand or the sale of motor vehicles.

MOTEL means a hotel as defined herein.

- (4005-97) **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.
- NAVE** means that portion of a church or place of worship where the congregation assembles during the normal services and which is generally located between the chancel and the vestibule or narthex.
- (6926-14) **NON-COMPLYING** means a building, structure or lot that does not comply with the regulations [zone provisions] of this By-law.
- (6926-14) **NON-CONFORMING** means a use that is not a permitted use in the Zone in which the said use is situated.
- (6775-13) **NURSERY SCHOOL** means a day nursery within the meaning of The Day Nurseries Act.
- (6775-13) **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.
- 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.
- (6775-13)
(4982-02) **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.
- (6926-14) **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.
- PARK** means a park, playground or playfield including therein one or more athletic fields, field houses, community centres, bleachers, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, camping area, arenas, golf courses, or similar uses.
- PARK, PRIVATE** means a park other than a public park.
- PARK, PUBLIC** means a park owned or controlled by The Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario.
- (6926-14) **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.
- (6926-14) **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.
- (6926-14) **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.
- (6926-14) **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.
- (6926-14) **PARKING SPACE, TANDEM** means two parking spaces one behind the other which are accessed by the same driveway or aisle.
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- (6926-14) **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.
- (4468-99) **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.
- (4982-02) **PERMIT** means a Disabled 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 this the Highway Traffic Act.
- PERSON** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (6775-13) **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.
- 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.
- (6775-13)
(4005-97) **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.
- PHYSICIAN** means a person licensed under The Medical Act.
- (1217-81) **PIT** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- (1259-81) **PLACE OF AMUSEMENT** means a use occupying the whole of a building or an establishment within part of a building wherein more than 10 percent of the total floor space provides, for use by the public, coin operated mechanical or electric pinball machines or video games; but does not include the sale or rental of such merchandise or accessory goods and wares.
- (3526-94) **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.
- (6620-12)
(6926-14) **PLACE OF WORSHIP** means a building, or structure, or portion thereof, used or intended to be used by any religious organization for public worship, and may include as an accessory use, offices, a rectory or manse, hall or public hall, and rooms for the holding of meetings or classes for religious instruction, but shall not include a private school, day nursery, or monastery.
- (1080-80) **PLUMBING SUPPLY CENTRE** means a building or part of a building wherein plumbing supplies and accessories and/or plumbing fixtures are kept and offered for sale, including wholesale and servicing.
- (1080-80)
(2984-91)
(4468-99) **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.
- 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.
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- (6775-13) **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.
- (6926-14) **PRINCIPAL USE** means the primary purpose for which a lot, building or structure is used or is designed to be used.
- (3607-95) **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.
- 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.
- PRIVATE HOSPITAL** means a private hospital within the meaning of The Private Hospitals Act.
- (4287-98) **PUBLIC ADMINISTRATIVE OFFICE** means a building or part of a building containing offices for Federal, Provincial, Regional or Municipal governments, ministries, agencies, boards or commissions and any services related to the administration of their respective functions.
- (6926-14) **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.
- (1080-80) **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.
- PUBLIC HOSPITAL** means a public hospital within the meaning of The Public Hospital Act.
- PUBLIC LIBRARY** means a public library within the meaning of The Public Libraries Act.
- (1217-81) **PUBLIC ROAD AUTHORITY** means Federal, Provincial, Regional or Municipal agencies, and includes any commission, board, authority or department established by such agency having jurisdiction over a road.
- (1217-81) **QUARRY** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry.
- (3979-96) **RECREATION COMPLEX** means any building or structure that provides for one or more of the following uses: organized sport or recreational games and events, a pool including slides or similar recreational play activities, a place of entertainment, a rink, an assembly hall, an eating establishment provided it is integral to the recreation complex, racquet courts, fitness facilities or similar recreational uses.
- (1838-85) **RECREATIONAL CLUB OR FACILITY** means a building or part of a building wherein recreational facilities are provided and shall include a private club.
- (1832-85) **RECREATIONAL TRAILER SALES ESTABLISHMENT** means a building or part of a building wherein recreational trailers are displayed and kept for sale at wholesale or retail including trailer accessories, parts and the servicing of the same. Outside storage of recreational trailers shall be permitted.
- (92-74) **REDEVELOPMENT** means the removal of buildings or structures on land and the construction or erection of other buildings or structures thereon.
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- (4286-98) **REGIONAL INDUSTRIAL WAREHOUSE AND DISTRIBUTION CENTRE** means a building or part of a building that is used for the storage and distribution of perishable and non-perishable consumable goods, wares or other merchandise exclusive of the retailing of same on the premises and may include an associated office component.
- (6926-14) **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.
- (3529-94) **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 which the sales office is located.
- (1080-80) **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 or shrubs.
- (1838-85) **RETAIL SPORT GOODS CENTRE** means a building or part of a building where 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.
- (6775-13) **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.
- (1476-83) **RETAIL/WHOLESALE AUTOMOTIVE PARTS STORE** means a building or part of a building wherein motor vehicles' parts and accessories and related service equipment are kept for sale at retail and/or wholesale.
- (6926-14) **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.
- (6775-13) **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 SEWER** means an adequate system of underground conduits, operated either by The Corporation or by the Ontario Water Resources Commission, which carries sewage to an adequate place of treatment which meets with the approval of the Ontario Water Resources Commission.
- (3071-91) **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.
- SCHOOL** means a school under the jurisdiction of a board as defined in The Department of Education Act.
- (6926-14) **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.
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- (6926-14) **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.
- (6775-13) **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.
- (6926-14) **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.
- (6926-14) **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.
- (3334-93) **SPORTING GOODS STORE** means a building or part of a building with a minimum gross floor area of 450 m² (4848 ft²) wherein sporting goods, equipment, and accessories for all types of sports are kept for sale and may include the repair of such items.
- (2698) **STOREY** means the portion of a building which lies between the surface of the floor and surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it, but a storey does not include a cellar or a basement unless such basement contains one or more dwelling units.
- STOREY, ONE-HALF** means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.5 m over a floor area equal to at least 50% of the area of the floor next below.
- STORM SEWER** means a sewer which carries storm surface waters and drainage but excludes sewage and polluted industrial wastes.
- (6926-14) **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.
- (6775-13) **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.
- (7301-17) **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.
- (6775-13) **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.
- (6926-14) **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.
- (6926-14) **USE** means the purpose for which any portion of a lot, building or structure is designed, arranged, intended, occupied, operated or maintained.
- (6926-14) **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.
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- (6926-14) **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.
- (6926-14) **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.
- (6926-14) **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.
- (6775-13) **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.
- (4005-97) **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.
- (7435-18 LPAT) **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.
- (689-78) **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.
- (6926-14) **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.
- (1838-85) **WAREHOUSE SALES 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.
- WATER SUPPLY** means an adequate distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by The Corporation and/or the Ontario Water Resources Commission and/or any public utilities commission for public use.
- WATER SUPPLY PLANT** means a building or structure, approved by the Ontario Water Resources Commission, where water is treated for human consumption.
- (1217-81) **WAYSIDE PIT or WAYSIDE QUARRY** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- (6926-14) **YARD** means an open uncovered and unoccupied space on a lot appurtenant to a building except as specifically permitted in this By-law.
- (6926-14) **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.
-

- (6926-14) 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.
- (6926-14) 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.
- (6926-14) YARD, SIDE, EXTERIOR** 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.
- (6926-14) YARD, SIDE, INTERIOR** 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.
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SECTION 3 SCHEDULE TO BY-LAW

The following schedule is included in and forms a part of this By-law:

Schedule "A" - Zone Maps comprised of the Index Map and Key Maps 1-12, inclusive.

SECTION 4 INTERPRETATIONS

- (1) For the purposes of this By-law, the definitions and interpretations given herein shall govern.
 - (2) For the purposes of this By-law, words used in the present tense include the future; words in singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the words "used" and "occupied" shall include the words "intended or arranged" and "designed to be used or occupied".
 - (3) For the purposes of this By-law, the word "alter" when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word "altered" shall have a corresponding meaning.
-

SECTION 5 ZONES

(1) CLASSIFICATION

- (a) The provisions of this By-law shall apply to all lands within the limits of The Corporation which lands for the purpose of this By-law are divided into various zones as follows:

	SYMBOL	ZONE
	Residential Zones	
(1881-85)	R1	Residential Type 1 Zone
	R2	Residential Type 2 Zone
	R3	Residential Type 3 Zone
	R4	Residential Type 4 Zone
	R4C	Residential Type 4C Zone
	R5	Residential Type 5 Zone
	OS	Open Space Zone
	I	Institutional Zone
	Commercial Zones	
(1080-80)	C1	Shopping Centre Commercial Zone
	C2	Highway Commercial Zone
	C3	Central Commercial Zone
	C2-S	Special Purpose Commercial Zone
	Industrial Zones	
(87-68) (1883-85)	M1	Preferred Industrial Zone
	M2	Restricted Industrial Zone
	M3	General Industrial Zone
	M1A	Select Industrial Zone
	MH	Harbour Industrial Zone
(689-78)	Automobile Service Zones	
	AS	Automobile Service Station
	AS-CW	Automobile Service Station including a Car Wash
	Gas Bar Zones	
	GB	Gasoline Bar
	GB-CW	Gasoline Bar including a Car Wash
	Car Wash Zone	
	CW	Car Wash
	Cemetery Zone	
	G	Cemetery Zone
	Flood Zone	
	F	Flood Zone
	Development Zone	
	D	Development Zone

- (b) 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.
- (c) The extent and boundaries of all the said zones are shown on Schedule "A" which Schedule forms a part of this By-law and is attached hereto.
- (d) The symbols listed in paragraph (a) of this subsection may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within The Corporation within the scope of this By-law delineated on Schedule "A" and designated thereon by the said symbol.

(2) ZONE BOUNDARIES

Zone boundaries where possible are construed to be lot lines, street lines, railway rights-of-way or boundaries of registered plans. In the case where uncertainty exists as to the boundary of any zone then the location of such boundary shall be determined in accordance with the scale of Schedule "A" at the original size in the scale of 1: 4800.

(3) BUILDING, STRUCTURE AND USE CLASSIFICATION

- (a) The buildings, structures and uses of buildings, structures and lots specifically named as uses permitted and classified under the headings of "Residential" and "Non-Residential" refer only to the uses as are specifically named under such headings in each zone.
 - (b) For the purpose of reference, all buildings, structures and uses of buildings, structures and lots named as uses permitted and classified under the headings of "Residential" or "Non-Residential" may be referred to as Residential or Non-Residential buildings, structures or uses respectively.
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SECTION 6 GENERAL PROVISIONS

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	(3) Building Extension and Repair _____	6-5
(6311-10)	(4) Dwelling Units Below Grade (Repealed by By-law Amendment 6311-10) _____	6-5
	(5) Excepted Lands and Buildings and Non-Conforming Uses _____	6-5
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(1) APPLICATION OF BY-LAW

No building or structure shall hereafter be erected or altered, and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law.

(5994-07) (2) ACCESSORY USES**(5994-07) (a) USE OF ACCESSORY BUILDINGS
Repealed by By-law Amendment 5994-07****(5994-07) (b) PERMITTED LOCATIONS AND SETBACKS FROM LOT LINES
Repealed by By-law Amendment 5994-07****(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 6 (2) (b) (i) a distance of no more than 0.3 m.

**(5994-07) (c) MAXIMUM PERMITTED HEIGHT AND ROOF TYPES
Repealed by By-law Amendment 5994-07****(i) HEIGHT**

Notwithstanding any other provision in this By-law, no accessory structure in any Residential Zone shall exceed 4.5 m in height.

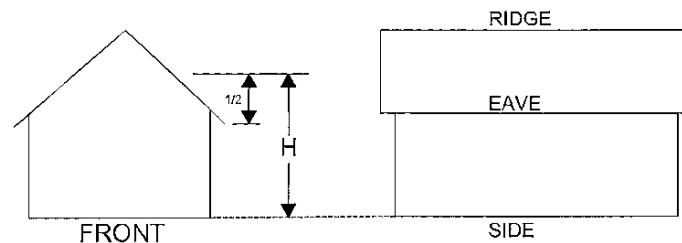
(ii) PERMITTED ROOF TYPES

Notwithstanding any other provision in this By-law, the following are the only permitted roof types for all accessory structures in the Town: flat, gable, hip, gambrel, mansard as shown on Schedule 'A-2' to this By-law.

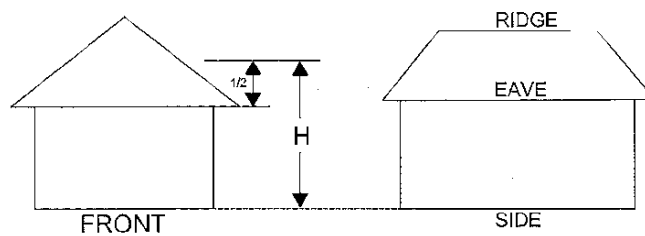
SCHEDULE 'A-2'

Illustration of Permitted Roof Types And
Building Height Definitions

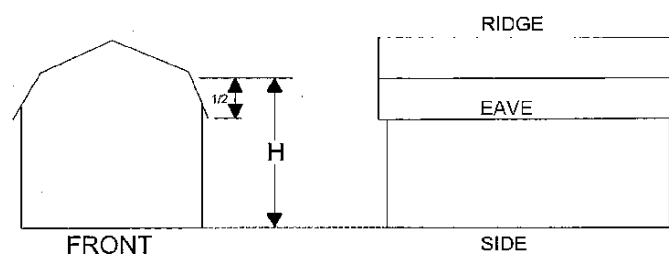
Flat Roof



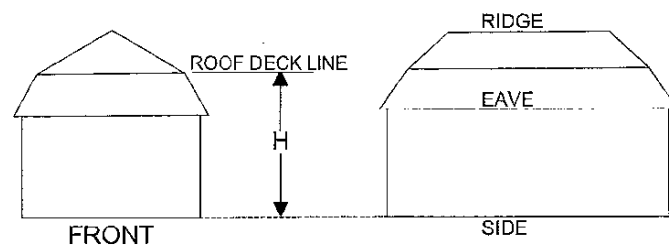
Gable Roof



Hip Roof



Gambrel Roof



Mansard Roof

H = Height of Building

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- (5994-07) (d) LOT COVERAGE
Repealed by By-law 5994-07
- (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:
- (ii) 8% of the lot area;
- (iii) 50% of the lot coverage of the main building on the lot; or
- (iv) 60 m² of ground floor area.
- (5994-07) (e) EXCLUDED USES IN RESIDENTIAL ZONES
- No trailer or portable buildings shall be used as an accessory structure in Residential Zones.
- (6926-14) (f) UNDERGROUND PARKING
Repealed by By-law 6926-14
- (1223-81) (g) SWIMMING POOLS
(4468-99) **Repealed by By-law 4468-99**
- (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 a front yard of a corner lot provided that such a swimming pool is located no closer than 4.5 m to a street line.
- (3071-91) (h) SATELLITE DISH
- Notwithstanding any other provisions 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 setback 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;
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Flat Roof Installation –	a maximum of 5.0 m measured from the roof deck to the highest point of the satellite dish;
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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.
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- (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.

(3) BUILDING EXTENSION AND REPAIR

(a) NON-CONFORMING BUILDINGS

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 which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure.

(b) PERMITTED NON-CONFORMING BUILDINGS

Nothing in this By-law shall prevent an extension or an addition being made to a building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure existed at the date of passing of this By-law, but which building or structure does not comply with one or more of the Zone Provisions of this By-law provided such extension or addition does not contravene any of the provisions of this By-law.

(6311-10)

(4) **DWELLING UNITS BELOW GRADE**
Repealed by By-law 6311-10

(5) **EXCEPTED LANDS AND BUILDING AND NON-CONFORMING USES**

(a) CONTINUATION OF EXISTING USES

The provisions of this By-law shall not apply to prevent 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 purpose on the date of passing of this By-law so long as it continues to be used for that purpose.

(b) BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of this By-law have been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(c) CHANGE OF USE

A use of a lot, building or structure which under the provisions hereof is not permissible within the zone in which such lot, building or structure is located shall not be changed except to a use which is so permissible within such zone.

(d) GROUND FLOOR AREA LESS THAN REQUIRED

Nothing in this By-law shall prevent an extension or an addition being made to a permitted dwelling house, which dwelling house existed at the time of passing of this By-law but which has a ground floor area or dwelling unit area less than that required by this By-law, provided such extension or addition does not contravene any other provisions of this By-law.

(6) **EXTERNAL DESIGN**

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within The Corporation:

- (a) building paper;
 - (b) asphalt shingle;
 - (c) asphalt - insulating siding; or
 - (d) asphalt roll-type siding.
-

(7) FRONTAGE ON PUBLIC STREET

- (a) 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 such building or structure to be erected on such lot is set back a distance of 10 m from the centre line of the street allowance in addition to the requirements of this By-law with respect to the depth of the front yard or the width of the exterior side yard.
- (b) For the purposes of this subsection a "public street" shall not include a lane or private right-of-way.
- (c) For the purposes of this subsection
IMPROVED PUBLIC STREET means a street which has been constructed in such a manner so as to permit its use by normal vehicular traffic.
- (d) The provisions of paragraph (a) of said subsection (7) shall not apply to:
- (i) any lots or blocks fronting upon any of the streets on the following registered Plans of Subdivisions, namely Plan M-926, Plan M-927, Plan M-928, Plan M-958, Plan M-1005 and Plan M-1013;
 - (ii) any lots or blocks fronting on a cul-de-sac street having a minimum width of at least 18.3 m and laid out and established on any Plan of Subdivision registered on or after January 1st, 1975.

(166-74)
(306-75)

(8) 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.

(9) HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection and/or use of a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, an elevator penthouse, an air conditioner duct, a grain elevator, a barn or a silo.

(10) LANES AS YARDS

Where the rear lot line of a lot adjoins any portion of a lane one-half of the width of that portion of such 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.

(6926-14)

(11) LOADING SPACE REGULATIONS
 Repealed and Replaced by By-law 6926-14

(1307-82)

(12) 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 of Land Titles Office at the date of passing of By-law 2585 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.

**(1297-81)
(6926-14)** **(13) PARKING AREA REGULATIONS**
Repealed and Replaced by By-law 6926-14

(6926-14) **(14) PLANNED WIDTH OF STREET ALLOWANCE**

- (a) For the purposes of applying the provisions of this By-law with respect to "Front Yard" and "Exterior Side Yard" requirements, where a lot abuts a street which is designated on Schedule "A" to have a "Planned Width of Street Allowance" greater than 20 m then such provisions shall consider the front lot line or the side lot line, or both, as the case may be, to be located along the limit of the planned width of street allowance.
- (b) Where the zone provisions of this By-law do not otherwise require any "Front Yard" or "Exterior Side Yard" or both and notwithstanding that such yards are not otherwise thus required, no building or other structure shall be erected, used or maintained within that portion of any lot lying between the limit of the planned width of street allowance as designated on Schedule "A" and the limit of the existing street allowance.
- (c) For the purposes of applying the provisions of Subsections (a) and (b) above, the centreline of the planned width of street allowance shall be deemed to be the same as the centreline of the existing street allowance.

(15) PLANTING STRIPS

(a) WIDTH

Where a planting strip is required in any zone, it shall be a minimum width of 3.0 m, unless otherwise provided herein.

(2698) (b) CONTENTS

Where in this By-law a planting strip is required on a lot, such lot shall not be used for any use otherwise permitted by this By-law and no building shall be occupied unless and until a planting strip is provided and maintained which planting strip shall consist of a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 m high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be planted with shrubs, flower beds or a combination thereof.

(c) LOCATION AND MAINTENANCE

A planting strip shall be located on lots within the zone requiring it. It shall be planted, nurtured and maintained by the owner, and/or owners of the lot on which the strip is located.

(d) DRIVEWAYS

In all cases where ingress and egress driveways extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m of the edge of such driveway.

(e) LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any required landscaped open space.

(2698) (16) PUBLIC USES**(a) PUBLIC SERVICES**

Except as otherwise provided in paragraph (c) of this subsection the provisions of this By-law shall not apply to the use of any lot or the erection or use of any building or structure for purposes of the public services by The Corporation or the County or by any local board of either The Corporation or the County as defined by the Department of Municipal Affairs Act, any telephone or telegraph company or corporation, any natural gas distribution system operated by The Corporation or on its behalf by a company distributing gas to the residents of The Corporation and possessing all the necessary powers, rights, licenses and franchise, any Conservation Authority established by the Government of Ontario, any department of the Government of Ontario or Canada, including the Hydro-Electric Power Commission of Ontario, any use permitted under the Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building or structure is located in any zone:

- (i) no goods, materials or equipment shall be stored in the open, except as permitted in such zone;
- (ii) any Zone Provisions of the zone within which the use is located shall be complied with;
- (iii) any above ground use carried on under the authority of this paragraph in any Residential Zone shall be enclosed in a building designed and maintained in general harmony with Residential buildings of the type permitted in such Zone; and
- (iv) the provisions of Section 6 shall be complied with.

(b) STREET AND INSTALLATIONS

Nothing in this By-law shall prevent land being used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline or overhead or underground supply line or communication line as defined by the Canadian Standards Association; provided that the location of such main or line has been approved by The Corporation.

(c) EXCEPTIONS

Where in this By-law, under the heading "USES PERMITTED", a use is specifically permitted in a zone, which use without such reference thereto would be permitted in any zone pursuant to the provisions of paragraph (a) of this subsection, then such use shall be permitted only within the zone or zones making reference thereto and the said paragraph (a) shall not apply to such use.

(1307-82) (17) 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.

(2698) (18) SIGHT TRIANGLES

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9.0 m measured along the street line from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected. Such triangular space may hereinafter be called a "Sight Triangle".

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

(19) SIGNS

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the by-laws of The Corporation regulating signs.

(20) SPECIAL USES PERMITTED

The following uses are permitted in all zones within The Corporation.

- (a) A tool shed, scaffold or other building or structure incidental to construction on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.
- (b) **ABANDONED** in this subsection shall mean the failure to proceed expeditiously with the construction of a work.

(21) THROUGH LOTS

Where a lot which is not a corner lot has a frontage on more than one street, the front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

(363-76) (22) USES FOR HAZARDOUS PURPOSES
Repealed by By-law 363-76**(4468-99) (23) 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 distance 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 structures shall be permitted in any required yard.

(4468-99) (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 metres above grade or less, located in the interior side yard and adjacent to a main building wall, may have a setback of 0.25 metres from the interior side lot line.

- (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.

(d) FIRE ESCAPES

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the proportions of voids to solids is not less than two to one and in which guards consists only of hand rails and the structural members necessary to their support, may project into any required yard a maximum distance of 1.2 m.

(6926-14)

(e) PRIVATE GARAGE
Repealed by By-law 6926-14

(f) RAILWAY SPUR

Notwithstanding the yard provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard.

(g) GATE HOUSE

Notwithstanding the yard provisions of this By-law to the contrary, in an Industrial Zone, a gate house shall be permitted in a front or side yard.

(2698)
(6775-13)

(h) BUILDING IN BUILT-UP AREA

Notwithstanding the yard provisions of By-law 2585 to the contrary, where a single detached dwelling or semi-detached dwelling house or accessory use thereto is to be erected or altered in an area where there is erected on both of the immediately adjoining lots as of the date of the passing of this By-law, either a single detached dwelling or a semi-detached dwelling house, then in no case shall such dwelling house or accessory use be erected or altered so as to be closer to the street line or the centre line of the street as the case may be than the greater of:

- (1) the lesser set back of the existing buildings on the adjoining lots,
- (2) the minimum front yard depth as required by By-law 2585.

(i) DOCKING STRUCTURES

Notwithstanding the yard provisions of this By-law to the contrary, in an Industrial Zone, docking structures and loading and unloading structures may be permitted in any yard adjoining Whitby Harbour.

(6926-14) (24) **STORING OR PARKING OF TRAILERS AND BOATS**
Repealed by By-law 6926-14

(1217-81) (25) **PITS AND QUARRIES**

The making, establishment or operation of a pit or quarry within that portion of The Corporation of the Town of Whitby as defined in Schedule "A" to said By-law No. 2585 is hereby prohibited.

(3345-93) (26) **GROUP HOMES**

- (a) A group home shall be permitted in all dwelling types within all zones where residential uses are permitted.

(6926-14) (b) **Repealed by By-law 6926-14**

Notwithstanding the above;

- (c) 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 for the Town of Whitby and such dwellings must be located within zones which permit residential uses.
- (d) 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 line.
- (e) A group home with six or more residents, exclusive of staff, shall not be permitted to locate within an apartment dwelling unit.

(3393-93) (27) BOARDING AND LODGING HOUSE

- (a) A boarding and lodging house shall not be located within 120 m of any other boarding and lodging house or any group home of six or more residents, and this distance shall be measured between the nearest property lines.

(3529-94) (28) RESIDENTIAL SALES OFFICES

- (a) Residential sales office shall be permitted in all Residential 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.

(6926-14) (f) Repealed by By-law 6926-14**(3531-94) (29) 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.

(6926-14) (d) Repealed by By-law 6926-14

- (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 dwellings or ten percent of the total number of residential units in each individual phase of the development.
- (f) For the purposes of establishing the location of lot lines, the model home shall be built within the lot 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.

(4273-98) (30) RECREATIONAL PROPANE SALES

- (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 other lands upon which the dispensing of motor vehicle fuel is legally permitted subject to the following provision:

The location and safety requirements for recreational propane sales shall be in accordance with the Gasoline Handling Act and regulations made thereunder as may be amended from time to time and any successor legislation in substitution thereof.

- (4982-02) (31) **DESIGNATED PARKING SPACES**
Repealed by By-law 6926-14
- (6311-10) (32) **ACCESSORY APARTMENT**
Repealed by By-law Amendment 8142-24
- (8142-24) (32) **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), 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 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) Additional dwelling units are not permitted in a building or structure in any, Environmental Protection, Natural Heritage System, or Hazard Land designation as per the Town of Whitby Official Plan.
- (e) Additional dwelling units are not permitted in a building or structure 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.
- (f) 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.
- (g) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- (h) 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.
-

- (i) 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
Maximum Gross Floor Area:	75.0 sq.m

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

- (k) 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.

- (l) Driveways:

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).

(6775-13) (33) 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 day care, 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-DT, R2-DT, R3-DT, R4-DT, R5-DT, R6-DT
- (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 a driveway but only in the following zone categories:
 - R1-DT, R2-DT, R3-DT, R4-DT, R5-DT, R6-DT
- (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,

(8142-25)

- (l) **Repealed by By-law Amendment 8142-25.**

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
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SECTION 6A PARKING AND LOADING REQUIREMENTS

(6926-14)

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 6A(1) and 6A(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 Tables 6A(1) and Table 6A(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 6A shall continue to apply.

Table 6.A(1) Residential Parking Requirements

Use or Purpose	Minimum Number of Parking Spaces Required
(8142-24) 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	Minimum Number of Parking Spaces Required 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 6.A(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 Eating Establishment, Take-out	1 space per 19 m ² of gross floor area. 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 a 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 6(33)(e) for parking requirements related to any employee or assistant who is not a resident.

Use or Purpose	Minimum Number of Parking Spaces Required
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.
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.	1 space per 100 m ² of gross floor area.
Industrial or manufacturing establishment containing two or more units and having a gross floor area of 2,800 m ² or less.	1 parking space per 50 m ² of gross floor area.
Industrial or manufacturing establishment containing two or more units and having a gross floor area in excess 2,800 m ² .	1 parking space per 50 m ² of gross floor area up to 2,800 m ² , plus 1 additional space per 100 m ² of gross floor area of the building in excess of 2,800 m ² .
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 (Model Home)	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	Minimum Number of Parking Spaces Required
Elementary	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.
Private	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.
Secondary	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	Minimum Number of Parking Spaces Required
Where the gross leasable area is less than 3,000 m ²	1 space per 23 m ² 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.

Use or Purpose	Minimum Number of Parking Spaces Required
Where the gross leasable area is 3,000 m ² up to 37,160 m ²	1 space per 23 m ² of gross leasable area.
Where the gross leasable area is more than 37,160 m ² up to 55,740 m ² .	1 space per 22 m ² of gross leasable area.
Where the gross leasable area is more than 55,740 m ²	1 space per 21 m ² 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 6A(3) below.

Table 6A (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 0.3m of the side of the parking space, measured at right angles, and
 - (ii) more than 1.0m 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 DT Zone

Where requested by the owner, the Town may in any DT 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 6A(4) below.

Table 6A(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 6A(5) below.

Table 6A(5) Accessible Parking Space Dimensions

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

- (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.

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.
- (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 6A(6) below.

Table 6A(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 DT Zone

All required parking spaces and surface parking areas for a Non Residential use in any DT 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 Dundas Street or Brock Street and shall be setback a minimum distance of 2.5 m from any street line.

4.3 Off-Site Parking in the DT Zone

Notwithstanding any provisions of this By-law to the contrary, required parking spaces for any Non-Residential use in any DT 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 6A(7) below.

Table 6A(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 6A(8) below.

Table 6A(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 6A(9) below.

Table 6A(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 6A(10) below.

Table 6A(10) Loading Space Dimensions

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

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 6A 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) No parking of a commercial vehicle shall be permitted on a lot 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) No parking of a recreational vehicle or trailer shall be permitted on a lot 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.
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SECTION 7 GENERAL PROVISIONS FOR RESIDENTIAL USES

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(1) SINGLE DETACHED DWELLING

No person shall use any lot or erect, alter or use any building or structure for the purpose of Single Detached Dwelling except in accordance with the following provisions:

(6775-13)	(a) LOT FRONTAGE Minimum	in 'D' Zones	100.5 m
		in 'R1' Zones	
		– where sanitary sewers and public water supply not available	36.5 m
		– where served by sanitary sewers or public water supply	23 m
		– where served by both sanitary sewers and public water supply	21.5 m
		in other Zones	
		– where sanitary sewers and public water supply not available	30.5 m
		– where served by sanitary sewers or public water supply	23 m
		– where served by both sanitary sewers and public water supply	15 m
		except that in no case shall the lot frontage of a corner lot be less than	18.5 m
	(b) LOT DEPTH Minimum		27.5 m
	(c) LOT AREA Minimum	in 'D' Zones	10 ha
		in 'R1' Zones	
		– where sanitary sewers and public water supply not available	1,390 m ²
		– where served by sanitary sewers or public water supply	695 m ²
		– where served by both sanitary sewers and public water supply	650 m ²
		in other Zones	
		– where sanitary sewers and public water supply not available	1,390 m ²
		– where served by sanitary sewers and public water supply not available	695 m ²
		– where served by both sanitary sewers and public water supply	465 m ²
	(d) LOT COVERAGE Maximum for all buildings	in 'D' Zones	25% of lot area
		in 'R1' Zones	30% of lot area
		in 'R2' and 'R3' Zones	35% of lot area
		in other Zones	40% of lot area
	(e) FRONT YARD Minimum depth		6.0 m
	(f) REAR YARD Minimum depth		7.5 m

(568-77)	(g)	INTERIOR SIDE YARD	
		Minimum width	1.2 m
		provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be	2.0 m
		and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be	2.5 m
		notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior side yard shall be	4.3 m
	(h)	EXTERIOR SIDE YARD	
		Minimum width	6.0 m
	(i)	GROUND FLOOR AREA	
		Minimum in 'R1' Zones	
		1 Storey	111 m ²
		1 1/2 storeys or more	74 m ²
		Minimum in 'R2' Zones	
		1 Storey	79 m ²
		1 1/2 storeys or more	56 m ²
		Minimum in other Zones	
		1 Storey	67 m ²
		1 1/2 storeys or more	56 m ²
	(j)	LANDSCAPED OPEN SPACE	
		Minimum	30% of lot area
(3466-94)	(k)	HEIGHT OF BUILDINGS	
		Maximum	8.5 m
(6775-13)	(l)	NUMBER OF SINGLE DETACHED DWELLINGS PER LOT	1 only
(6775-13)	(m)	SINGLE DETACHED DWELLING AND NON-RESIDENTIAL ON SAME LOT	
		When a permitted Single Detached Dwelling is erected, altered or used on the same lot in a Commercial Zone as a permitted non-residential building then no yard is required between such buildings except that in no case shall a Single Detached Dwelling be erected, altered or used closer than 3.0 m to an automobile service station or public garage.	
(6926-14)	(n)	PARKING, ACCESSORY BUILDINGS, ETC.	
		Repealed by By-law 6926-14	

(2) SEMI-DETACHED DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purpose of a semi-detached dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

(a)	LOT FRONTAGE	
	Minimum	10.5 m
	except that in the case of a corner lot the minimum lot frontage is	12 m

	(b)	LOT DEPTH Minimum	27.5 m
	(c)	LOT AREA Minimum	362 m ²
	(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
	(e)	FRONT YARD Minimum depth	6.0 m
	(f)	REAR YARD Minimum depth	7.5 m
(568-77)	(g)	INTERIOR SIDE YARD On the side of the dwelling houses that is not attached to the adjoining dwelling house Minimum width provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior side yard shall be	 1.2 m 2.0 m 2.5 m 4.3 m
	(h)	EXTERIOR SIDE YARD Minimum width	6.0 m
	(i)	GROUND FLOOR AREA Minimum 1 storey 1 1/2 storeys or more	 67 m ² 56 m ²
	(j)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(3466-94)	(k)	HEIGHT OF BUILDING Maximum	8.5 m
	(l)	NUMBER OF SEMI-DETACHED DWELLING HOUSES PER LOT Maximum	1 only
(6926-14)	(m)	PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	

(3) DUPLEX DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purpose of a duplex dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

(a)	LOT FRONTAGE Minimum	15 m
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	(b)	LOT DEPTH Minimum	27.5 m
	(c)	LOT AREA Minimum	520 m ²
	(d)	LOT COVERAGE Maximum for all buildings	35% of the lot area
	(e)	FRONT YARD Minimum depth	6.0 m
	(f)	REAR YARD Minimum depth	7.5 m
	(g)	INTERIOR SIDE YARD Minimum width	3.7m on one side 2.0m on other side plus 0.6m on the narrow side for each additional or partial storey above the second, provided that where two garages and/or carports are attached to and/or are within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 3.0m plus 0.6m for each additional or partial storey above the second.
	(h)	EXTERIOR SIDE YARD Minimum width	6.0 m
	(i)	DWELLING UNIT AREA Minimum	65 m ²
	(j)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(3466-94)	(k)	HEIGHT OF BUILDING Maximum	8.5 m
	(l)	NUMBER OF DUPLEX DWELLING HOUSES PER LOT Maximum	1 only
(6926-14)	(m)	PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	

(4) TRIPLEX DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purposes of a triplex dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions.

(a)	LOT FRONTAGE Minimum	18.5 m
(b)	LOT DEPTH Minimum	30.5 m
(c)	LOT AREA Minimum	695 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area

(e)	FRONT YARD Minimum depth	6.0 m
(f)	REAR YARD Minimum depth	7.5m
(g)	INTERIOR SIDE YARD Minimum width	5.0m on one side 3.0m on other side plus 0.6m on the narrow side for each additional or partial storey above third, provided that where three garages and/or carports are attached to and/or are within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 3.0m plus 0.6m for each additional or partial storey above the third.
(h)	EXTERIOR SIDE YARD Minimum width	6.0 m
(i)	DWELLING UNIT AREA Minimum	65 m ²
(j)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(k)	HEIGHT OF BUILDING Maximum	9.5 m
(l)	NUMBER OF TRIPLEX DWELLING HOUSES PER LOT Maximum	1 only
	provided that two or more triplex dwelling houses may be erected, altered or used on the same lot in accordance with the provisions of this Section for Group Housing.	
(6926-14)	(m) PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	

(5) SEMI-DETACHED DUPLEX DWELLING HOUSE

No person shall use any lot, or erect, alter or use any building or structure for the purposes of a semi-detached duplex dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT DEPTH Minimum	33.5 m
(c)	LOT AREA Minimum	446 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(e)	FRONT YARD Minimum depth	6.0 m

(f)	REAR YARD Minimum depth	7.5 m
(g)	INTERIOR SIDE YARD Minimum width for the side that is not attached to the other dwelling house	3.7 m
(h)	EXTERIOR SIDE YARD Minimum width	6.0 m
(i)	DWELLING UNIT AREA Minimum	65 m ²
(j)	LANDSCAPED OPEN SPACE Minimum	30% of the lot area
(k)	HEIGHT OF BUILDING Maximum	9.5 m
(l)	NUMBER OF SEMI-DETACHED DUPLEX DWELLING HOUSES PER LOT Maximum provided that two or more pairs of semi-detached duplex dwelling houses may be erected, altered or used on the same lot in accordance with the provisions of this Section for Group Housing.	1 only

(6926-14)

- (m) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(6) CONVERTED DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purpose of a converted dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

(a)	LOT FRONTAGE Minimum	12 m
(b)	LOT AREA Minimum	465 m ²
(c)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(d)	FRONT YARD Minimum depth	6.0 m
(e)	REAR YARD Minimum depth	7.5 m
(f)	INTERIOR SIDE YARD Minimum width	3.0m on one side 1.2m on other side plus 0.6m on the narrow side for each additional or partial storey above the first, provided that where a gar- age or a carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2m plus 0.6m for each additional or partial storey above the first.

- | | | |
|-----------|--|---------------------|
| (g) | EXTERIOR SIDE YARD
Minimum width | 6.0 m |
| (h) | SPECIAL YARD PROVISIONS

Notwithstanding the provisions of paragraphs (d), (f) and (g) of this subsection, any dwelling house erected prior to the date of passing of this By-law, and containing not less than 93 m ² of dwelling unit area, having contiguous thereto a front yard and/or an interior side yard and/or an exterior side yard, which is or are less than required under the provisions of any one or more of paragraph (d), (f) and (g) of this subsection as the case may be, may be altered to a converted dwelling house provided such alteration does not reduce the front, interior side or exterior side yard, as the case may be, which is or are less than required under the provisions of any one or more of paragraphs (d), (f) and (g) of this subsection. | |
| (i) | DWELLING UNIT AREA
Minimum | 28 m ² |
| (j) | LANDSCAPED OPEN SPACE
Minimum | 30% of the lot area |
| (k) | HEIGHT OF BUILDING
Maximum | 9.5 m |
| (l) | NUMBER OF CONVERTED DWELLING HOUSES PER LOT
Maximum | 1 only |
| (6926-14) | (m) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14 | |

(7) BOARDING OR LODGING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purposes of a boarding or lodging house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12 m |
| (b) | LOT DEPTH
Minimum | 33.5 m |
| (c) | LOT AREA
Minimum | 465 m ² |
| (d) | LOT COVERAGE
Maximum for all buildings | 40% of the lot area |
| (e) | FRONT YARD
Minimum depth | 6.0 m |
| (f) | REAR YARD
Minimum depth | 7.5 m |
-

- (g) INTERIOR SIDE YARD
Minimum width 3.0m on one side 1.2m on other side plus 0.6m on the narrow side for each additional or partial storey above the first, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2m plus 0.6m for each additional or partial storey above the first.
- (h) EXTERIOR SIDE YARD
Minimum width 6.0 m
- (i) SPECIAL YARD PROVISIONS
Notwithstanding the provisions of paragraphs (e), (g) and (h) of this subsection, any dwelling house erected prior to the date of passing of this By-law and containing not less than 93 m² of dwelling unit area, having contiguous thereto a front yard and/or an interior side yard and/or an exterior side yard, which is or are less than required under the provisions of any one or more paragraphs (e), (g) and (h) of this subsection as the case may be, may be altered to a boarding or lodging house provided such alteration does not reduce the front, interior or exterior side yard, as the case may be, which is or are less than required under the provisions of any one or more paragraphs (e), (g) and (h) of this subsection.
- (j) GUEST ROOM AREA
Minimum 28 m²
- (k) LANDSCAPED OPEN SPACE
Minimum 30% of the lot area
- (l) HEIGHT OF BUILDING
Maximum 9.5 m
- (m) NUMBER OF BOARDING OR LODGING HOUSES PER LOT
Maximum 1 only
- (6926-14) (n) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(8) APARTMENT DWELLING HOUSE OR DWELLING UNIT IN A PORTION OF A NON-RESIDENTIAL BUILDING

No person shall use any lot or erect, alter or use any building or structure for the purposes of an apartment dwelling house or a dwelling unit in a portion of a non-residential building unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions.

- (a) LOT FRONTAGE
Minimum 33.5 m
- (b) LOT AREA
The minimum lot area shall be the sum of the areas required for each dwelling unit on the lot as follows:
In 'R4' Zones
for each bachelor dwelling unit 93 m²
for each dwelling unit other than a bachelor dwelling unit 93 m² plus 46 m² per bedroom

In Other Zones

for each bachelor dwelling unit 56 m²

for each dwelling unit other than a bachelor dwelling unit 56 m² plus 28 m² per bedroom

(2698)

provided that the minimum lot area required above may be reduced by 14 m² for each dwelling unit where at least one parking space for such dwelling unit is located underground.

For the purposes of this provision

UNDERGROUND means located under the finished grade of the lot or within the basement or cellar of the building which contains the dwelling units.

- (c) **LOT COVERAGE**
Maximum for all buildings 35% of the lot area
- (d) **FRONT YARD**
Minimum depth 1/2 the height of the Building or 7.5m whichever is the greater
- (e) **REAR YARD**
Minimum depth 1/2 the height of the building or 10.5m whichever is the greater provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 2.0m.
- (f) **INTERIOR SIDE YARD**
Minimum width 1/2 the height of the building or 10.5m whichever is the greater provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 2.0 m.
- (g) **EXTERIOR SIDE YARD**
Minimum width 1/2 the height of the building or 7.5m whichever is the greater
- (h) **DWELLING UNIT AREA**
 - Minimum for a bachelor dwelling unit 37 m²
 - Minimum for a dwelling unit containing one bedroom 56 m²
 - Minimum for a dwelling unit containing two bedrooms 65 m²
 - Minimum for a dwelling unit containing three bedrooms 84 m²
 - Minimum for a dwelling unit containing more than three bedrooms 84 m² plus 9.5 m² for each bedroom in excess of three.
- (i) **LANDSCAPED OPEN SPACE**
Minimum 35% of the lot area
- (j) **HEIGHT OF BUILDING**
 - Maximum in 'R4' and 'I' Zones 9.5 m
 - Maximum in 'R5' Zone 8 storeys

- (k) NUMBER OF APARTMENT DWELLING HOUSES PER LOT
Maximum 1 only

provided that two or more apartment dwelling houses may be erected, altered or used on the same lot in accordance with the provisions of this Section for Group Housing.

- (l) 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 21.5 m or the height of the highest portion thereof, whichever is the greater.

- (m) YARDS

An unobstructed yard, clear and unobstructed by any public or joint pedestrian access or surface parking area, excluding a private driveway for a dwelling unit shall be provided adjoining each exterior wall of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins as follows:

In the case of a wall containing a living room window 10.5 m

except that where the yard adjoins at street line the minimum depth need not exceed 7.5 m

In the case of a wall containing a habitable room window other than a living room window 5.5 m

except that where the building exceeds 2 1/2 storeys in height the minimum depth shall be 7.5 m

In the case of an end wall containing no habitable room windows 2.0 m

- (3070-91) (n) COMBINED USES
Repealed by By-law 3070-91

- (3070-91) (o) CONVERSIONS
Repealed by By-law 3070-91

- (6926-14) (p) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(9) GROUP HOUSING

No person shall use any lot or erect, alter or use any building or structure for the purpose of group housing unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

- (a) LOT FRONTAGE
Minimum 33.5 m

- (b) LOT AREA

The minimum lot area shall not be less than the sum of the minimum lot area requirements of this Section for each type of dwelling house located on the lot.

(c)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(d)	FRONT YARD Minimum depth	1/2 the height of the building or 7.5m whichever is the greater
(e)	REAR YARD Minimum depth	1/2 the height of the building or 10.5m whichever is the greater provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 2.0m.
(f)	INTERIOR SIDE YARD Minimum width	1/2 the height of the building or 10.5m whichever is the greater provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 2.0m.
(g)	EXTERIOR SIDE YARD Minimum width	1/2 the height of the building or 7.5 m whichever is the greater
(h)	YARDS An unobstructed yard, clear and unobstructed by any public or joint pedestrian access or surface parking area, excluding a private driveway for a dwelling unit, shall be provided adjoining each exterior wall of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins as follows: In the case of a wall containing a living room window except that where the yard adjoins a street line the minimum depth need not exceed In the case of a wall containing a habitable room window other than a living room window except that where the building exceeds 2 1/2 storeys in height the minimum depth shall be In the case of an end wall containing no habitable room windows	10.5 m 7.5 m 5.5 m 7.5 m 2.0 m
(i)	DWELLING UNIT AREA Minimum for a bachelor dwelling unit Minimum for a dwelling unit containing one bedroom Minimum for a dwelling unit containing two bedrooms Minimum for a dwelling unit containing three bedrooms Minimum for a dwelling unit containing more than three bedrooms	37 m ² 56 m ² 65 m ² 84 m ² 84 m ² plus 9.5 m ² for each bedroom in excess of three.
(j)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(k)	HEIGHT OF BUILDING Maximum in 'R4' and 'I' Zones in 'R5' Zones	9.5 m 8 storeys

(I) DISTANCE BETWEEN BUILDINGS

- (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 21.5 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.
- (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 1/2 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 paragraph (I), 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) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(1881-85) (10) LINK DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purpose of a link dwelling house unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions.

- (a) LOT FRONTAGE
Minimum 9.0 m
except that in the case of a corner lot for which the minimum lot frontage is 12 m
- (b) LOT DEPTH
Minimum 27 m
- (c) LOT AREA
Minimum 279 m²
- (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 lot line of	6.0 m
	(f)	REAR YARD Minimum	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 plus 0.5 m for each storey or partial storey above the first storey	
(2099-86)	(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 a minimum distance from the exterior side lot line of	6.0 m
	(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(j)	HEIGHT OF BUILDING Maximum	9.0 m
	(k)	NUMBER OF DWELLINGS PER LOT	1.0
(6926-14)	(l)	PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	
(11) STREET TOWNHOUSE DWELLING			
No persons shall use any lot or erect, alter or use any building or structure for the purpose of a Street Townhouse Dwelling unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:			
	(a)	LOT FRONTAGE Minimum	6.0 m
		except in the case of a corner lot for which the minimum frontage is	10.5 m
	(b)	LOT DEPTH Minimum	27 m
	(c)	LOT AREA Minimum	186 m ²
	(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(2099-86)	(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	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 plus 0.5 m for each storey or partial storey above the first storey	
	(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 a minimum distance from the exterior side lot line of	6.0 m
	(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(j)	HEIGHT OF BUILDING Maximum	9.0 m
	(k)	NUMBER OF DWELLINGS PER LOT	1.0
(6926-14)	(l)	PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	

(1881-85) (12) BLOCK TOWNHOUSING AND MAISONETTE DWELLING HOUSE

No persons shall use any lot or erect, alter or use any building or structure for the purpose of Block Townhousing or a Maisonette Dwelling House unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions:

(a)	LOT FRONTAGE Minimum	30 m
(b)	LOT AREA Minimum	0.14 ha.
(c)	LOT COVERAGE Maximum for all buildings	30% of the lot area
(d)	FLOOR SPACE INDEX Maximum	0.50
(e)	YARD SETBACKS minimum front and exterior side yard minimum rear and interior side yard provided that a rear or interior side yard adjoining a wall containing no habitable room windows may be reduced to	 6.0 m 7.5 m 2.0 m
(f)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(g)	HEIGHT OF BUILDINGS Maximum	10 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 facing and parallel to each other 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 window 6.0 m

Minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room window 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 240 m²

(6926-14)

(j) PARKING
Repealed by By-law 6926-14

SECTION 8 RESIDENTIAL TYPE 1 ZONE (R1)

(1) USES PERMITTED

No person shall within any 'R1' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'R1' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- single detached dwelling

(b) NON-RESIDENTIAL USES

- church
- public use in accordance with the provisions of section 6(16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R1' 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 7 hereof.

(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	9.5 m

(6926-14)

(viii) PARKING, ACCESSORY BUILDINGS, ETC. **Repealed by By-law 6926-14**

(7542-19)

(3) EXCEPTIONS

**Exception 1: (R1-1)
Plan of Subdivision SW-2017-03
1300 Giffard Street**

1. Defined Area

The lands located north of Giffard Street and west of Wellington Street and zoned R1-1 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 #2585.

2. Uses Permitted

No person shall within a R1-1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- single detached dwelling
- converted dwelling house

3. Zone Provisions

No person shall within any R1-1 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- | | | |
|-----|--|--|
| (a) | Number of Dwelling Units | |
| | Maximum – East of private street | 14 single detached dwelling units |
| | – West of private street | 1 single detached dwelling unit or 1 converted dwelling house with a maximum of 2 dwelling units |
| (b) | Lot Frontage | |
| | Minimum – interior | 10.5 m |
| | – corner lot | 13.5 m |
| (c) | Lot Area | |
| | Minimum | 300 m ² |
| (d) | Lot Coverage | |
| | Maximum | 50% of the lot area |
| (e) | Front Yard | |
| | Minimum Depth | 4.5 m |
| | Notwithstanding provision (e) above, for the lot situated on the west side of the private street the minimum front yard depth shall be | |
| | | 3.0 m |
| (f) | Rear Yard | |
| | Minimum Depth | 7.5 m |
| | Notwithstanding the provision (f) above, for the lot situated west of the private street, any building addition to the building existing at the date of the passing of this By-law and any new single detached dwelling situated on such lot shall be setback from the zone boundary of the Flood Zone (F) as shown on Schedule A-1 to this By-law a minimum distance of 1.0 metre or as determined by the Central Lake Ontario Conservation Authority and the Town of Whitby. | |
| (g) | Interior Side Yard | |
| | Minimum Width | 0.6 m |
| (h) | Exterior Side Yard | |
| | Minimum Width | 4.5 m |

- (i) Landscaped Open Space
Minimum 30%

Provided further and notwithstanding any provisions of Section 6 General Provisions and Section 6A 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

Notwithstanding provision (j) above, the maximum building height for the lots shown crossed hatched on Schedule A-1 shall be 2 storeys

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

Notwithstanding any provisions of subsection 6(23) 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.

- (l) Accessory Structures

Water Meter Room

Notwithstanding the provisions of subsection 6(2)(b)(i), a water meter room may be situated in an R1-1 Zone provided it is located on the west side of the private street and setback a minimum distance of 1.0 metres from the southern most property line of the R1-1 Zone and setback a minimum distance of 0.6 m from the private street.

The maximum height of any water meter room measured from grade level to the ridge of any roof structure shall be 4.5 m.

Swimming Pool

Notwithstanding the provisions of subsection 6(2)(g)(i), for the lot situated west of the private street, a swimming pool may only be situated in the R1-1 Zone portion of the lot and may be located in the front yard or interior side yard provided that such swimming pool is located no closer than 1.0 m from an interior side lot line and 2.0 m from the private street line.

(m) Location of Parking Spaces

Notwithstanding any provisions of subsections 6A, 3.1, 3.4 and 3.5 to the contrary, for the lot situated west of the private street a parking area and parking spaces may only be situated in the R1-1 Zone portion of the lot, and may be located in the front yard of such lot. The maximum width of the private driveway leading to said parking area and parking spaces measured along the private street shall be 15 m.

(n) Private Street
Minimum Width

6.5 m

(o) Determination Flood Zone (F) Boundary

In the case where uncertainty exists as to the boundary of the F Zone within the lot situated west of the private street, the F Zone boundary shall be interpreted to be at the outer limit of the 6 metre floodline access allowance and the 6 metre access allowance from the toe erosion allowance or at such other hazard lands limit as determined by the Central Lake Ontario Conservation Authority.

(p) Zoning Provisions That Do Not Apply

The following subsections of Section 6 – General Provisions shall not apply to the land zoned R1-1 by this By-law:

6 (2) (h) Satellite Dishes

6 (7) Frontage on Public Street

(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 # 2585 the following definitions apply:

“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.

“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.

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

SECTION 9 RESIDENTIAL TYPE 2 ZONE (R2)

No person shall within any 'R2' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'R2' uses, namely:

(1) USES PERMITTED

(6775-13)

(a) RESIDENTIAL USES

- single detached dwelling

(b) NON-RESIDENTIAL USES

- church
- public use in accordance with the provisions of Section 6(16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R2' 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 7 hereof.

(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 | 9.5 m |
| (viii) | PARKING, ACCESSORY BUILDING, ETC.
Repealed by By-law 6926-14 | |

(3) EXCEPTIONS**(5791-06)
(5955-07)****EXCEPTION 1 (R2-1)
1145 BROCK STREET SOUTH**

(a) Notwithstanding the permitted uses of Section 9(1)(b) of By-law No. 2585, as amended, for the land identified as “Subject Property” as shown on Schedule A-1 annexed to By-law No. 5791-06, the following additional uses shall be permitted:

(6775-13)

- Clinic
- office

(b) The R2 zone provisions shall apply to the permitted uses on the subject property.

(c) All other provisions of By-law 2585 shall apply.

(6166-09)**EXCEPTION 2 (R2-2)
PART OF LOT 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION SW-2006-01****(1) USES PERMITTED**

No person shall within any R2-2 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- single detached dwelling

(2) ZONE PROVISIONS

No person shall within any R2-2 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

- | | | | |
|-----|-------------------------|------------------------|--------------------|
| (a) | LOT FRONTAGE
Minimum | – Interior
– Corner | 9.0 m
12 m |
| (b) | LOT DEPTH
Minimum | | 27 m |
| (c) | LOT AREA
Minimum | | 240 m ² |
| (d) | LOT COVERAGE
Maximum | | 45% |
- (e) Notwithstanding subsection (d) above, 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 has a maximum floor area of 12 m ² and it is located in the front yard. |
| (b) | In the case of a corner lot, an unenclosed porch or verandah has a maximum floor area of 20 m ² , and it is located in the front yard and/or the exterior side yard. |
-

(f)	FRONT YARD DEPTH Minimum	3.5 m
	Notwithstanding subsection (e) above, the minimum front yard depth to an attached garage or carport, the entrance to which is from the front yard, shall be	5.5 m
(g)	REAR YARD DEPTH Minimum	7.5 m
(h)	INTERIOR SIDE YARD Minimum width on one side Minimum width on the other side	1.2 m 0.6 m
(i)	EXTERIOR SIDE YARD Minimum width	4.5 m
	Notwithstanding subsection (h) above, the minimum exterior side yard width to a garage or carport, the entrance to which is from the exterior side yard, shall be	5.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40%
(k)	HEIGHT OF BUILDING Maximum	9.5 m
(l)	UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS Notwithstanding any provisions of Section 6(23)(c) of By-law No. 2585 to the contrary, enclosed porches, balconies, steps and patios may project into a required front yard or exterior side yard a maximum distance of	1.5 m

(6560-11)

EXCEPTION 3 (R2-3)
1117 BROCK STREET SOUTH

1. USES PERMITTED

No person shall within the R2-3 Zone, use any lot or erect, alter or use any building or structure except in accordance with one or more of the following uses:

(6775-13)
(6775-13)

- all uses permitted in the R2 Zone
- office
- personal service establishment

2. ZONE PROVISIONS

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

(6775-13)

(a)	FLOOR AREA RESTRICTION The maximum floor area devoted to an office or personal service establishment use shall be	115m ²
-----	--	-------------------

(7031-15)

Exception 4 (R2-4)
805 Dundas Street West

1. DEFINED AREA

The land located south of Dundas Street West, west of Cochrane Street and zoned R2-4 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 # 2585.

2. USES PERMITTED

No person shall within any R2-4 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 an R2 zone
- semi-detached dwelling house
- accessory apartment

3. ZONE PROVISIONS

No person shall within any R2-4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-----|---|-------|
| (a) | Lot Frontage – Semi-Detached Dwelling House
Minimum | 9.0 m |
| (b) | Lot Frontage – Semi-Detached Dwelling House containing an Accessory Apartment
Minimum | 9.0 m |
| (c) | Front Yard
Minimum Depth | 9.5 m |
| (d) | Landscaped Open Space
Minimum | 30% |
| | Provided further that the landscaped open space provided and maintained in the front yard shall be no less than 25% of the front yard area. | |
| (e) | Location of Parking Spaces

Parking spaces may be located in the front yard provided that any such parking spaces are located no closer than 2.75 m from a street line. | |
| (f) | Driveway Width

The maximum width of the shared driveway measured along the street line shall be no more than 7.5 m. | |
| (g) | Parking Space Setback to a Side Lot Line
Minimum | 0.3 m |

(7553-19)

**Exception 5 (R2-5)
811 Dundas Street West****1. DEFINED AREA**

The land located south of Dundas Street West, west of Annes Street and zoned R2-5 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 #2585.

2. USES PERMITTED

No person shall within any R2-5 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 in an R2 Zone
- semi-detached dwelling house
- accessory apartment

3. ZONE PROVISIONS

No person shall within any R2-5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-----|---|-------|
| (a) | Lot Frontage — Semi-Detached Dwelling House
Minimum | 9.0 m |
| (b) | Lot Frontage — Semi-Detached Dwelling House containing an
Accessory Apartment
Minimum | 9.0 m |
| (c) | Front Yard
Minimum Depth | 9.5 m |
| (d) | Landscaped Open Space
Minimum | 30% |
| | Provided further that the landscaped open space provided and maintained in the front yard shall be no less than 20% of the front yard area. | |
| (e) | Location of Parking Spaces
Parking spaces may be located in the front yard provided that any such parking spaces are located no closer than 2.0m from a street line. | |
| (f) | Driveway Width
The maximum width of the shared driveway measured along the street line shall be no more than 7.5 m. | |
| (g) | Parking Space Setback to a Side Lot Line
Minimum | 0.3 m |

(7787-21)

**Exception 6 (R2-6)
917 Dundas Street West****1. Defined Area**

The land south of Dundas Street West, west of Bell Drive and zoned R-6 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Uses Permitted

No person shall within any R2-6 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 in an R2 Zone
- semi-detached dwelling house
- accessory apartment

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2-6 Zone, the following provisions shall apply to a semi-detached dwelling house with an accessory apartment:

- | | | |
|-----|-------------------------------------|------|
| (a) | Lot Coverage
Maximum | 40% |
| (b) | Front Yard
Minimum Depth | 9.5m |
| (c) | Interior Side Yard
Minimum Width | 1.6m |
| (d) | Landscaped Open Space
Minimum | 30% |

Provided further that the landscaped open space provided and maintained in the front yard shall be no less than 25% of the front yard area

- (e) Location of Parking Spaces

Parking spaces may be located in the front yard provided that any such parking spaces are no closer than 2.0m from a streetline and no closer than 1.6m from an interior side lot line.

- (f) Driveway Width

The maximum width of the shared driveway measured along the street line shall be no more than 7.5m.

(8117-24 OLT)

EXCEPTION 7 (R2-7)

1201 and 1207 Brock Street South and 1200 and 1202 Green Street

1. Defined Area

The lands bounded by Brock Street South, Clemence Avenue, Consumers Drive, and Green Street and zoned R2-7 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# 2585.

2. Uses Permitted

No person shall within any R2-7 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- (a) RESIDENTIAL USES
- Mixed use building

- (b) NON-RESIDENTIAL USES
- artist or photographic studio
 - bakeshop or confectionary shop
 - bank or financial institution
 - clinic
 - dentist
 - drugless practitioner
 - eating establishment
 - eating establishment, take out
 - office
 - personal service establishment
 - pet grooming
 - physician
 - retail store
 - studio

3. Zone Provisions - Development in a Mixed Use Building

No person shall within any R2-7 Zone use any lot or erect, alter or use any mixed use building except in accordance with the following provisions:

- (a) Lot Density
Maximum 300 units per net hectare
- (b) Gross Floor Area
Minimum Non-Residential Gross Floor Area 225 m²
- (c) Building Setbacks
Minimum building setbacks shall be provided in accordance with the dimensions shown on Appendix “A” attached hereto and forming part of this By-law.
- (d) 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 up to a maximum of 0.5 metre.
- (e) Decks, Porches, Steps, Patios, Balconies, Canopies and Terraces
Decks, porches, steps, patios, balconies, canopies and terraces are permitted to project to within 0.1 m from a street line.
- (f) Height Maximum
In accordance with Appendix “A” attached hereto.
- (g) 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 decorative structures, architectural and landscape features shall not exceed 6 m.
- (h) Parking (minimum)
- | | | |
|-------|---------------------|---|
| (i) | Residential | 1.1 spaces per unit |
| (ii) | Residential Visitor | 0.1 5 spaces per unit |
| (iii) | Non-Residential Use | 1 space per 30 m ² gross leasable area |

(i) Dimensions Accessible Parking Spaces

The minimum dimensions for an accessible parking space shall be in accordance with the dimensions in Table 3(i) below:

Table 3(i)

Type	Minimum Length	Minimum Width	Minimum Vertical Clearance
Accessible Parking Space	5.8m	3.4 m	2.1m

(j) Amenity Space (minimum)

- | | | |
|------|---------|----------------------------|
| (i) | Indoor | 2.0m ² per unit |
| (ii) | Outdoor | 2.0m ² per unit |

(k) Apartment dwellings may be located on the first storey of the building.

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and if there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law 2585, the following definitions shall apply.

- (a) **Amenity Space** means a space within a building including a roof area or outside a building which provides an active or passive communal space for the use of the occupants of the building.
- (b) **Gross Floor Area (GFA)** Notwithstanding the definition of Gross Floor Area in Section 2 of By-law #2585 and any other provisions, the definition of Gross Floor Area shall exclude a basement or cellar located within a Mixed Use Building.
- (c) **Height and Height of Buildings** means the vertical distance measured from the average grade calculated on Brock Street South, Clemence Avenue, Green Street and Consumers Drive to the highest point of the roof surface excluding any decorative structures, architectural features, landscape features, roof mechanicals, roof top access room, roof parapets or mechanical penthouses and elevator overruns provided that such facilities are no more than 6 metres in height.
- (d) **Lot** means the land zoned R2-7 by this By-law which shall be considered to be one lot, 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, Plan of Subdivision, or conveyance with respect to any portion of the said land.
- (e) **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 provisions shall not apply to the lands zoned R2-7 by this By-law amendment:

- | | |
|-------|--|
| 6(18) | Sight Triangles |
| 6(23) | Yard Encroachments Permitted |
| 7(8) | Apartment Dwelling House or Dwelling Unit In a Portion of a Non-Residential Building |
| 9(2) | Zone Provisions |

(8062-24)

**EXCEPTION 8 (R2-8)
PLAN OF SUBDIVISION (SW-2023-02)
780 GARDEN STREET****1. Defined Area**

The lands located north of Manning Road and west of Garden Street and zoned R2-8 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 #2585.

2. Uses Permitted

No person shall within and R2-8 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- apartment dwelling unit
- office
- single-detached dwelling

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2-8 Zone, the following provisions shall apply:

(a) Apartment Dwelling Unit Location

Any apartment dwelling unit shall only be permitted in combination with an office use and shall only be situated in the building existing at the date of the passing of this By-law amendment.

(b) Office Location

Any office use shall only be situated within the building existing at the date of the passing of this By-law amendment.

(c) Parking
Minimum for an office use

1 space/50m² of
gross floor area

(d) Accessory Structure Location and Size

The accessory structure (private garage) existing at the date of the passing of this By-law amendment is permitted to remain situated in the front yard in its present location and at its present size.

(8212-25)

**EXCEPTION 9 (R2-9)
EAST SIDE OF 815 BROCK STREET NORTH****1. Defined Area**

The lands located south of Manning Road and west of Bradley Drive and zoned R2-9 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 #2585.

2. Uses Permitted

No person shall within any R2-9 Zone use any lot or erect alter or use any building or structure except for one or more of the following uses:

- single detached dwelling
-

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R2-9 Zone, the following provisions shall apply:

- | | | |
|-----|-------------------------------|--------------------|
| (a) | Lot Frontage
Minimum | 12 m |
| (b) | Lot Area
Minimum | 410 m ² |
| (c) | Interior Side Yard
Minimum | 1.2 m |
| (d) | Building Height
Maximum | 11.5 m |

SECTION 10 RESIDENTIAL TYPE 3 ZONE (R3)

(1) USES PERMITTED

No person shall within any 'R3' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'R3' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- duplex dwelling house
- semi-detached dwelling house
- single detached dwelling

(b) NON-RESIDENTIAL USES

- church
- public use in accordance with the provisions of section 6 (16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R3' 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 7 hereof.

(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 | 9.5 m |
| (viii) | PARKING, ACCESSORY BUILDING, ETC.
Repealed by By-law 6926-14 | |

(3) EXCEPTIONS

(3875-96) EXCEPTION 1: (R3-1)
SANDPIPER COURT / BEECH STREET
See Section 25 – Exception (208)

(6173-09) EXCEPTION 1: (R3-1)
339 DOVEDALE DRIVE

(i) Notwithstanding the uses permitted in the R3 Zone, in any R3-1 Zone the following additional use shall be permitted:

- one accessory dwelling unit

(ii) Section 6(4) Dwelling Units Below Grade, shall not apply to the Subject Land.

(iii) Notwithstanding the parking area requirements of Section 6(13)(a)(i) to By-law No. 2585, in any R3-1 Zone a minimum of two parking spaces shall be provided for the main dwelling unit, and a minimum of one parking space shall be provided for the accessory dwelling unit.

(7301-17) EXCEPTION 3: (R3-3)
1110 Brock Street South

1. Uses Permitted

Notwithstanding the uses permitted in the R3 Zone, any lot located within an R3-3 Zone may be used for all the uses permitted in the R3 Zone plus the following additional uses:

- office
- personal service establishment
- studio

Provided further and notwithstanding the foregoing, the additional uses listed above shall only be permitted in the building existing on the site at the date of the passing of this By-law.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any non-residential use in an R3-3 Zone shall be established in accordance with the following provisions:

(a) Number of Parking Spaces

The minimum number of parking spaces required for the additional non-residential uses permitted in an R3-3 Zone shall be calculated as follows:

- Office 1 parking space per 30m² of gross floor area on or below the first storey
- Personal Service Establishment or Studio 1 parking space per 23m² of gross floor area on or below the first storey

Provided further and notwithstanding the foregoing, the minimum number of parking spaces required shall be 7 parking spaces.

(b) Location of Parking Spaces

All parking spaces provided shall be located only in the interior side yard or rear yard.

(c) Driveway Width
Minimum

4.5m

(d) Gross Floor Area Restriction

The maximum gross floor area devoted to office, personal service establishment or studio uses shall not exceed 150m².

(7788-21)

EXCEPTION 4: (R3-4)**Part of Block 348, Plan 40M1959****Plan of Subdivision SW-2021-01****1. Defined Area**

The lands located south of Whitby Shores Greenway and east of Seaboard Gate and zoned (R3-4) 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 #2585.

2. Uses Permitted

Notwithstanding the uses permitted in the R3 Zone, in any R3-4 Zone only the following uses shall be permitted:

- Single Detached Dwellings
- Semi-Detached Dwellings

3. Zone Provisions

Notwithstanding any provisions of the By-law to the contrary, in any (R3-4) Zone, no person shall 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 (Table 1) establishes the zone standards that apply to the R3-4 zone.

(b) Zone Provision That Do Not Apply

- (i) The following subsections of By-law #2585 shall not apply to the lands zoned R3-4 by this By-law amendment:
- 6(2)(h) Satellite Dishes
 - 6(18) Sight Triangles

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	330 m ²	11m, except 13.75 m for a corner lot	3 m(1)	NR	1.2 m & 0.6 m	3 m(1)	7.5 m	40%(2)	10.5 m
Semi-detached dwelling	205 m ²	8 m/ unit, except 10.2 m for a corner lot	3 m(1)	NR	0.9 m(3)	3 m(1)	7.5 m	25%	10.5 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 where semi-detached dwellings on abutting lots share a common wall, no interior side yard shall be required.

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 where semi-detached dwellings on abutting lots share a common wall, no interior side yard shall be required.

(8005-23)

**Exception 5: (R3-5)
918 Brock Street South****1. Uses Permitted**

Notwithstanding the uses permitted in the R3 Zone, any lot located within an R3-5 Zone may be used for all the uses permitted in the R3 Zone plus the following additional use:

- Office

Provided further and notwithstanding the foregoing, the additional use listed above shall only be permitted in the building existing on the site at the date of the passing of this By-law.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any non-residential use in an R3-5 Zone shall be established in accordance with the following provisions:

(a) Number of Parking Spaces:

The minimum number of parking spaces required for the additional non-residential use permitted in an R3-5 Zone shall be calculated as follows:

- Office 1 parking space per 30m² of gross floor area on or below the first storey.

Provided further and notwithstanding the foregoing, the minimum number of parking spaces required shall be 7 parking spaces inclusive of one accessible parking space.

(b) Location of Parking Spaces

All parking spaces provided shall be located only in the rear yard.

**(c) Driveway Width
Minimum 2.5m****(d) Gross Floor Area Restriction**

The maximum gross floor area devoted to office use shall not exceed 90m².

(8071-24)

**Exception 6: (R3-6)
Block F, Plan 40M-1148
Draft Plan of Subdivision SW-2023-03****1. Defined Area**

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned R3-6 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 #2585.

2. Uses Permitted

No person shall within any R3-6 Zone use any lot or erect, alter, or use any building or structure for any purpose except one or more of the following uses:

- single detached dwelling
- semi-detached dwelling

3. Zone Provisions

No person shall within any R3-6 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 (Table 1) establishes the zone standards that apply to the R3-6 Zone.
-

Table 1: R3-5 Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. 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	330 m ²	11.0 m	3.0 m ⁽¹⁾	1.2 m & 0.6 m	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	25%	3 storeys ^{(4) (5)}
Semi-detached dwelling	170 m ²	6.0 m	3.0 m ⁽¹⁾	0.6 m ⁽²⁾	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	20%	3 storeys ^{(4) (5)}

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 where semi-detached dwellings on abutting lots share either a common wall or a connecting wall, no interior side yard shall be required in the yard with a common wall or connecting wall.
- ⁽³⁾ For lots 1-14 as shown on Schedule A-1 the OS-3 Zone shall be included in the calculation of minimum rear yard depth.
- ⁽⁴⁾ Except that the maximum building height for any dwellings on lots 1-16 as shown on Schedule A-1, which abut lots that front onto Sugar Maple Crescent and White Ash Drive, shall be two storeys.
- ⁽⁵⁾ Except that for any dwellings on lots 17-35 as shown on Schedule A-1 which abut onto Palmerston Park, any third storey component of a dwelling must be incorporated into the roof structure.

(b) Additional Provisions

- (i) The following provisions apply to both a single detached dwelling and a semi-detached dwelling unit.

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

Notwithstanding any provisions of subsection 6(23)(c) 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 1.5m from a street line.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.4m from a street line.
- (iii) Decks and porches are permitted to project from the first storey of a dwelling a maximum distance of 3.5m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5m 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 0.6m from an exterior side lot line, interior side lot line or rear lot line.

- (b) Set back to a Visibility Triangle
Minimum

0.6m

- (ii) The following provisions apply to semi-detached dwelling units.

(a) Common Wall Below Finished Grade Level

The semi-detached dwelling units on lots 1 to 11 as shown on Schedule A-1 shall only be attached by a common wall below finished grade level.

(b) Common Wall Above Finished Grade Level

The semi-detached dwelling units on Lots 12 to 16 and Lots 18 to 34 as shown on Schedule A-1 shall be attached by a common wall above finished grade level.

4. Zone Provisions that Do Not Apply

- (a) The following subsections of By-law #2585 shall not apply to the lands zoned R3-6 by this By-law amendment:

- 6(2)(h) Satellite Dishes
- 6(18) Sight Triangles

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

“Semi-Detached Dwelling” means a dwelling unit in a building that is divided vertically into two dwelling units that share either a common wall or a connecting wall.

“Wall, Common” means a vertical wall separating two dwelling units where such wall may extend either above or below the finished grade level and is mutual to both dwelling units.

“Wall Connecting” means a wall below finished grade level that connects two dwelling units either horizontally or vertically.

SECTION 11 RESIDENTIAL TYPE 4 ZONE (R4)

(1) USES PERMITTED

No person shall within any 'R4' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'R4' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- apartment dwelling house
- boarding or lodging house
- converted dwelling house
- duplex dwelling house
- group housing
- semi-detached duplex dwelling house
- semi-detached dwelling house
- single detached dwelling
- triplex dwelling house

(b) NON-RESIDENTIAL USES

- church
- public use in accordance with the provisions of Section 6 (16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R4' 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 7 hereof.

(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 | 9.5 m |

(6926-14)

- (viii) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(3) EXCEPTIONS**(5294-03)
(5955-07)****EXCEPTION 1 (R4-1)
1419 BYRON STREET SOUTH**

- (a) No person shall use any lot or erect or alter or use any building or structure in any R4-1 Zone as shown on Scheduled A-1 annexed to By-law No. 5294-03 except in accordance with the following uses and provisions:

(i) USES PERMITTED

- converted dwelling house containing a maximum of three self-contained dwelling units

(ii) ZONE PROVISIONS

The zone provisions for a converted dwelling house in Section 7(6) of By-law No. 2585 shall apply to the lands identified on Schedule A-1 annexed to By-law No. 5294-03.

- (b) Notwithstanding Section 6(13)(h) of By-law No. 2585, as amended, one of the six required parking spaces shall be permitted in the front yard of the subject property identified on Schedule A-1 annexed to By-law No. 5294-03.
- (c) Section 6(4) Dwelling Units Below Grade of By-law No. 2585, as amended, shall not apply to the subject property identified on Schedule A-1 annexed to By-law No. 5294-03.

(5425-04)**EXCEPTION 2 (R4-2)
1415 BYRON STREET SOUTH**

See Section 25 Exception (255)

(7095-20)**EXCEPTION 3 (R4-3)
108 & 110 Craydon Road****1. Defined Area**

The land located west of Craydon Road and south of Dundas Street East and zoned R4-3 shall be subject to the provisions herein contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Zone Provisions

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to an apartment building in an R4-3 Zone:

- | | | |
|-----|-------------------------------------|----------------------|
| (a) | Lot Area
Minimum | 3,000 m ² |
| (b) | Rear Yard
Minimum Depth | 6.4 m |
| (c) | Interior Side Yard
Minimum Width | 5.0 m |

(d) Location of Parking

Parking spaces shall be permitted in all yards and any parking in the front yard may be situated within zero metres of the Craydon Road street line.

(e) Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R4-3 by this By-law amendment:

6(2)(h) Satellite Dish

7(9)(h) Yards

7(9)(i) Dwelling Unit Area

7(9)(l) Distance Between Buildings

SECTION 11A RESIDENTIAL TYPE 4C ZONE (R4C)

(1881-85)

(1) USES PERMITTED

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

(6775-13)

(a) RESIDENTIAL USES

- block townhousing
- duplex dwelling house
- link dwelling house
- maisonette dwelling houses
- semi-detached duplex dwelling house
- semi-detached dwelling house
- single detached dwelling
- street townhouse dwelling
- triplex dwelling house

(b) NON-RESIDENTIAL USES

- church
- public use in accordance with the provisions of Section 6(16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R4C' 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 7 hereof.

(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 | 9.0 m |

(6926-14)

- (viii) PARKING, ACCESSORY BUILDING, ETC:
Repealed by By-law 6926-14

(3) EXCEPTIONS

EXCEPTION 1 (R4C-1)
101 VICTORIA STREET WEST
 See Section 25, subsection (258)

(6166-09)

EXCEPTION 2 (R4C-2)
PART OF LOT 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION SW-2006-01

(1) USES PERMITTED

No person shall within any R4C-2 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- street townhouse dwelling

(2) ZONE PROVISIONS

No person shall within any R4C-2 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

(a)	LOT FRONTAGE		
	Minimum	– interior	6.0 m
		– corner	8.5 m
(b)	LOT DEPTH		
	Minimum		30 m
(c)	LOT AREA		
	Minimum		180 m ²
(d)	LOT COVERAGE		
	Maximum		55%

Notwithstanding subsection (d) above, 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 has a maximum floor area of 12 m² and it is located in the front yard.
 - (b) In the case of a corner lot an unenclosed porch or verandah has a maximum floor area of 20 m², and 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 to an attached garage or carport, the entrance to which is from the front yard, shall be 5.5 m

(f)	REAR YARD DEPTH		
	Minimum		7.5 m

- | | | |
|-----|---|-------|
| (g) | INTERIOR SIDE YARD | |
| | There is no interior side yard requirement except in the case of the unattached wall of an end dwelling unit, in which case the minimum interior side yard width shall be | 1.2 m |
| (h) | EXTERIOR SIDE YARD
Minimum Width | 4.5 m |
| | Notwithstanding subsection (h) above, the minimum exterior side yard width to a garage or carport, the entrance to which is from the exterior side yard, shall be | 5.5 m |
| (i) | LANDSCAPING OPEN SPACE
Minimum | 35% |
| (j) | HEIGHT OF BUILDING
Maximum | 9.5 m |
| (k) | UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS | |
| | Notwithstanding any provisions of Section 6(23)(c) of By-law No. 2585 to the contrary, unenclosed porches, balconies, steps and patios may project into a required front yard or exterior side yard a maximum distance of | 1.5 m |

(3) 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 No. 2585, the following definitions shall apply:

STREET TOWNHOUSE 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 dividing the dwelling houses vertically, each of which dwelling houses,

- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage.

(6166-09)

EXCEPTION 3 (R4C-3) PART OF LOT 29 AND 30, BROKEN FRONT CONCESSION PLAN OF SUBDIVISION SW-2006-01

(1) USES PERMITTED

No person shall within any R4C-3 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- block townhouse dwelling

(2) ZONE PROVISIONS

No person shall within any R4C-3 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-------|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 25 m |
| (b) | LOT AREA
Minimum | 0.5 ha |
| (c) | LOT COVERAGE
Maximum | 50% |
| (d) | LOT DENSITY
Maximum | 60 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: | 2.0 m |
| (ii) | Notwithstanding subsection (e)(i) above, the minimum distance from a street line or a 0.3 m reserve to the end wall of a block townhouse dwelling shall be: | 4.5 m |
| (iii) | 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 shall be: | 1.5 m |
| (f) | DISTANCE BETWEEN BUILDINGS ON THE SAME LOT | |
| (i) | The minimum distance between end walls of separate block townhouse dwelling buildings shall be: | 3.0 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 a block townhouse dwelling shall be: | 2.5 m |
| (iii) | The minimum distance from an internal driveway to a garage internal to a dwelling unit shall be | 5.5 m |
| (h) | LANDSCAPED OPEN SPACE
Minimum | 30% |
| (i) | HEIGHT OF BUILDING
Maximum | 3 storeys |
| (j) | UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS | |
| | Notwithstanding any provisions of Section 6(23)(c) of By-law No. 2585 to the contrary, unenclosed porches, balconies, steps and patios may project into a required front yard or exterior side yard a maximum distance of | 1.5 m |

(k) PARKING

Parking shall be in accordance with the provisions of Section 6 of By-law No. 2585. Notwithstanding Section 6, Subsection 13 of the said By-law, the following provisions shall apply:

- (i) The minimum number of parking spaces for a block townhouse dwelling shall be: 2 spaces/unit
- (ii) The minimum number of visitor parking spaces shall be: 20% of the required parking spaces for all dwelling units

(3) 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 No. 2585, the following definitions shall apply:

BLOCK TOWNHOUSE DWELLING means a building or group of buildings on a lot or lots, each 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 vertical party or common wall, and with each dwelling unit having its own entrance to the outside and a driveway, private garage, carport, or parking area, and sharing common access to a public street but shall not include a street townhouse dwelling.

(6166-09)

**EXCEPTION 4 (R4C-4)
PART OF LOT 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION SW-2006-01**

(1) USES PERMITTED

No person shall with any R4C-4 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- (a) RESIDENTIAL USES WITHIN THE MAIN BUILDING WHICH EXISTED ON SEPTEMBER 16, 2008
 - converted dwelling house
- (b) NON-RESIDENTIAL USES WITHIN THE MAIN BUILDING WHICH EXISTED ON SEPTEMBER 16, 2008
 - clinic
 - community centre
 - museum
 - nursery school
 - office
 - public use in accordance with the provisions of Section 6(16) hereof.

(6775-13)**(2) ZONE PROVISIONS**

No person shall with any R4C-4 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

- (a) LOT FRONTAGE
Minimum 30 m

(b)	LOT DEPTH Minimum	14 m
(c)	LOT AREA Minimum	1400 m ²
(d)	LOT COVERAGE Maximum	35%
(e)	FRONT YARD DEPTH Minimum	3.0 m
(f)	REAR YARD DEPTH Minimum	7.5 m
(g)	INTERIOR SIDE YARD Minimum width	2.0 m
(h)	LANDSCAPED OPEN SPACE Minimum	40%
(i)	HEIGHT OF BUILDING Maximum	9.5 m

(7881-22)

**EXCEPTION 5: (R4C-5)
1717 BROCK STREET SOUTH**

1. DEFINED AREA

The land located east of Brock Street South and south of Watson Street and zoned R4C-5 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. USES PERMITTED

No person shall within any R4C-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:

(a) Residential Uses

- mixed use building
- semi-detached dwelling

Provided however that a semi-detached dwelling shall only be permitted when developed in conjunction with a mixed use building on the same lot.

(b) Non-Residential Uses

- art gallery
- clinic
- community centre
- eating establishment
- eating establishment – take-out
- financial institution
- office
- personal service establishment
- retail store
- service shop
- studio

3. Zone Provisions – Mixed Use Development

No person shall within any R4C-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 #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R4C-5 by this By-law shall be considered to be one lot.

(b) Front Yard

Minimum Depth	1.5 m
Maximum Depth	3.0 m

(c) Rear Yard

Minimum Depth	7.0 m
---------------	-------

(d) Interior Side Yard

Minimum width to the north lot line	1.6 m
Minimum width to the south lot line	4.0 m

Provided however, that the minimum width to the south lot line from a mixed use building shall be 7.6 m

(e) Building Height

Minimum	3 storeys
Maximum	5 storeys

Provided however, that the maximum height for semi-detached dwellings shall be 3 storeys.

(f) 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.

(g) Landscaped Open Space

Minimum	20%
---------	-----

(h) Non-Residential Provisions

(i) The minimum gross floor area devoted to non-residential uses shall be 150 m² excluding outdoor patios related to non-residential uses.

(ii) Non-residential uses shall only be permitted on the first storey of a mixed use building.

(iii) The minimum floor to ceiling height of the first storey used for all non-residential uses shall be 3.5 m.

(iv) Notwithstanding the front yard setback provisions of this By-law to the contrary, any ornamental or architectural structure such as a canopy or a colonnade may project to within 0.3 m of the property line.

- (i) Decks, Porches, Steps, Patios and Balconies
 - (i) Decks, porches, steps and patios are permitted to project to within 0.3 m of a street line.
- (j) 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

4. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R4C-5 by this By-law amendment:

- 6(2)(h) Accessory Uses – Satellite Dish
- 6(32) Accessory Apartment

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 #2585, the following definitions shall apply:

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

(8062-24)

Exception 6 (R4C-6) Plan of Subdivision (SW-2023-02) 780 Garden Street

1. Defined Area

The lands located north of Manning Road and west of Garden Street and zoned R4C-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 #2585.

2. Uses Permitted

No person shall within any R4C-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:

- street townhouse dwelling

3. Zone Provisions

No person shall within any R4C-6 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 R4C-6 Zone.

R4C-6 Zone Standards

Building Type	Min. Lot Area (m ²)	Min. Lot Frontage	Min. Front Yard	Min. Exterior Side Yard	Min. Interior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Max. Building Height
Street townhouse dwelling unit w/front access garage	135m ²	5.0m ⁽¹⁾	3.0m ⁽²⁾⁽³⁾	3.0m ⁽⁷⁾	1.2m ⁽⁶⁾	6.5m ⁽⁵⁾	N/R	12.0m but no greater than 3 storeys
Street townhouse dwelling unit w/integral rear garage	115 m ²	5.0m ⁽¹⁾	3.0m ⁽²⁾⁽⁴⁾	3.0m ⁽⁷⁾	1.2m ⁽⁶⁾	3.0m ⁽²⁾	10m ² /unit	12.0m but no greater than 3 storeys

Notes: NR = No Requirement

- ⁽¹⁾ Except that for a corner lot, the minimum lot frontage shall be 7 metres.
- ⁽²⁾ Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.
- ⁽³⁾ Except that decks, porches and balconies may project from a main wall of a dwelling unit provided they are set back a minimum of 1.25 metres from a private street and any related stairs are set back a minimum of 0.6m from a private street.
- ⁽⁴⁾ Except that decks and porches may project from the main wall of a dwelling unit provided they are set back a minimum of 1.5 metre from a public street and any related stairs are set back a minimum of 0.6 metres from a public street.
- ⁽⁵⁾ Except that decks and balconies may project from the first storey of a rear main wall of a dwelling unit a maximum distance of 3.5 metres.
- ⁽⁶⁾ Where no common wall exists.
- ⁽⁷⁾ Except that the minimum setback from an end wall to a private street shall be 1.5 metres.

1. Zoning Provisions that Do Not Apply

The following provisions shall not apply to the lands zoned R4C*-6 by this By-law amendment:

- 6(2)(h) Satellite Dishes
- 6(7) Frontage on Public Street
- 6(18) Sight Triangles
- 7(11) Street Townhouse Dwelling

2. 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 # 2585, the following definitions shall apply:

“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.

“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, 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.

“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.

“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 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 lot 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.

“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.

“Site 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.

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

(8133-24)

**Exception 7 (R4C-7)
1615 Brock Street South****1. Defined Area**

The land located east of Brock Street South and north of Watson Street and zoned R4C-7 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law # 2585.

2. Uses Permitted

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

(a) Residential Uses

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

(b) Non-Residential Uses

- art gallery
- clinic
- eating establishment
- eating establishment – take-out
- financial Institution
- office
- personal service establishment
- retail store
- service shop
- studio

3. Zone Provisions

No person shall within any R4C-7 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) DETERMINATION OF LOT

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law # 2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, and Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R4C-7 by this By-law amendment shall be considered to be one lot.

**(b) SETBACKS
Minimum**

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

(c) HEIGHT OF BUILDING

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

(d) DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

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

(e) ROOF TOP APPURTENANCES

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room, indoor amenity space and any architectural features shall not exceed 3.0 metres.

(f) LANDSCAPED OPEN SPACE

Minimum	20%
---------	-----

(g) DRIVEWAY AND/OR AISLE WIDTH

- (i) The minimum width of a driveway and/or aisle serving a loading area shall be 6.0 metres.
- (ii) The minimum setback distance from the nearest portion of the end wall of a building to a driveway and/or aisle shall be 0.0 metres.

(h) DECKS, PORCHES, STEPS, PATIOS, AND BALCONIES

- (i) Decks, porches, patios and balconies related to a residential use are permitted to project from the exterior wall of a building provided they are setback a minimum distance of 0.9 metres from the Brock Street South street line.
- (ii) Steps are permitted to project provided they are setback a minimum distance of 0.3 metres from the Brock Street South street line.

(i) PARKING AND LOADING REQUIREMENTS

- (i) There are no minimum parking space requirements for both residential and non-residential uses.
Where parking spaces are provided, all relevant parking provisions continue to apply.
- (ii) Tandem parking spaces shall be permitted and be counted as two parking spaces only where used by an owner or tenant of one dwelling unit.
- (iii) The parking space dimensions for a perpendicular parking space shall be as per the Table below.

Type of Space	Minimum Length	Minimum Width	Minimum Height
Perpendicular Parking Space	5.6 m	2.75 m	2.1 m

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

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

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

(j) **NON-RESIDENTIAL PROVISIONS**

- (i) The minimum gross leasable area dedicated to non-residential uses shall be 250m² excluding patios related to non-residential uses.
- (ii) The minimum floor to ceiling height of the first storey used for all non-residential uses shall be 3.1 metres.
- (iii) Any ornamental or architectural structures such as a canopy or a colonnade and any outdoor deck or patio related to a non-residential use may project to within 0.0 metres of the Brock Street South street line.

4. Definitions

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

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

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

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

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

5. Zone Provisions That Do Not Apply

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

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

SECTION 12 RESIDENTIAL TYPE 5 ZONE (R5)

(144-74)

(1) USES PERMITTED

No person shall within any 'R5' Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following 'R5' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- apartment dwelling house
- boarding or lodging house
- converted dwelling house
- group housing
- semi-detached duplex dwelling house
- triplex dwelling house

(b) NON-RESIDENTIAL USES

- church
- nursery school
- public use in accordance with the provisions of Section 6 (16) hereof

(2) ZONE PROVISIONS

No person shall within any 'R5' 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 7 hereof.

(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 | 13.5 m |

(6926-14)

- (viii) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

SECTION 12A RESIDENTIAL TYPE 5A ZONE (R5A)

(3179-92)

(5955-07)

No person shall use any lot or erect or alter or use any building or structure within the 'R5A' Residential Zone except in accordance with the following uses and zone provisions:

(1) USES PERMITTED

- apartment dwelling house

(2) ZONE PROVISIONS

These properties were rezoned to R4A see Section 25 – Exception (216).

(5955-07)

(3601-95)

(3620-95)

(3) EXCEPTIONS

EXCEPTION 1 (R5A-1)

BLOCKS 77 TO 81 AND 83, PLAN 40M-1586

NORTH EAST CORNER OF BROCK STREET NORTH AND WALLACE DRIVE

No person shall use any lot or erect or alter or use any building or structure in any 'R5A-1' Zone as shown on Schedule "A-1" annexed to By-law No. 3620-95 except in accordance with the following uses and zone provisions:

'R5A-1' – Apartment Dwelling House:

For the purpose of this Section,

APARTMENT DWELLING HOUSE shall mean a building other than a converted dwelling, located on a lot or blocks within the lot containing more than four dwelling units, each of which has a vertical and horizontal common wall and a common entrance area.

(3601-95)

BLOCK TOWNHOUSE, means one or more buildings or structures each of which contain a minimum of three dwelling units attached above grade but not exceeding nine 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.

(i) USES PERMITTED

- accessory resident activity building
- apartment dwelling houses
- block townhouse

(3601-95)

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE	
	Minimum	35 m
(b)	LOT AREA	
	Minimum	1.73 ha
(c)	BLOCK AREA	
	Minimum	5160 m ²
(d)	BLOCK COVERAGE	
	Maximum	40% of the lot area

(e)	FRONT YARD Minimum depth	5.5 m
(f)	REAR YARD Minimum depth	5.5 m
(g)	INTERIOR SIDE YARD Minimum	2.5 m
(h)	EXTERIOR SIDE YARD Minimum	5.5 m
(i)	BLOCK LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(j)	BUILDING HEIGHT Maximum	10.5 m
(k)	FLOOR SPACE INDEX Maximum	0.8
(l)	DISTANCE BETWEEN BUILDINGS	
(i)	The minimum distance between two exterior walls facing and parallel to each other where either or both walls contain a living room window shall be	15.5 m
(ii)	The minimum distance between two exterior walls facing and parallel to each other where both contain a habitable room window other than a living room shall be	14 m
(iii)	Notwithstanding the above, the minimum distance between two exterior walls containing habitable room windows that are not parallel to each other, the minimum distance shall be	10 m
(iv)	The 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	7.5 m
(v)	The minimum distance between two exterior walls facing and parallel to each other where neither walls contain habitable room windows shall be	2.0 m
(m)	NUMBER OF UNITS WITHIN THE LOT Maximum	
	For Apartment Dwelling House	128 units
	For Block Townhouse	89 units

(n)	PARKING	
(i)	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 visitors use only
(ii)	Block Townhouse	2 parking spaces per dwelling unit
(iii)	Visitor Parking for Block Townhouse Minimum	23 spaces
(iv)	Notwithstanding Section 6(13)(h) of By-law No. 2585, a parking area shall not be permitted in the yards adjacent to Brock Street and Wallace Drive.	
(o)	INTERNAL ROADWAY WIDTH Minimum	8.5 m
(p)	MINIMUM DEPTH from any internal roadway to the nearest portion of structure shall be	4.0 m
(q)	UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS	Notwithstanding Section 6(23)(c) of By-law No. 2585, an unenclosed porch, balcony, step and patio may project into a required yard up to a maximum distance of 1.5 m
(r)	ACCESSORY RESIDENT ACTIVITY BUILDING	
(i)	The ground floor area of an Accessory Resident Activity Building shall not exceed	100 m ²
(ii)	BUILDING HEIGHT Maximum	2 storeys
(iii)	The minimum depth from any internal roadway to the nearest portion of an Accessory Resident Activity Building shall be	8 m

(3620-95)
(5955-07)

EXCEPTION 2 (R5A-2)
BLOCKS 77 TO 81 AND 83, PLAN 40M-1586
NORTH EAST CORNER OF WALLACE DRIVE AND PALLISADES COURT

No person shall use any lot or erect or alter or use any building or structure in any 'R5A-2' Zone as shown on Schedule "A-1" annexed to By-law No. 3620-95 except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- apartment dwelling house
- assisted apartment dwelling house

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	25 m
(b)	LOT AREA Minimum	0.78 ha
(c)	LOT COVERAGE Maximum	25% of the lot area
(d)	FRONT YARD Minimum	10 m
(e)	INTERIOR SIDE YARD Minimum	9 m
(f)	EXTERIOR SIDE YARD Minimum	10 m
(g)	REAR YARD Minimum	10 m
(h)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(i)	FLOOR SPACE INDEX Maximum	1.40
(j)	BUILDING HEIGHT Maximum	8 storeys
(k)	NUMBER OF UNITS Maximum	97
(l)	NUMBER OF BUILDINGS Maximum	1
(m)	PARKING	
(i)	Apartment Dwelling House	1.5 parking spaces per unit of which 0.25 spaces per unit shall be set aside and clearly identified for visitor use only.

Except in the case of an assisted apartment dwelling house the following provisions shall apply:

1.2 parking spaces per dwelling unit of which 0.25 spaces per unit shall be set aside and clearly identified for visitor use only.

- (ii) Notwithstanding Section 6(13)(h) of By-law No. 2585, a parking area shall not be permitted in the yard adjacent to Wallace Drive, and no part of any parking area other than a driveway shall be located any closer than 3.0 m to any other lot line.

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 set forth and those referred to in Section 2 of By-law # 2585, 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 storage, basement and cellar) to the total lot area.
- (ii) **“ASSISTED APARTMENT DWELLING HOUSE”** means the whole or part of an apartment dwelling house as defined in this by-law that is constructed and/or operated using financial assistance from the Provincial and/or Regional governments, or their agents.

(3620-95)

EXCEPTION 3 (R5A-3)

(5955-07)

**PART OF LOTS 25 AND 26, CONCESSION 2
BLOCKS 77 TO 81 AND 83, PLAN 40M-1586
Site was rezoned to R4A and OS By-law 5863-06.**

(3722-95)

EXCEPTION 4 (R5A-4)

(5955-07)

**PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-92019)
Repealed by By-law 6962-15**

(3722-95)

EXCEPTION 5 (R5A-5)

(5955-07)

**PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-92019)
Repealed by By-law 6962-15**

(4451-99)

EXCEPTION 6 (R5A-6)

(6091-08)

**PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-92019) REVISED
Repealed and Replaced by By-law 6962-15**

(5955-07)

(6962-15)

EXCEPTION 6 (R5A-6)**PLAN OF SUBDIVISION SW-2014-05****SOUTH-WEST CORNER OF WHITBY SHORES GREENWAY AND GORDON STREET****1. Defined Area**

The lands located south of Whitby Shores Greenway and west of Gordon Street and zoned R5A-6 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in the By-law shall be governed by the relevant provisions of By-law # 2585.

2. Uses Permitted

No person shall within any R5A-6 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
- retirement home

3. 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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C.P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-6 by this By-law shall be considered to be one lot. | |
| (b) | Lot Frontage
Minimum | 50 m |
| (c) | Lot Area
Minimum | 0.4 ha |
| (d) | Lot Coverage
Maximum | 50 % |
| (e) | Landscaped Open Space
Minimum | 30 % |
| (f) | Yards | |
| (i) | Minimum Front Yard Depth | 5.0 m |
| (ii) | Minimum Rear Yard Depth | 7.5 m |
| | Notwithstanding provision (f)(ii) above, the minimum rear yard depth to the end wall of a block townhouse dwelling shall be | 3.0 m |
| (iii) | Minimum Interior Side Yard Width | 3.0 m |
| (iv) | Minimum Exterior Side Yard Width | 4.0 m |
| | Notwithstanding provision (f)(iv) above, the minimum exterior side yard width to the main wall of a retirement home shall be | 5.0 m |
| (g) | Number of Dwelling Units
Maximum | 211 units |
| (h) | Height of Buildings
Maximum | |
| | • block townhouse dwelling | 3 storeys |
| | • retirement home | 7 storeys |
| (i) | Location of Retirement Home | |
| (i) | No retirement home building shall be situated any further than 80 m from the Gordon Street street line. | |

- (j) Separation Distance Between Buildings
- (i) The minimum separation distance between end walls of separate main buildings shall be 3.0 m
 - (ii) Notwithstanding provision (j)(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 conditions, heat exchangers and utility meters.
- (k) Decks, Porches, Steps, Patios and Balconies
- (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.
- (l) Parking Requirements – Retirement Home
- (i) Number of Parking Spaces – Retirement Home
The number of parking spaces and visitors spaces shall be 0.3 spaces per dwelling unit plus 0.2 spaces per dwelling unit dedicated for visitor parking.
 - (ii) 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, and 1.0 m from any lot line.
- (m) Setback to Aisle 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
- (n) Accessory Structure and/or Activity Building
- Notwithstanding the definitions 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
- (o) Zoning Provisions That Do Not Apply
- The following subsections of Section 6 – General Provisions shall not apply to the lands zoned R5A-6 by this By-law:
- 6 (2) Accessory Uses
 - 6 (7) Frontage on Public Street
 - 6 (18) Sight Triangles

(4716-00)
(5955-07)
(7594-20)

EXCEPTION 7 (R5A-7)
EAST SIDE OF GARDEN STREET, NORTH OF CONSUMERS DRIVE
Repealed and Replaced by By-law 6931-14 (OMB Order PL130467)

(6931-14-OMB)

- (a) No person shall use any lot or erect, alter or use any building or structure in any H-R5A-7 Zone except in accordance with the following uses:
- field crop
 - bush or berry crop
- (b) A by-law shall not be enacted to delete the “H” symbol until such time as:
- (i) A Record of Site Condition (RSC) has been filed with the Ministry of the Environment for the site and an Acknowledgement Letter of Receipt of the RSC from the Ministry has been provided to the Regional Planning Division.
- (c) In the event that Council deems it appropriate to delete the “H” symbol prefixed to the aforementioned H-R5A-7 Zone designation, the following uses and zone provisions shall then apply to the lands so designated:
- (1) DEFINED AREA**
- The lands located north of Consumer’s Drive east of Garden Street and zoned R5A-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 # 2585.
- (2) USES PERMITTED**
- No person shall within any R5A-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:
- accessory and incidental uses
 - apartment building
 - apartment building, seniors
 - long term care home
 - retirement home
- (3) 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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C.P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the whole of the land zoned R5A-7 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 except within the minimum building setback line shown on Appendix A to this By-law.

- | | | |
|------|--|--------------------|
| (c) | DISTANCE BETWEEN APARTMENT BUILDINGS
Minimum | 34 m |
| (d) | LOT FRONTAGE
Minimum | 90 m |
| (e) | LOT AREA
Minimum | 1.0 ha |
| (f) | LOT COVERAGE
Maximum | 40% |
| (g) | LANDSCAPED OPEN SPACE
Minimum | 30% |
| (h) | Height of Building
Maximum | 8 storeys |
| | Notwithstanding the maximum height provision cited above, any point tower building may have a maximum height of | |
| | | 12 storeys |
| | Notwithstanding any provisions to the contrary, an angular plane restriction shall apply along Garden Street such that no portion of any building or structure shall extend through a plane drawn easterly at a 45 degree angle from the curb on the west side of the municipal street known as Garden Street. | |
| (i) | NUMBER OF APARTMENT BUILDING DWELLING UNITS
Maximum | 304 units |
| (j) | FLOOR PLATE AREA IN A POINT TOWER
The maximum floor plate area for any storey above the second storey in a point tower shall be | 880 m ² |
| (k) | PARKING AREA REQUIREMENTS | |
| (i) | Number of Parking Spaces | |
| | The number of parking spaces required shall be as required by subsection 6A(1.2) Parking Spaces Required of By-law #2585. | |
| (ii) | Location of Parking Spaces | |
| | (a) All parking shall be located within an underground parking structure provided that up to 10% of required parking spaces may be located at grade. | |
| | (b) Parking spaces may be located within the minimum building setback line shown on Appendix "A" to this By-law provided that no part of any parking area other than a driveway is located closer than 1.5 m from any lot line or closer than 4.5 m to a building elevation on the ground floor containing a habitable room. | |

- (c) Notwithstanding (b) above, an underground parking structure may be located with 0.0 m of any lot line provided that any roof, deck, or finished top level of the parking structure is completely below finished grade level and provided further that no such underground parking structure shall be permitted beyond the “limit of underground parking” shown on Appendix ‘A’ to this By-law.

(l) Loading Space Regulations

Notwithstanding any zoning provisions to the contrary, the following provisions apply:

- (i) The minimum number of loading spaces required shall be 1 loading space for each use permitted in an R5A-7 Zone.
- (ii) A loading space shall be permitted in all yards provided that any loading space located in the front yard shall be setback a minimum distance of 15 metres from the Garden Street streetline.

(m) 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.

(4) DEFINITIONS

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law # 2585, the following definitions shall apply:

- (a) **“ACCESSORY USE”** means a use of a building, structure, or lot which is normally incidental to, and subordinate to the principal use of the building, structure, or lot, but shall not include a dwelling unit.
- (b) **“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.
- (c) **“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.

- (d) **“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 similar 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.
- (e) **“LOT AREA”** or the area of the lot means the area identified as “Developable Area” on Appendix ‘A’ to this By-law.
- (f) **“LOT COVERAGE”** means that percentage of the area of the lot covered by the horizontal projections of all buildings above grade.
- (g) **“PARKING SPACE”** means an area of not less than 16.5 square metres, exclusive of any aisles or ingress and egress lanes, with a minimum width of 2.75 metres and a minimum length of 5.5 metres, or one half of a Tandem Parking Space, for the temporary parking or storage of non-commercial motor vehicles.
- (h) **“POINT TOWER”** means a building which is at least 12 storeys.
- (i) **“STOREY”** means a portion of a building 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 metres of which 1.5 metres shall be located above finished grade level.
- (j) **TANDEM PARKING SPACE** means an area of not less than 31.8 square metres, exclusive of any common aisles or ingress or egress lanes, with a minimum width of 2.75 metres and a minimum length of 11.5 metres, and which shall be counted as two parking spaces only where owned as part of only one unit and/or where owned as part of the exclusive use common element belonging to one unit within a registered condominium, for the temporary parking or storage of two non-commercial motor vehicles and which are not to be used for visitor parking.

(5) ZONING PROVISIONS THAT DO NOT APPLY

The provisions of Section 6(2), (7), (13) and (24) and Section 7 of By-law # 2585 shall not apply to the lands zoned R5A-7.

Appendix "A" to By-law No. 6931B-14

The site plan illustrates the 'Subject Site' with its property boundary and various setbacks. The site is bounded by Garden Street to the north, Prentice Drive to the east, and Irwin Drive to the south. A 'Road Allowance Between Lots 24 and 25' is shown to the west. The site is divided into several sections with setbacks of 3.0m, 6.0m, 7.0m, 13.0m, and 18.0m. A 'Limit of Underground Parking' is indicated by a dashed line. The plan also shows a 'Developable Area' and a 'Minimum Building Setback Line'. A north arrow is located in the upper right corner.

PROPERTY BOUNDARY — — — LIMIT OF UNDERGROUND PARKING

DEVELOPABLE AREA

MINIMUM BUILDING SETBACK LINE

3.0m 6.0m 7.0m 13.0m 18.0m

ROAD ALLOWANCE BETWEEN LOTS 24 AND 25

GARDEN STREET

PRENTICE DRIVE

IRWIN DRIVE

Subject Site

NOT TO SCALE

NOT TO SCALE

(5955-07)
(4408-99)

EXCEPTION 8 (R5A-8)
1600 CHARLES STREET

(5295-03)

- (a) No person shall use any lot or erect or alter or use any building or structure in any R5A-8 Zone as shown on Schedule A-1 annexed to By-law No. 5295-03 except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- one apartment dwelling house

(ii) ZONE PROVISIONS

- | | | | | |
|--------|---|---------------------|-----|---|
| (i) | LOT FRONTAGE
Minimum | 41 m | | |
| (ii) | LOT AREA
Minimum | 0.573 ha | | |
| (iii) | LOT COVERAGE
Maximum | 35% of the lot area | | |
| (iv) | FRONT YARD
Minimum depth | 6.0 m | | |
| (v) | REAR YARD
Minimum depth | 6.0 m | | |
| (vi) | INTERIOR SIDE YARD
Minimum | 6.0 m | | |
| (vii) | EXTERIOR SIDE YARD
Minimum | 6.0 m | | |
| (viii) | LANDSCAPED OPEN SPACE
Minimum | 35% of the lot area | | |
| (ix) | BUILDING HEIGHT
Maximum | 11 storeys | | |
| (x) | NUMBER OF UNITS
Maximum | 116 units | | |
| (xi) | PARKING
Parking shall be in accordance with Section 6 of By-law No. 2585. Notwithstanding Section 6, Subsection 13 of the said by-law, the following provisions shall apply: <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">(a)</td> <td>the minimum number of parking spaces shall be 1.44 spaces/unit of which 42 shall be set aside and clearly identified for visitors use only.</td> </tr> </table> | | (a) | the minimum number of parking spaces shall be 1.44 spaces/unit of which 42 shall be set aside and clearly identified for visitors use only. |
| (a) | the minimum number of parking spaces shall be 1.44 spaces/unit of which 42 shall be set aside and clearly identified for visitors use only. | | | |
| (xii) | ACCESSORY STRUCTURES
Notwithstanding Section 6, Subsection 2 of By-law No. 2585, an accessory structure or similar use shall be permitted in a front yard having a minimum setback from any property line of 3 m. | | | |

(6166-09)

EXCEPTION 9 (R5A-9)
PART OF LOT 29 AND 30, BROKEN FRONT CONCESSION
PLAN SUBDIVISION SW-2006-01

(1) USES PERMITTED

- (a) No person shall within any R5A-9 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:
- apartment dwelling house
 - block townhouse dwelling

(2) ZONE PROVISIONS – BLOCK TOWNHOUSE DWELLING

- (a) The zone provisions for block townhouse dwelling within any R5A-9 Zone shall be the same as those set out in the R4C-3 Zone

(3) ZONE PROVISIONS – APARTMENT DWELLING HOUSE

No person shall within any R5A-9 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-----|--|----------------------|
| (a) | LOT FRONTAGE
Minimum | 70 m |
| (b) | LOT AREA
Minimum | 0.75 ha |
| (c) | LOT COVERAGE
Maximum | 50% |
| (d) | LOT DENSITY
Maximum | 275 units per net ha |
| (e) | YARDS | |
| | (i) The minimum distance from a street line, property line, or a 0.3 m reserve to any apartment dwelling house shall be: | 3.0 m |
| (f) | DISTANCE BETWEEN BUILDINGS ON THE SAME LOT | |
| | (i) The minimum distance between a block townhouse dwelling and an apartment dwelling house shall be: | 10 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 an apartment dwelling house shall be: | 10 m |
| (h) | LANDSCAPED OPEN SPACE
Minimum | 25% |
| (i) | HEIGHT OF BUILDING
Maximum | 14 storeys |

(j) NUMBER OF APARTMENT DWELLING UNITS

Notwithstanding the lot density provisions of subsection (3)(d) above, the maximum number of apartment dwelling units shall be 244 units

(k) PARKING

Parking shall be in accordance with the provisions of Section 6 of By-law No.2585. Notwithstanding Section 6, Subsection 13 of the said By-law, the following provisions shall apply:

- (i) The minimum number of parking spaces for an apartment dwelling house shall be 1.5 spaces/unit
- (ii) The minimum number of visitor parking spaces shall be: 20% of the required parking spaces for all dwelling units

(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 No. 2585, the following definitions shall apply:

APARTMENT DWELLING HOUSE 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 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 vertically.

BLOCK TOWNHOUSE DWELLING means a building or group of buildings on a lot or lots, each 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 vertical party or common wall, and with each dwelling unit having its own entrance to the outside and a driveway, private garage, carport, or parking area, and sharing common access to a public street but shall not include a street townhouse dwelling.

(6117-08)

**EXCEPTION 10 (R5A-10)
PART OF LOT 27, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION SW-2008-01**

(1) DEFINED AREA

Notwithstanding the provisions of Section 25, Subsection (162) of By-law No. 2585 the lands located west of Brock Street South, south of Front 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 No. 2585.

(2) USES PERMITTED

No person shall within any R5A-10 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- (a) RESIDENTIAL USES
 - apartment dwelling house
 - block townhouse dwelling

(b) NON-RESIDENTIAL USES

(6775-13)

(6775-13)

- artist or photographic studio
- bakeshop or confectionary shop
- bank or financial institution
- eating establishment
- office
- parking lot
- personal service establishment
- public use in accordance with the provisions of Section 6(16) hereof
- retail store
- video or computer rental establishment

(3) ZONE PROVISIONS

No person shall within any R5A-10 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

(a) BUILDING LOCATION AND SETBACKS

- (i) No building or structure shall be erected on the lands subject to this By-law except within the building setback line shown on Appendix A to this By-law.
- (ii) Notwithstanding subsection(a)(i) above, only one apartment dwelling house per phase shall be erected within the apartment building envelopes shown on Appendix A to this By-law.

(ii) DISTANCE BETWEEN APARTMENT DWELLING HOUSES

Minimum	20 m
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(iii) LOT COVERAGE

Maximum	36%
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(iv) LANDSCAPED OPEN SPACE

Minimum	50%
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(v) HEIGHT OF BUILDINGS

No building or structure shall be erected on the lands subject to this By-law with a roof surface exceeding the maximum elevations for the apartment dwelling houses within the Phases shown on Appendix A to this By-law and listed below.

- | | |
|---------------|------------|
| (i) Phase 1 | 17 storeys |
| (ii) Phase 2 | 21 storeys |
| (iii) Phase 3 | 27 storeys |
| (iv) Phase 4 | 33 storeys |
| (v) Phase 5 | 9 storeys |

- (vi) NUMBER OF DWELLING UNITS
Maximum 1,243 units

Notwithstanding subsection (vi) above, the minimum and maximum number of dwelling units within the Phases shown on Appendix A to this By-law shall be as outlined below:

- (i) Phase 1 – The maximum number of dwelling units shall be 180 units comprised of a combination of the following:
- Apartment Dwelling Units
 - Maximum 162 units
 - Minimum 120 units
 - Block Townhouse Dwelling Units
 - Minimum 18 units
- (ii) Phase 2 – The maximum number of dwelling units shall be 225 units comprised of a combination of the following:
- Apartment Dwelling Units
 - Maximum 211 units
 - Minimum 165 units
 - Block Townhouse Dwelling Units
 - Minimum 14 units
- (iii) Phase 3 – The maximum number of dwelling units shall be 335 units comprised of a combination of the following:
- Apartment Dwelling Units
 - Maximum 305 units
 - Minimum 265 units
 - Block Townhouse Dwelling Units
 - Minimum 30 units
- (iv) Phase 4 – The maximum number of dwelling units shall be 390 units comprised of a combination of the following:
- Apartment Dwelling Units
 - Maximum 363 units
 - Minimum 310 units
 - Block Townhouse Dwelling Units
 - Minimum 27 units
- (v) Phase 5 – The maximum number of dwelling units shall be 120 units comprised of a combination of the following:
- Apartment Dwelling Units
 - Maximum 105 units
 - Minimum 65 units
 - Block Townhouse Dwelling Units
 - Minimum 15 units
-

(vii) PARKING

(i) Residential Uses

The minimum number of parking spaces for residential uses shall be 1.30 parking spaces per dwelling unit and a further minimum of 0.2 parking spaces per dwelling unit shall be allocated and assigned for visitor parking.

(ii) Non Residential Uses

The minimum number of parking spaces for non-residential uses shall be 1.0 parking space per 24 m² of gross floor area.

(iii) Parking Structure

(a) Not more than 25% of the length of the perimeter wall, measured at grade, of any parking structure shall be exposed to view from a public street or the waterfront walkway as shown on Appendix A to this By-law.

(b) Notwithstanding subsection (iii)a) above, the length of any portion of a perimeter wall of a parking structure which is exposed to view from a public street or the waterfront walkway shown on Appendix A to this By-law, excluding any ingress or egress to a parking garage, shall not exceed a horizontal length as follows:

Phase 1	20 m
Phase 2	20 m
Phase 3	36 m
Phase 4	20 m
Phase 5	20 m

(viii) NON RESIDENTIAL SPECIAL PROVISIONS

(i) Non-residential uses shall only be permitted within a building containing dwelling units and shall only be permitted within the first and second storeys of a building.

(ii) Non-residential uses shall not exceed a maximum of 1,695 m² of gross floor area.

(iii) Non-residential uses shall not exceed a depth of 18 m and shall be located only within the shaded area shown on Appendix A to this By-law.

(iv) Notwithstanding subsection (3)(a)(i) above, outdoor patios associated with eating establishments may encroach beyond the building setback line shown on Appendix A to this By-law.

(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 No. 2585, the following definitions shall apply:

- (a) **APARTMENT DWELLING HOUSE** 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 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 vertically.
 - (b) **BLOCK TOWNHOUSE** means one or more buildings, each of which contains three or more dwelling units which are attached horizontally and which units have a direct individual entrance or have a common entrance and are served by a common corridor and in which fifty percent or more of the dwelling units have direct access to a yard or a landscaped open space.
 - (c) **HEIGHT OF BUILDINGS** means the vertical distance measured from the ground floor elevation at the main entrance of the building to the highest point of the roof surface excluding any decorative structures, roof mechanicals, roof parapets or mechanical penthouses.
 - (d) **LANDSCAPED OPEN SPACE** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space areas or other common outdoor recreational activity space situated at grade or on the top of a parking structure or underground parking, or similar area, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area, marina or, any open space beneath or within any building or structure.
 - (e) **LOT** means the land zoned R5A-10 shown on Schedule "A-1" to this By-law on the west side of Brock Street South. 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, for the purposes of this By-law, the whole of the land shall be considered to be one lot.
 - (f) **LOT COVERAGE** means that percentage of the area of the Lot covered by the horizontal projections of all buildings, excluding parking structures, the roofs of which are used and maintained for any one or more of the following purposes, namely, landscaped open space, driveway, ramp, whether surfaced or not, curb and retaining wall.
 - (g) **MARINA** means a structure or place containing docking facilities and slips and is situated on a navigable waterway, or is adjacent thereto and access to such waterway is provided, and where boats and boat accessories may be kept or serviced or both.
 - (h) **PARKING SPACE** means an area of not less than 16.5 m², exclusive of any aisles or ingress and egress lanes, with a minimum width of 2.75 m and a minimum length of 5.50 m, or one half of a Tandem Parking Space, for the temporary parking or storage of non-commercial motor vehicles.
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- (i) **TANDEM PARKING SPACE** means an area of not less than 31.8 m², exclusive of any common aisles or ingress or egress lanes, with a minimum width of 2.75 m and a minimum length of 11.5 m, and which shall be counted as two parking spaces only where owned as part of only one unit and/or where owned as part of the exclusive use common element belonging to one unit within a registered condominium, for the temporary parking or storage of two non-commercial motor vehicles and which are not to be used for visitor parking.

(5) ZONING PROVISIONS THAT DO NOT APPLY

The provisions of Section 6(2), (7), (11), (13) and (24) and Section 7 of By-law No. 2585 shall not apply to the lands zoned R5A-10 shown on Schedule “A-1” to this By-law.

(6) HOLDING PROVISIONS

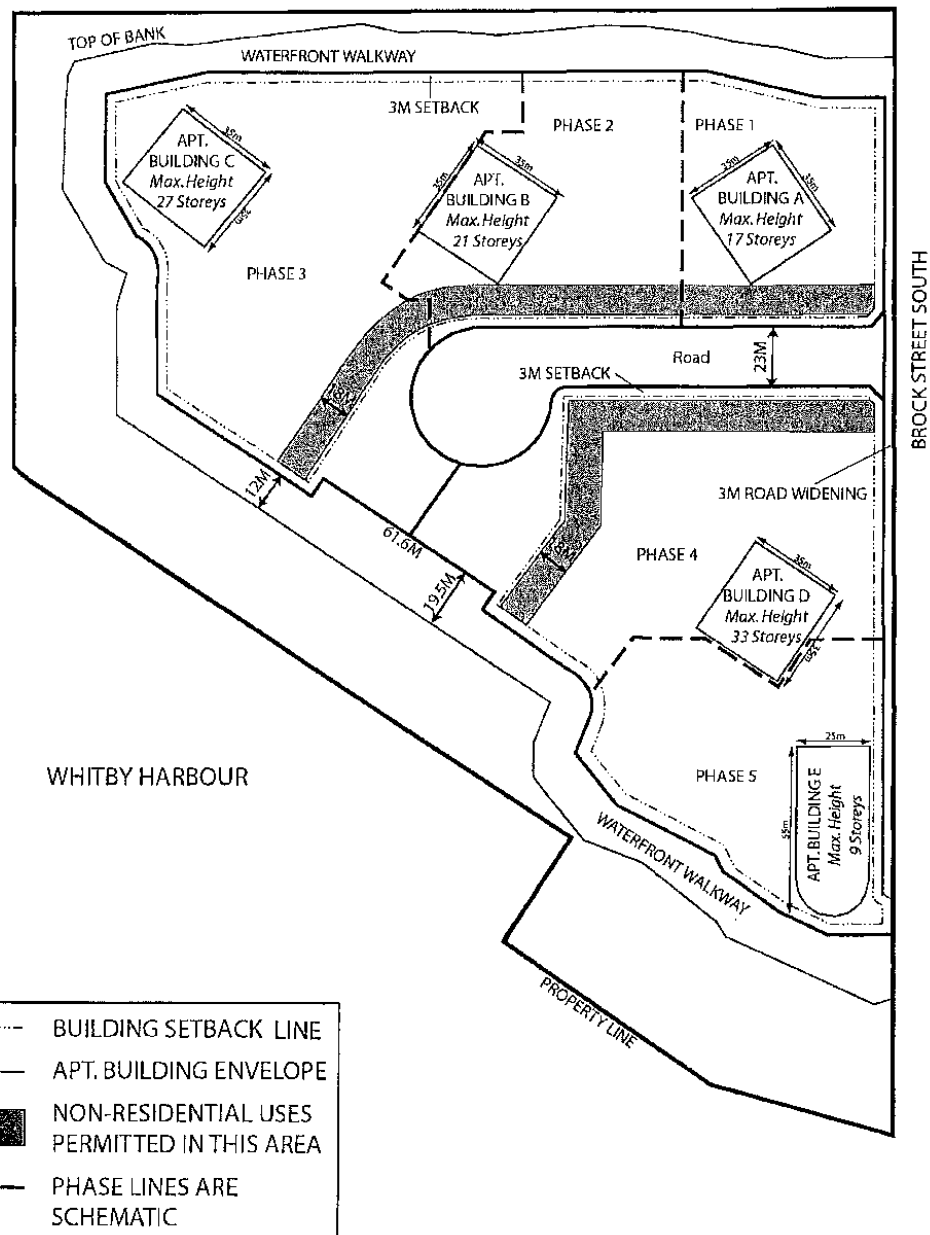
- (a) No person shall use any lot or erect or alter or use any building or structure in any H-R5A-10 Zone shown on Schedule “A-1” to this By-law except in accordance with the following uses:
 - (i) existing uses at the date of the passing of this By-law
 - (ii) sales office having a gross floor area of not more than 600 m² and used solely for the purpose of advertising and selling residential or non-residential units located or to be located on the Subject Land as shown on Schedule “A-1” to this By-law
- (b) The “H” holding symbol prefixed to the R5A-10 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) Brock Street has been demonstrated to provide safe ingress and egress to the property without increasing flooding on upstream lands, to the satisfaction of the Region of Durham;
 - (ii) Development areas within the site are secured to be filled to an elevation that is a minimum of 0.3 m above the 100-year flood elevation in a manner to the satisfaction of the Central Lake Ontario Conservation Authority; and
 - (iii) Erosion control works have been constructed or confirmed as satisfactory to eliminate potential erosion hazards associated with Lake Ontario and Pringle Creek, to the satisfaction of the Town and the Central Lake Ontario Conservation Authority.

(7287-17)

(7) TEMPARY USE PROVISIONS
Temporary Use – Expired

APPENDIX A – RESIDENTIAL TYPE 5A ZONE – EXCEPTION 10 (R5A-10)

Appendix A



(6416-10)**EXCEPTION 11 (R5A-11)
1606, 1610 AND 1614 CHARLES STREET****(1) DEFINED AREA**

The lands located south of Victoria Street, west of Charles Street 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 No. 2585.

(2) USES PERMITTED

No person shall within any R5A-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:

- apartment dwelling house
- accessory and incidental uses

(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) DETERMINATION OF LOT

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law No. 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the whole of the land zoned R5A-11 by this By-law shall be considered to be one lot.

(b) BUILDING LOCATION AND SETBACKS

- (i) No building or structure shall be erected on the lands subject to this By-law except within the minimum building setback line shown on Appendix A to this By-law.
- (ii) Notwithstanding subsection (b)(i) above, only one building containing a point tower per block shall be permitted as shown on Appendix A to this By-law.
- (iii) Provided further that no point tower portion of a building shall be permitted within 30m of the south lot line.

(c) DISTANCE BETWEEN APARTMENT DWELLING HOUSES

Minimum	15 m
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Provided however that any building elevation up to 4 storeys in height in a building containing a point tower shall have a minimum building separation of	25 m
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Provided further that any building elevation greater than 4 storeys in height in a building containing a point tower shall have a minimum building separation of	40 m
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(d) LOT FRONTAGE

Minimum	90 m
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(e)	LOT AREA Minimum	1.0 ha
(f)	LOT COVERAGE Maximum	45%
(g)	FRONT YARD DEPTH Minimum Maximum	4.5 m 6.0 m
	Provided however that any building elevation greater than 4 storeys in height shall be set back a minimum additional distance of	3.0 m
(h)	REAR YARD DEPTH Minimum Maximum	4.5 m 6.0 m
(i)	LANDSCAPED OPEN SPACE Minimum	30%
(j)	HEIGHT OF BUILDINGS Maximum as noted on Appendix "A" to this By-law and listed below.	
	<ul style="list-style-type: none"> Apartment Dwelling House containing a Point Tower 	18 storeys which Includes a minimum podium height of 2 storeys.
	<ul style="list-style-type: none"> Apartment Dwelling House 	6 storeys
(k)	NUMBER OF APARTMENT DWELLING UNITS Maximum	360 units
(l)	DENSITY Maximum	300 units per net ha
(m)	GROSS FLOOR AREA Maximum	36,000 m ²
(n)	FLOOR PLATE AREA The maximum floor plate area for any storey in a point tower shall be	800 m ²
(o)	PARKING AREA REQUIREMENTS	
(i)	NUMBER OF PARKING SPACES Minimum	1.25 spaces per dwelling unit
(ii)	NUMBER OF VISITOR PARKING SPACES Minimum	0.25 spaces per dwelling unit
(iii)	LOCATION OF PARKING SPACES (a) All parking shall be located within an underground parking structure provided that up to 10% of required parking spaces may be located at grade.	

- (b) Parking spaces may be located in any interior side yard provided that no part of any parking area other than a driveway is located closer than 1.5m from any lot line or closer than 4.5m to a building elevation on the ground floor containing a habitable room.
 - (c) Notwithstanding (b) above an underground parking structure may be located within 0.0m of any lot line provided that any roof, deck or finished top level of the parking structure is completely below finished grade level.
- (p) **GREEN ROOF**
 - (i) A green roof shall be required on the lands zoned R5A-11 by this By-law.
 - (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 dwelling house excluding roof top appurtenances such as mechanical equipment, elevator penthouses, ventilation equipment and outdoor amenity space.

(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 No. 2585, the following definitions shall apply:

- (a) **ACCESSORY USE** means a use of a building, structure, or lot which is normally incidental to, and subordinate to the principal use of the building, structure, or lot, but shall not include a dwelling unit.
 - (b) **APARTMENT DWELLING HOUSE** 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.
 - (c) **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 of utility shaft but shall not include any unenclosed private balcony or private terrace.
 - (d) **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 in accordance with the Ontario Building Code.
 - (e) **HEIGHT OF BUILDINGS** means the vertical distance measured from the ground floor elevation at the main entrance of the building to the highest point of the roof surface excluding any decorative structures, roof mechanicals, roof parapets or mechanical penthouses.
-

- (f) **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 similar 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.
- (g) **LOT COVERAGE** means that percentage of the area of the lot covered by the horizontal projections of all buildings above grade.
- (h) **PARKING SPACE** means an area of not less than 16.5 square metres, exclusive of any aisles or ingress and egress lanes, with a minimum width of 2.75 metres and a minimum length of 5.50 metres, or one half of a Tandem Parking Space, for the temporary parking or storage of non-commercial motor vehicles.
- (i) **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.
- (j) **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.
- (k) **ROOF** means the overhead structural component of a building or a part of a building supported by walls or columns and which functions primarily to shelter the interior of the building from the effects of weather and the infiltration of water.
- (l) **STOREY** means a portion of a building 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 3.5m of which 1.5m shall be located above finished grade level.
- (m) **TANDEM PARKING SPACE** means an area of not less than 31.8 square metres, exclusive of any common aisles or ingress or egress lanes, with a minimum width of 2.75 metres and a minimum length of 11.5 metres, and which shall be counted as two parking spaces only where owned as part of only one unit and/or where owned as part of the exclusive use common element belonging to one unit within a registered condominium, for the temporary parking or storage of two non-commercial motor vehicles and which are not to be used for visitor parking.

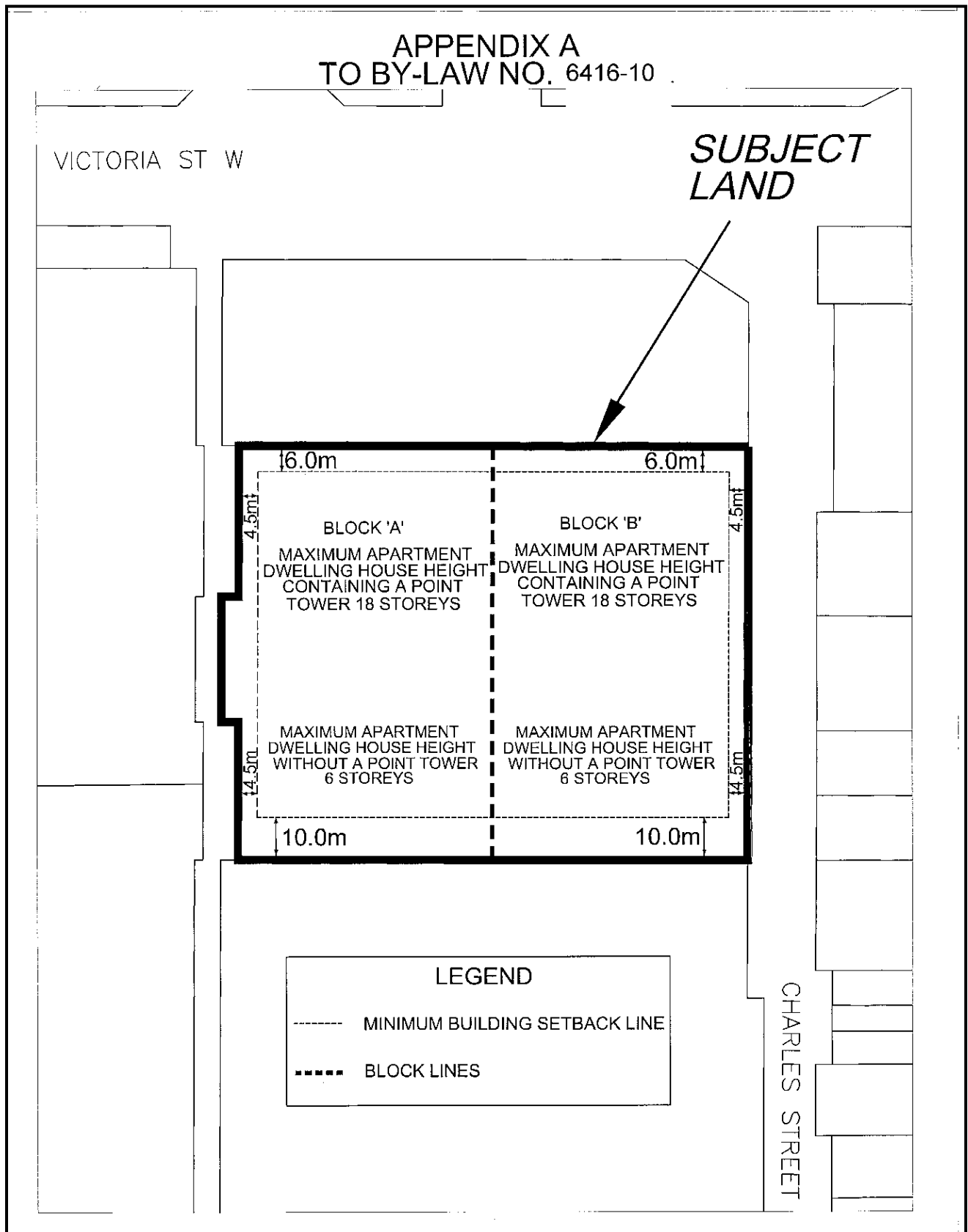
(5) **ZONING PROVISIONS THAT DO NOT APPLY**

The provisions of Section 6(2), (7), (13) and (24) and Section 7 of By-law No. 2585 shall not apply to the lands zoned R5A-11 shown on Schedule "A-1" to this By-law.

(7451-18)

(6) **HOLDING PROVISION**
Repealed by By-law Amendment 7451-18

APPENDIX A – RESIDENTIAL TYPE 5A ZONE – EXCEPTION 11 (R5A-11)



(7017-15)

EXCEPTION 12 (R5A-12)
PLAN OF SUBDIVISION SW-2014-01
1010 DUNDAS STREET EAST

1. DEFINED AREA

The lands located north of Dundas Street East and south of Crawford Street 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 # 2585.

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:

- apartment building
- back to back townhouse dwelling
- block townhouse dwelling

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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-12 by this By-law shall be considered to be one lot.

(b) **LOT LINE DETERMINATION**

The lot line abutting Dundas Street East shall be deemed the front lot line and the lot line abutting Crawford Street shall be deemed the rear lot line. All other lot lines shall be deemed to be interior lot lines.

(c) **LOT FRONTAGE**
Minimum

50 m

(d) **LOT AREA**
Minimum

0.4 ha

(e) **LOT COVERAGE**
Maximum

50 %

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

(f) **LANDSCAPED OPEN SPACE**
Minimum

30 %

(g) **FRONT YARD DEPTH**
Minimum
Maximum

3.0 m

6.0 m

- (h) REAR YARD DEPTH
- The minimum rear yard depth to the open and/or unopened Crawforth Street street line shall be 7.5 m.
- (i) INTERIOR SIDE YARD
- Minimum 2.0 m
- Notwithstanding provision (i) above, the minimum setback to the rear lot line of the existing lots with municipal addresses from 71 through 87 Crawforth Street that front onto Crawforth Street shall be 5.5 m.
- Provided further that the minimum setback to the Canadian Pacific Railway property line shall be 25 m
- (j) NUMBER OF DWELLING UNITS
- Maximum 270 units
- (k) HEIGHT OF BUILDING
- Maximum
- apartment building 5 storeys
 - back to back townhouse dwelling 3 storeys
 - block townhouse dwelling 2 storeys
- (l) LOCATION OF RESIDENTIAL BUILDINGS
- (i) No apartment building shall be situated any further than 70 m from the Dundas Street East street line.
- (ii) No residential building other than a block townhouse dwelling shall be situated closer than 6.0 m to the rear lot line of the existing lots with municipal addresses from 71 through 87 Crawforth Street that front onto Crawforth Street.
- (m) SEPARATION DISTANCE BETWEEN BUILDINGS
- (i) The minimum separation distance above finished grade between end walls of separate block townhouse dwellings shall be 1.8 m.
- (ii) The minimum separation distance above finished grade between end walls of separate back to back townhouse dwellings shall be 3.0 m.
- (iii) Notwithstanding provision (m)(ii) above, the minimum separation distance between end walls of separate back to back townhouse dwellings may be reduced to 2.3 m for wall projections screening or enclosing equipment such as air conditioners, heat exchangers and utility meters.
- (n) SETBACK TO AISLE AND/OR DRIVEWAY
- (i) The minimum separation distance from the future Crawforth Street streetline to an aisle and/or driveway or parking space shall be 1.0 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

(o) 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.

(p) DECKS, PORCHES, STEPS, PATIOS AND BALCONIES

Notwithstanding any provisions of subsection 6(23) 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 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.
- (iii) Decks, porches, steps, and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.2 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.

(q) 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

(r) ZONING PROVISIONS THAT DO NOT APPLY

The following subsections of Section 6 – General Provisions shall not apply to the lands zoned R5A-12 by this By-law:

- 6 (2) Accessory Uses
- 6 (7) Frontage on Public Street
- 6 (21) Through Lots

(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 #2585 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.

(7194-16)

EXCEPTION 13 (R5A-13)**Southwest corner of Gordon Street and Scadding Avenue****1. Defined Area**

The lands located south of Scadding Avenue and west of Gordon Street and zoned R5A-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 # 2585.

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 one or more of the following uses:

- apartment building
- block townhouse dwelling

3. Zone Provisions

No person shall within any R5A-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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R. S. O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-13 by this By-law shall be considered to be one lot.

(b)	Lot Frontage Minimum	100 m
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(c)	Lot Area Minimum	1.0 ha
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(d)	Lot Coverage Maximum	50 %
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(e)	Landscaped Open Space Minimum	30 %
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(f)	Front Yard Minimum Depth	3.5 m
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	Notwithstanding provision (f) above, the minimum front yard depth to the main wall of an apartment building shall be	5.0 m
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(g)	Rear Yard Minimum Depth	15 m
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	Notwithstanding provision (g) above, the minimum rear yard depth to the end wall of a block townhouse dwelling shall be	4.0 m
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(h)	Interior Side Yard Minimum Width	10.0 m
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(i)	Exterior Side Yard Minimum Width	5.0 m
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- (j) Number of Dwelling Units
Maximum 481 units
- Provided, the minimum and maximum number of dwelling units shall be as outlined below:
- apartment dwelling units
 - Maximum 425 units
 - Minimum 350 units
 - block townhouse dwelling units
 - Maximum 75 units
 - Minimum 56 units
- (k) Height of Building
Maximum
- apartment building 6 storeys
 - block townhouse dwelling 3 storeys
- Notwithstanding provision (k) above regarding an apartment building and the definition of storey, an elevator penthouse, mechanical room and roof top access room shall be permitted to exceed the maximum height of building provided that such facilities:
- are no more than 5.0 metres in height
 - do not exceed an aggregate horizontal area of 25% of the area of the roof
- (l) Location of Apartment Buildings
- (i) No apartment building shall be situated any further than 125 metres from the Gordon Street street line.
 - (ii) No apartment building with a height of building greater than 4 storeys shall be situated any further than 85 metres from the Gordon 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 2.2m 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 an apartment building or block townhouse dwelling to an aisle or driveway shall be 2.0 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 pick-up area, shall be 4.0 m

(o) Parking Requirements for Apartment Building

- (i) All required parking spaces shall be located within parking structure situated below finished grade provided that up to 25% of all 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 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) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 6(23) 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 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.
- (iii) Decks, porches, steps, and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.2 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.

(q) 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

(r) Green Roof

A green roof shall be required on any apartment 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 of an apartment building excluding roof top appurtenances such as an elevator penthouse, mechanical equipment, mechanical room, outdoor recreational activity space, roof top access room and stair tower.

(s) Zoning Provisions That Do Not Apply

The following subsections of Section 6 – General Provisions shall not apply to the lands zoned R5A-13 by this By-law:

6 (2) Accessory Uses

6 (7) Frontage on Public Street

(t) Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law # 2585 the following definitions apply.

(i) **“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 in accordance with the Ontario Building Code.

(ii) **“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 similar 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.

“Roof” means the overhead structural component of a building or a part of a building supported by walls or columns and which functions primarily to shelter the interior of the building from the effects of weather and the infiltration of water.

(7209-16)

EXCEPTION 14 (R5A-14)

Part of Lots 1 and 2, Lots 44-48 and Lots 72-75, Plan 173

Plan of Subdivision SW-2016-01

1. Defined Area

The lands located north of Palmerston Avenue and west of Brock Street North and zoned R5A-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 # 2585.

2. Uses Permitted

No person shall within any R5A-14 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 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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-14 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Brock Street North shall be deemed the front lot line and the lot line abutting Byron Street North shall be deemed the rear lot line. All other lot lines shall be deemed to be interior lot lines.

(c) Lot Frontage Minimum

50 m

(d) Lot Area Minimum

0.5 ha

(e) Lot Coverage Maximum

40 %

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

(f) Landscaped Open Space Minimum

30 %

(g) Front Yard Depth Minimum

3.5 m

(h) Rear Yard Depth Minimum

3.5 m

Notwithstanding provision (h) above, the minimum rear yard 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

1.5 m

(i) Interior Side Yard Minimum

- To the end wall of a block townhouse dwelling
- To the rear wall of a block townhouse dwelling

1.5 m

6.0 m

(j) Number of Dwelling Units Maximum

28 units

- (k) Height of Building
Maximum 3 storeys
- (l) Separation Distance Between Buildings
- (i) The minimum separation distance above finished grade between end walls of separate block townhouse dwellings shall be 3.0 m
- (m) 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 1.8 m
- (n) Decks, Porches, Steps, Patios and Balconies
- Notwithstanding any provisions of subsection 6(23) 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) Covered and uncovered 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.
- (iii) Covered and uncovered decks, porches, steps and balconies are permitted to project from the first storey of a dwelling unit a maximum distance of 3.2 m from the rear main wall of a dwelling unit.
- (iv) Covered and uncovered 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.
- (o) 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
- (p) Zoning Provisions that Do Not Apply
- The following subsections of Section 6 – General Provisions shall not apply to the lands zoned R5A-14 by this By-law:
- 6 (7) Frontage on Public Street
6 (21) Through Lots

(7575-19)

EXCEPTION 16 (R5A-16)
101 Victoria Street West, and
1510 – 1520 Brock Street South**1. Defined Area**

The lands located west of Brock Street South, south of Victoria Street West and zoned R5A-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 #2585.

2. Uses Permitted

No person shall within any R5A-16 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Residential Uses

- apartment building

(b) Non-Residential Uses

- art gallery
- clinic
- commercial school
- community centre
- convenience retail store
- day care establishment
- dry cleaners distribution station
- eating establishment
- eating establishment – take out
- financial institution
- food store
- library
- museum
- office
- personal service establishment
- pet grooming
- private club
- recreational club or facility
- retail store
- studio
- veterinary clinic
- wellness centre

3. Zone Provisions

No person shall within any R5A-16 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C.P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-16 by this By-law shall be considered to be one lot.

- | | | |
|-----|---|--------------------|
| (b) | Lot Frontage
Minimum | 50 m |
| (c) | Lot Area
Minimum | 0.5 ha |
| (d) | Lot Coverage
Maximum | 40% |
| (e) | Landscaped Open Space
Minimum | 25% |
| (f) | Front Yard

Minimum Depth
Maximum Depth |
0.0 m
3.0 m |
| (g) | Rear Yard
Minimum Depth | 0.0 m |
| (h) | Interior Side Yard
Minimum Width | 10.0 m |
| (i) | Exterior Side Yard

Minimum Width
Maximum Width |
0.0 m
3.0 m |
| (j) | Height of Building
Maximum | 12 storeys |
| (k) | <p>Roof Top Appurtenances</p> <p>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.</p> | |
| (l) | <p>Non-Residential Provisions</p> <p>(i) Notwithstanding the definition of an apartment building, non-residential uses shall be provided in an apartment building on the lands zoned R5A-16 by this By-law.</p> <p>(ii) The minimum gross floor area devoted to non-residential uses shall be 500 m² excluding outdoor patios related to non-residential uses.</p> <p>(iii) Non-residential uses shall only be permitted on the first and second storey or on a floor below the first storey.</p> <p>(iv) The minimum floor to ceiling height of the first storey for all non-residential uses shall be 4.5 m.</p> <p>(v) Notwithstanding the front yard and exterior side 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 related to non-residential uses may project to within 0.6 m of the Brock Street South or Victoria Street West street lines.</p> <p>(vi) No drive through facilities are permitted.</p> | |
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(m) Decks, Porches, Steps and Patios

- (i) Decks, porches, steps and patios are permitted to project to within 0.0 m from a street line.

(n) Parking and Loading Requirements

Notwithstanding any provisions of Section 6A to the contrary, the following provisions shall apply:

- (i) 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 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.
- (ii) Any parking area or parking spaces at finished grade shall be set back a minimum distance of 2.5 m from any street line or any other lot line and a minimum of 1.5 m from the wall of a main building.
- (iii) Tandem parking spaces shall be permitted and be counted as two parking spaces only where owned by an owner or tenant of a dwelling unit.

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 No. 2585, the following definitions shall apply:

- (a) **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.
- (b) **Day Care Establishment** means:
 - (i) premises where more than 5 children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act; or,
 - (ii) premises in which temporary care is provided or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.
- (c) **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 speciality 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.

- (d) **Height of Building** means the vertical distance measured from the ground floor elevation at the main entrance of the building to the highest point of the roof surface excluding any roof top appurtenances such as any decorative structures, roof mechanicals, roof parapets or mechanical penthouses.
- (e) **Landscaped Open Space** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space areas or other common outdoor recreational activity areas or similar landscaped space 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 or, private balcony or private terrace.
- (f) **Wellness Centre** means an establishment devoted to the goal of good health and includes the teaching 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.

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

The following provisions shall not apply to the lands zoned R5A-16 by this By-law amendment:

- 6(2) Accessory Uses
- 6(9) Height Exceptions
- 6(18) Sight Triangle

(7650-20)

EXCEPTION 16 (R5A-16) Part of Lot A, Registered Plan H-50035 Plan of Subdivision SW-2018-03

1. **Defined Area**

The lands located south of Victoria Street East and east of Dufferin Street and zoned R5A-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 #2585.

2. **Uses Permitted**

No person shall within a R5A-16 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
- street townhouse dwelling

3. **Zone Provisions**

No person shall within any R5A-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 R5A-16 Zone.

R5A-16 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	6m/unit except 5.5 m/unit on a private street ⁽³⁾	3 m ⁽¹⁾	1.2 m ⁽⁶⁾	3 m ⁽¹⁾	7.0 m	NR	25%	2 storey	12 m
Street townhouse dwelling unit with an integral rear garage	108 m ² /unit	5.5 m/unit ⁽³⁾	3 m ⁽⁸⁾	1.2 m ⁽⁴⁾⁽⁶⁾	3 m ⁽¹⁾	2.5 m to a garage carport or unenclosed parking space ⁽²⁾⁽⁷⁾⁽⁹⁾	15 m ² /unit ⁽⁵⁾	50%	2 storeys	12 m
Back to back townhouse dwelling unit	75 m ² /unit	5.5 m /unit ⁽³⁾	3 m ⁽¹⁾⁽¹⁰⁾	1.5 m ⁽⁶⁾	3 m ⁽¹⁾	NR	7.5 m ² / unit	NR	2 storeys	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 on 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⁾ Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.
- ⁽⁶⁾ Where no common wall exists.
- ⁽⁷⁾ Except that the minimum distance from the travelled portion of an internal roadway or private street shall be 2.75 metres.
- ⁽⁸⁾ Except that decks and porches may project from the main wall of a dwelling unit provided they are set back a minimum of 1.0 metre from a street line and any related stairs are set back a minimum of 0.3 metres from a street line.
- ⁽⁹⁾ Except that decks, porches and balconies may project from a main wall of a dwelling unit provided they are set back a minimum of 2.0 metres from a street line, aisle or driveway.
- ⁽¹⁰⁾ Except that decks and balconies may project from the second storey of a main wall of a dwelling unit a maximum distance of 4.0 metres.

(b) Additional Provisions

- (i) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.0 metres.

(c) Accessory Structure

Notwithstanding the definition of Accessory Structure in Section 2 Definitions of By-law #2585 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

(d) Zoning Provisions That Do Not Apply

The following subsections of By-law #2585 shall not apply to the lands zoned R5A-16 by this By-law amendment:

6 (2)(h) Satellite Dishes

6 (7) Frontage on a Public Street

6 (18) Sight Triangles

(e) 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 # 2585, the following definitions shall apply:

“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.

“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, 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.

“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.

“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 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.

“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.

“Site 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.

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

(8169-25)

EXCEPTION 17 (R5A-17)

1. Defined Area

The lands located south of Victoria Street West and west of Brock Street South, municipally known as 1616 to 1636 Charles Street and zoned R5A-17 and H-R5A-17 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Uses Permitted

No person shall within any R5A-17 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- (a) Residential Uses:
- apartment building
 - mixed use building
-

- (b) Non-Residential Uses:
- animal care establishment
 - art gallery
 - bakeshop or confectionary shop
 - clinic
 - commercial school
 - community centre
 - day care establishment
 - eating establishment
 - eating establishment – take-out
 - financial institution
 - food store
 - office
 - park
 - park, strata
 - personal service establishment
 - recreational club or facility
 - retail store
 - school, private
 - studio
 - veterinary clinic

3. Zone Provisions

No person shall within any R5A-17 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

- (a) Determination of Lot
- Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5A-17 by this By-law shall be considered to be one lot.
- (b) Building Location and Setbacks
- (i) No building or structure shall be erected on the lands subject to this By-law except within the building setback lines shown on Appendix A to this By-law amendment.
- (c) Height of Building
- (i) The maximum height of buildings shall be as listed below and shown on Appendix A to this By-law amendment.
- | | |
|------------|------------|
| Building A | 32 storeys |
| Building B | 36 storeys |
| Building C | 28 storeys |
| Building D | 32 storeys |
- (ii) The maximum height of any podium related to the buildings listed above shall be 6 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 8 metres.

- (e) Distance Between Point Towers
Minimum 25m
- (f) Floor Plate Area
The maximum floor plate area for any storey in a point tower shall be 900m².
- (g) Decks, Porches, Steps, Patios and Balconies
Decks, porches, steps, patios and balconies may project into a required yard a maximum distance of 2.0m
- (h) Projections
Any ornamental or architectural structures such as a canopy or a colonnade, and any outdoor deck or patio related to a non-residential use may project to within 3.0m of a street line.
- (i) Non-Residential Provisions
- (i) The minimum gross leasable area devoted to non-residential uses shall be 1000m² excluding any outdoor decks or patios related to non-residential use.
- The minimum gross leasable area may be provided in phases through Phase 4 with Phase 1 providing a minimum of 350m² of gross leasable area.
- (ii) The maximum gross leasable area devoted to non-residential uses shall be 2,300m² excluding any outdoor decks or patios related to non-residential uses.
- (iii) The minimum top of floor slab to top of floor slab height of the first storey and the mezzanine for all non-residential uses shall be 4.5m and any mezzanine shall be deemed to be part of the first storey.
- (iv) No drive through facilities are permitted.
- (j) Parking and Loading Requirements
- (i) There shall be no minimum parking space requirements for both residential and non-residential uses.
- Where parking spaces are provided, all relevant parking provisions continue to apply.
- (ii) The parking space dimensions for angled or perpendicular parking spaces shall be as per the Table below:

Type of Space	Min. Length	Min. Width	Min. Height
Angled and/or Perpendicular Parking Space	5.6m	2.6m	2.0m

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

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.6m	3.4m	2.4m

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

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

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

- (k) Driveway and Aisle Widths

Notwithstanding any zone provisions of this By-law to the contrary, the minimum width of any two-way driveway or aisle shall be 6.0m.

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #2585, the following definitions shall apply:

- (a) **Animal Care Establishment** means a building or part of a building where pets and domestic animals are groomed and or cared for during the day and may include ancillary retail sales of grooming products, but shall not include the breeding of animals, a kennel or the boarding of animals, or a veterinary clinic.
- (b) **Apartment Dwelling House** 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 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 vertically.
- (c) **Day Care Establishment** means:
- (i) Premises where more than 5 children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act; or,
 - (ii) Premises in which temporary care is provided or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.
- (d) **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 of utility shaft but shall not include any unenclosed private balcony or private terrace.

- (e) **Food Store** means a building or part of a building having a gross leasable area of less than 2,000 square metres wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty floor areas stores such as, but not limited in kind to health food, a vegetable market, or other specialty goods.
- (f) **Park** means an area of land consisting of private or publicly owned unencumbered open space used primarily for active or passive recreational purposes which may include recreational buildings, structures, facilities, or other similar uses.
- (g) **Park, Strata** means an area of land consisting of privately or publicly owned open space used primarily for active or passive recreational purposes which is in some way encumbered by privately owned land such as an underground parking structure or storm water management facility.
- (h) **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.
- (i) **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.
- (j) **Storey** means the portion of a building which lies between the surface of the floor and surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. A storey does not include a cellar or a basement unless such basement contains one or more dwelling units. A storey also does not include a mezzanine level situated immediately above the first floor slab and shall exclude any rooftop appurtenances such as an elevator penthouse or mechanical room.

5. Zoning Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R5A-17 by this By-law Amendment:

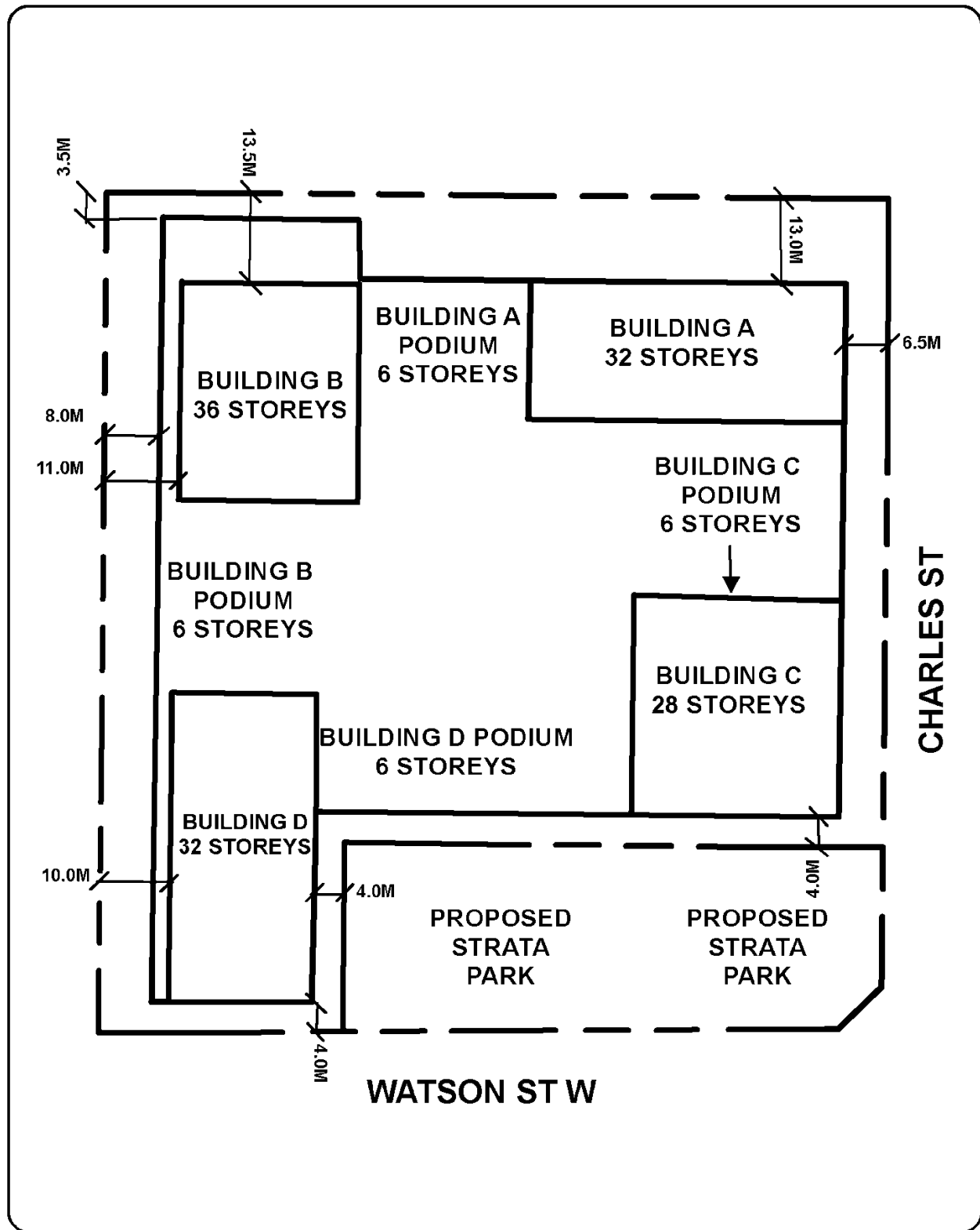
- 6 (2) Accessory Uses
- 6 (7) Frontage on Public Street
- 6 (18) Sight Triangles
- 6 (23) Yard Encroachments Permitted
- 7 General Provisions for Residential Uses

6. Holding Provisions

- (a) No person shall use any lot or erect or alter or use any building or structure in any H-R5A-17 Zone except in accordance with the following uses:
 - (i) Uses existing at the date of the passing of this By-law amendment.
 - (ii) Residential sales office used for the purpose of advertising and selling residential or non-residential units located on the Subject Land.
 - (iii) Interim uses listed below for the purpose of remediation of the site or flood plain hazard and preparation of the development area:
 - (a) flood and erosion control structures
 - (b) shoring systems and,
 - (c) site alteration and earthworks activities.

- (b) The “H” holding symbol prefixed to the R5A-17 Zone may be removed from all or a portion of the lands but shall not be removed in whole or in part by amendment to this By-law until the following matters are fulfilled to the satisfaction of the Town of Whitby and Central Lake Ontario Conservation Authority:
 - (i) The Rowe Channel Upgrade Study Municipal Class Environmental Assessment preferred solution, as may be amended, has been implemented to the extent necessary to remove the flood hazard from the lands proposed for development.
 - or
 - (ii) It has been demonstrated that development areas can be removed from the flood hazard through regrading and/or be appropriately floodproofed by other means.
-

Appendix A - Building Heights and Setbacks



SECTION 13 OPEN SPACE ZONE (OS)

(1932-85) (1) USES PERMITTED

No person shall within any '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

(1932-85) (1884-85) (b) NON-RESIDENTIAL USES

- marina or yacht club including buildings and structures related thereto
- private park
- public park
- public use in accordance with the provisions of Section 6 (16) of By-law 2585

(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

- Prohibited.

(b) NON-RESIDENTIAL USES

- | | | |
|-------|---|---------------------|
| (i) | LOT COVERAGE
Maximum for all buildings | 35% 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 | 30% of the lot area |
| (vii) | HEIGHT OF BUILDING
Maximum | 13.5 m |

(6926-14) (viii) PARKING, ACCESSORY BUILDINGS, ETC. **Repealed by By-law 6926-14**

(4756-01) (3) EXCEPTIONS**(5955-07)
(7496-19)
(7862-22)
(8160-25) Exception 1 (OS-1)
Plan 40M-2128, Block 151****1. Uses Permitted**

Notwithstanding any provisions of this By-law to the contrary, any land located within an OS-1 Zone may be used for all the permitted uses within an OS-1 Zone, plus the following additional uses:

- parking lot
- residential sales office

2. Zone Provisions

Notwithstanding any zone provisions to the contrary, in any OS-1 Zone, the following zone provisions shall apply:

(a) Parking Lot**(i) Location of Parking**

No parking lot or parking space shall be situated any closer than 3.0 m from any property line.

**(ii) Landscaped Open Space
Minimum**

20% of the lot area

(b) Temporary Off Site Residential Sales Office**(i) Number of Residential Sales Offices
Maximum**

1.0

**(ii) Front Yard
Minimum Depth**

3.0 m

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

1.5 m

(iv) Expiry Date

The temporary use of one off-site residential sales office shall cease to be in effect as of April 15, 2028.

**(6204-09) Exception 2 (OS-2)
Part of Lot 30, Concession 1****(1) Notwithstanding the uses permitted in the OS Zone, in any OS-2 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

(8071-24)**Exception 3 (OS-3)
Draft Plan of Subdivision SW-2023-03****1. Defined Area**

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned OS-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 #2585.

2. Uses Permitted

Notwithstanding any provisions of this By-law to the contrary, in any OS-3 Zone only the following uses shall be permitted:

- Passive recreational uses and activities that preserve and sustain the natural environment including the soil, topography, and existing mature trees. No accessory building, structure, swimming pool or similar use shall be permitted.

SECTION 14 INSTITUTIONAL ZONE (I)

(1) 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 'I' uses, namely:

(a) RESIDENTIAL USES

- any Residential use described in Section 7 hereof which is accessory to a permitted Non-Residential use.

(b) NON-RESIDENTIAL USES

- administrative office of The Corporation, the county, the Province of Ontario or the Dominion of Canada
- arena
- Boy Scouts Association use
- church
- community centre
- county home for the aged
- county jail
- fraternal lodge, association or institutional hall
- Girl Guides Association use
- nursery school
- Long Term Care Home
- private school
- public or private hospital
- public use in accordance with the provisions of Section 6 (16) hereof
- school
- school under the jurisdiction of the Department of Reform Institutions
- sewage treatment plant
- water supply plant
- YM or YWCA

(6926-14)

(2) ZONE PROVISIONS

No person shall within any 'I' Zone use any 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 7 hereof.

(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 0.3 m for each 0.3 m by which such portion of the building is erected above a height of 12m.

- | | |
|-----------|--|
| (6926-14) | (viii) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14 |
|-----------|--|

(3) EXCEPTIONS

- | | |
|------------------------|--|
| (5955-07)
(4756-01) | EXCEPTION 1 (I-1)
PLAN OF SUBDIVISION (18T-990227)
SOUTH WEST CORNER SCADDING AVENUE AND GORDON STREET
Repealed by By-law 7194-16 |
|------------------------|--|

SECTION 15 SHOPPING CENTRE COMMERCIAL ZONE (C1)

(1) USES PERMITTED

No person shall within any 'C1' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'C1' uses, namely:

(a) RESIDENTIAL USES

- Prohibited

(6775-13)

(b) NON-RESIDENTIAL USES

Any of the following uses, provided such uses, other than a taxi establishment, are conducted wholly within an enclosed building:

(4005-97)

- artist or photographic studio
- bake shop
- bakeshop or confectionary shop
- bank or financial institution
- banquet hall
- barber shop
- beauty parlour
- church
- community centre
- dressmaking or tailor shop
- dry cleaners distribution station
- eating establishment
- finance office
- health club
- laundry shop
- music or dance studio
- office
- pet grooming
- place of entertainment
- public use in accordance with the provisions of Section 6 (16) hereof
- retail store
- service shop
- taxi establishment
- video or computer rental establishment
- wholesale use accessory to any of the foregoing Non-Residential uses

(4005-97)

(6775-13)

(4005-97)

(6775-13)

(6775-13)

(4005-97)

(2) ZONE PROVISIONS

No person shall within any 'C1' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

- Prohibited

(b) NON-RESIDENTIAL USES

- | | | |
|------|-------------------------|--------|
| (i) | LOT FRONTAGE
Minimum | 61 m |
| (ii) | LOT AREA
Minimum | 0.8 ha |

- | | | |
|-----------|--|---------------------|
| (iii) | LOT DEPTH
Minimum | 61 m |
| (iv) | LOT COVERAGE
Maximum for all buildings | 20% of the lot area |
| (v) | FRONT YARD
Minimum depth | 12 m |
| (vi) | REAR YARD
Minimum depth | 6.0 m |
| | <p>provided that where the rear lot line abuts a Residential or Development Zone the minimum rear yard shall be 9.0 m, and provided further that the 3.0 m strip of land adjoining an abutting Residential or Development Zone may form part of the required Landscaped Open Space and will be used as a planting strip in accordance with the requirements for planting strips set out in Section 6 (15).</p> | |
| (vii) | INTERIOR SIDE YARD
Minimum width | 6.0 m |
| | <p>provided that where the interior side lot line abuts a Residential or Development Zone the minimum interior side yard shall be 9.0 m, and provided further that the 3.0 m strip of land adjoining an abutting Residential or Development Zone may form part of the required Landscaped Open Space and will be used as a planting strip in accordance with the requirements for planting strips set out in Section 6 (15).</p> | |
| (viii) | EXTERIOR SIDE YARD
Minimum width | 12 m |
| (ix) | LANDSCAPED OPEN SPACE
Minimum | 10% of the lot area |
| | <p>provided that the 3.0 m strip of land adjoining an abutting Residential or Development Zone may form part of the required Landscaped Open Space and will be used as a planting strip in accordance with the requirements for planting strips set out in Section 6 (15).</p> | |
| (x) | HEIGHT OF BUILDING | 9.5 m |
| (xi) | OPEN STORAGE | |
| | <p>No open storage of goods or materials shall be permitted.</p> | |
| (6926-14) | <p>(xii) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14</p> | |

SECTION 16 HIGHWAY COMMERCIAL ZONE (C2)

- (2698)**
(1416-82)
(1832-85)
- (1) USES PERMITTED**
- No person shall within any 'C2' Zone use any lot, erect, alter or use any building or structure for any purpose, except one or more of the following 'C2' uses, namely:

- (6775-13)** (a) RESIDENTIAL USES

Prohibited.

- (689-78)** (b) NON-RESIDENTIAL USES

- eating establishment
- farm implement dealer
- farm produce retail outlet
- hotel
- motel
- motor vehicle sales establishment
- parking lot
- public garage
- public use in accordance with the provisions of Section 6 (16) hereof
- retail nursery

(2) ZONE PROVISIONS

No person shall within any 'C2' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (2698)** (a) RESIDENTIAL USES

In accordance with the provisions of Section 7 hereof.

- (689-78)** (b) NON-RESIDENTIAL USES

Excepting public garages - for which see Section 16(2)(c).

- (i) LOT COVERAGE
Maximum for all buildings 40% of the lot area

- (2698)** (ii) FRONT YARD AND EXTERIOR SIDE YARD

No front yard or exterior side yard is required provided that no building is located within 7.5 m of a street line.

- (iii) REAR YARD
Minimum depth 7.5 m

- (iv) 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

6.0 m

	(v)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
	(vi)	HEIGHT OF BUILDING Maximum	11 m
(2698)	(vii)	PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE Where the front, 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, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the 'C2' Zone, in accordance with the requirements for planting strips set out in Section 6 (15) hereof.	
(6926-14)	(viii)	PARKING, ACCESSORY BUILDINGS, ETC. Repealed by By-law 6926-14	
	(ix)	SPECIAL PROVISIONS - HOTELS, MOTELS Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.5 m to any interior side lot line.	
(732-72) (689-78)	(c)	PUBLIC GARAGES	
	(i)	LOT FRONTAGE Minimum	38 m
	(ii)	LOT DEPTH Minimum	38 m
	(iii)	LOT COVERAGE Maximum for all buildings	40% of the lot area
	(iv)	FRONT YARD Minimum depth	15 m
	(v)	REAR YARD Minimum depth	7.5 m
	(vi)	INTERIOR SIDE YARD Minimum width	6.0 m
	(vii)	EXTERIOR SIDE YARD Minimum width	15 m
	(viii)	LANDSCAPED OPEN SPACE Minimum	5% of the lot area
	(ix)	HEIGHT OF BUILDING Maximum	11 m
(2698)	(x)	PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE Where the front, 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, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the 'C2' Zone in accordance with the requirements for planting strips set out in Section 6 (15) hereof.	

(xi) PUMP LOCATION
Repealed by By-law 1279-81

(xii) DRIVEWAYS

Notwithstanding the provisions of Section 6(13) of this By-law 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 | 9.0 m |
| (b) | the minimum distance between driveways measured along the street line intersected by such driveways shall be | 7.5 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 | 9.0 m |
| (d) | the minimum distance between an interior side lot line and any driveway shall be | 3.0 m |
| (e) | the interior angle formed between the street line and the centre line of any driveway shall be not less than 45 degrees. | |

(xiii) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(2698)

(d) SPECIAL PROVISIONS - BYRON STREET
Repealed by By-law 1832-85

(3) SPECIAL USES

- | | |
|-----|--|
| (a) | BROCK STREET NORTH BETWEEN MAPLE AND BEECH STREETS
Repealed by By-law 1102-81 |
| (b) | BROCK STREET SOUTH BETWEEN KEITH AND ARTHUR STREETS
Repealed by By-law 1832-85 |

SECTION 16A SPECIAL PURPOSE COMMERCIAL ZONE (C2-S)

(1080-80)

(1) 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

(b) Non-Residential Uses

(3334-93)

- 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

(4005-97)

- pet grooming
- place of entertainment
- plumbing supply centre

(2934-91)

- pool supply centre
- public garage
- public use in accordance with the provisions of Section 6(16) of By-law 2585
- retail nursery
- sporting goods store
- veterinary clinic

(4005-97)

- video or computer rental establishment

(2) 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.

(3334-93)

In the case of a hotel or motel, the required side 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 m

(ix) PLANTING STRIPS

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, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the 'C2-S' Zone, in accordance with the requirements for planting strips set out in Section 6(15) of By-law 2585.

(6926-14)

(x) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(xi) 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 for an automobile sales establishment.

(3) EXCEPTIONS

(4016-97)

3.1 EXCEPTION 1 (C2-S-1)
180 Consumers Drive

Any use, building or structure within a 'C2-S-1' Zone shall be established in accordance with the following provisions:

(a) Notwithstanding the permitted uses within a 'C2-S' zone, only the following uses shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 4016-97 namely:

- business or corporate office
- financial institution
- hotel/motel
- restaurant

(b) The zone provisions in a 'C2-S' Special Purpose Commercial Zone shall apply to the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 4016-97, save and except for the height of building, which shall be a maximum of 13 m.

- (c) Unless otherwise provided herein, the provisions of Section 6 of By-law No. 2585, as amended, shall apply.

(4150-98)**3.2 EXCEPTION 2 (C2-S-2) 155 CONSUMERS DRIVE**

- (a) Notwithstanding Section 16A Special Purpose Commercial Zone of By-law No. 2585, as amended, only the following uses shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 4150-98:
- (i) a 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 and an outdoor garden centre, and sports and recreation goods; and,
 - (d) ancillary or accessory uses such as offices and an eating establishment wholly contained and accessed from within the main building; and,
- (ii) A gas bar and car wash, wherein the zone provisions in the 'GB-CW' Zone(5390-04)as contained in Sections 17B and 17D of By-law No. 2585 shall apply to the permitted gas bar and car wash.
- (b) The zone provisions in a 'C2-S' Zone shall apply to the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 4150-98 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 6 of By-law No. 2585, as amended, shall apply.

(5390-04)

- (d) Notwithstanding the parking provisions of Section 6, Subsection (13)(a)(ii) "Parking Area Requirements" of By-law No. 2585, as amended, parking for a "vehicle service and household merchandise retail store" shall be based on a parking ratio of at least one (1) parking space for every 29.5 m² of "vehicle service and household merchandise retail store gross floor area".

(5311-03)**3.3 EXCEPTION 3 (C2-S-3) 160 CONSUMERS DRIVE**

Any use, building or structure within a 'C2-S-3' Zone shall be established in accordance with the following provisions:

- (a) Notwithstanding the permitted uses within a 'C2-S' Zone, only the following uses shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 5311-03 namely:
- business or corporate office
 - financial institution
 - hotel/motel
 - restaurant

- (b) The zone provisions in a 'C2-S' Special Purpose Commercial Zone shall apply to the lands identified as the "Subject Property" on Schedule "A-1" attached to By-law No. 5311-03, save and except for the height of a hotel or motel building which shall be a maximum of four storeys to a maximum of 15 m.
- (c) Unless otherwise provided herein, the provisions of Section 6 of By-law No. 2585, as amended, shall apply.

(5861-05)

3.4 EXCEPTION 4 (C2-S-4) 175 -195 CONSUMERS DRIVE

See Section 25 subsection (269)

(6051-08)

3.5 EXCEPTION 5 (C2-S-5) 1022 BROCK STREET SOUTH

- (a) Notwithstanding the uses permitted within a C2-S Zone, the following additional use shall be permitted on the lands outlined on Schedule "A-1" attached to By-law No. 6051-08, namely:
 - (i) offices
- (b) Notwithstanding Section 6(13)(a) of By-law No. 2585, the following parking area requirements shall apply to the lands outlined on Schedule "A-1" attached to By-law No. 6051-08:
 - (i) Minimum Parking Requirement: 16 spaces

(6050-08)

3.6 EXCEPTION 6 (C2-S-6) 836 BROCK STREET NORTH, 840 BROCK STREET NORTH

- (a) Notwithstanding the uses permitted within a C2-S Zone, the following additional uses shall be permitted within the existing structure on the lands municipally known as 836 Brock Street North and outlined on Schedule "A-1" attached to By-law No. 6050-08, namely:

(6775-13)

- (i) office

- (b) Notwithstanding the uses permitted within a C2-S zone, the following additional uses shall be permitted within the existing structure on the lands municipally known as 840 Brock Street North and outlined on Schedule "A-1" attached to By-law No. 6050-08, namely:

(6775-13)

- (i) office

(6775-13)

- (ii) personal service establishment
- (iii) retail store

(6216-09)

3.7 EXCEPTION 7 (C2-S-7) 861 DUNDAS STREET WEST

- (1) Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-7 Zone, the following additional use shall be permitted:

(6775-13)

- office

Notwithstanding the zone provisions of subsection 16A(2), the following provisions shall apply:

- (a) Minimum Frontage 25.0 m
- (b) Front Yard
Minimum Depth 3.0 m

Notwithstanding the provisions of subsection 6(11), only one loading space shall be required.

(6397-10) 3.8 EXCEPTION 8 (C2-S-8) 924 BROCK STREET SOUTH**(1) USES PERMITTED**

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-8 Zone, only the following uses shall be permitted:

- Clinic
- office

(6775-13)**(2) ZONE PROVISIONS**

Notwithstanding the zone provisions of the C2-S Zone, in any C2-S-8 Zone, the following zone provisions shall apply:

- | | | |
|-----|---|--------------|
| (a) | LOT FRONTAGE
Minimum | 25 m |
| (b) | FRONT YARD DEPTH
Minimum | 0 m |
| (c) | INTERIOR SIDE YARD
Minimum | 1.2 m |
| (d) | EXTERIOR SIDE YARD
Minimum | 0 m |
| (e) | PLANTING STRIP
Minimum abutting the west lot line
Minimum abutting the north lot line | 1 m
0.5 m |
| (f) | NUMBER OF PARKING SPACES
Minimum | 17 spaces |
| (g) | ZONE PROVISIONS THAT DO NOT APPLY

The provisions of Section 6(11) and (18) shall not apply to the lands zoned C2-S-8 shown on Schedule A-1 to this By-law. | |

(6620-12) 3.9 EXCEPTION 9: (C2-S-9) 1121 DUNDAS STREET EAST**(1) USES PERMITTED**

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-9 Zone, the following additional use shall be permitted:

- place of worship

(6620-12) 3.10 EXCEPTION 10: (C2-S-10) 513 BROCK STREET NORTH**1. DEFINED AREA**

The lands located south of Maple Street East and east of Brock Street North and zoned C2-S-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 # 2585.

2. USES PERMITTED

Notwithstanding the uses permitted in the C2-S Zone, in any C2-S-10 zone, only the following uses shall be permitted:

- clinic
- eating establishment
- office
- personal service establishment
- retail store
- veterinary clinic

Notwithstanding the above, a minimum of two different types of permitted uses in the C2-S-10 Zone are required.

3. ZONE PROVISIONS

Notwithstanding any provisions of this By-law to the contrary, in any C2-S-10 Zone the following provisions shall apply:

- | | | |
|-----|-------------------------|------|
| (a) | Lot Frontage
Minimum | 30 m |
|-----|-------------------------|------|

- | | |
|-----|----------------|
| (b) | Tandem Parking |
|-----|----------------|

Tandem parking shall be permitted provided that such tandem parking is only for staff parking spaces.

4. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned C2-S-10 by this By-law amendment:

- Section 6A 1.3(c) Parking Space Dimensions, Provision.
-

SECTION 17 CENTRAL COMMERCIAL ZONE (C3)

Zone category eliminated by By-law 3070-91

SECTION 17A (689-78) AUTOMOBILE SERVICE STATION ZONES (AS and AS-CW)

(1) USES PERMITTED

No person shall within any 'AS' Zone as hereinafter designated, use any lot or erect, alter or use any building or structure for any purpose except as follows, 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'	36.5 m	
	'AS-CW'	45.5 m	
Minimum - Corner Lot	'AS'	45.5 m	
	'AS-CW'	53.5 m	
(b) LOT DEPTH			
Minimum - Interior Lot	'AS'	36.5 m	
	'AS-CW'	53.5 m	
Minimum - Corner Lot	'AS'	45.5 m	
	'AS-CW'	53.5 m	
(c) LOT COVERAGE			
Maximum			30% of the lot area
(d) FRONT YARD			
Minimum			15 m
(e) EXTERIOR SIDE YARD			
Minimum			15 m
(f) INTERIOR SIDE YARD			
Minimum	'AS'	6.0 m	
	'AS-CW'	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'	6.0 m	
	'AS-CW'	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 the lot area
(i) HEIGHT OF BUILDING			
Maximum			9.5 m

SECTION 17B GASOLINE BAR ZONES (GB and GB-CW)

(689-78)

(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 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
		– 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 the 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 the lot area
(i)	HEIGHT OF BUILDING Maximum			9.0 m

SECTION 17C CAR WASH ZONE (CW)

(689-78)

(1) USES 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:

'CW' Zone	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
– Corner Lot | 36.5 m
45.5 m |
| (b) | LOT DEPTH
Minimum | – Interior Lot
– Corner Lot | 53.5 m
61 m |
| (c) | LOT COVERAGE
Maximum | | 30% of the lot area |
| (d) | FRONT YARD
Minimum | | 15 m |
| (e) | EXTERIOR SIDE YARD
Minimum | | 15 m |
| (f) | 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 the lot area |
| (i) | HEIGHT OF BUILDING
Maximum | | 9.5 m |

**SECTION 17D GENERAL PROVISIONS FOR AUTOMOBILE SERVICE STATION
(689-78) ZONES, GASOLINE BAR ZONES AND CAR WASH ZONES**

In applying the aforementioned zone provisions in 'AS', 'GB' and 'CW' Zones, the following general provisions shall 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.

(6926-14)

**(3) PARKING
Repealed by By-law 6926-14**

(4) PLANTING STRIPS

Notwithstanding any provisions of this By-law to the contrary, planting strips shall be in accordance with the following provisions:

- (a) the minimum width of a planting strip shall be 3.0 m
- (b) planting strips shall be located adjacent to all lot lines except in those areas used as driveways;
- (c) planting strips shall consist 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 strip 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 the driveway measured along the property line shall be; | 10.5 m |
| (b) | the minimum distance between the closest points of adjacent driveways measured along the property line shall be; | 9.0 m |
| (c) | the minimum distance between an intersection and the closest point of a driveway measured along the property line 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 property line shall be; | 3.0 m |
| (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 17E EXCEPTIONS

(819-79)

(6264-09)

(1)

NORTHEAST CORNER OF BROCK AND CHESTNUT STREETS

501 BROCK STREET NORTH

Repealed by By-law 6264-09

(6264-09)

(2)

SOUTHWEST CORNER OF BROCK AND DUNLOP STREETS

304 BROCK STREET SOUTH

Repealed by By-law 6264-09

(3)

SOUTHWEST CORNER OF DUNDAS AND JEFFREY STREET

955 DUNDAS STREET WEST

Notwithstanding the provisions of Sections 17A and 17D to the contrary, the following provisions, where inconsistent with the said Sections 17A and 17D, apply to the lands designated as the "Subject Lands" on Schedule "A-4" annexed to this By-law.

(a)

LOT FRONTAGE

Minimum

'GB'

38 m

(b)

LOCATION OF KIOSK

A kiosk may be located within a rear yard provided that the minimum distance between the kiosk and the rear lot line shall be

7.5 m

(5992-07)

(4)

SOUTHWEST CORNER OF BROCK AND KEITH STREETS (GB-4)

Notwithstanding the provisions of Sections 17B and 17D to the contrary, the following provisions, where inconsistent with the said Sections 17B and 17D, apply to all properties zoned GB-4:

(1)

ADDITIONAL PERMITTED USES

(a)

a retail store not exceeding 80 m² of gross floor area shall be permitted within a kiosk having a maximum floor area of 170 m².

(2)

ZONE PROVISIONS

The following specific Zone Provisions apply:

(a)

LOT FRONTAGE

Minimum

39 m

(b)

LOT DEPTH

Minimum

44 m

(c)

INTERIOR SIDE YARD

Minimum

1.5 m

(d)

REAR YARD

Minimum

1.3 m

(e)

LANDSCAPED OPEN SPACE

Minimum

12% of lot area

- | | | |
|-----|---|-------|
| (f) | CANOPY LOCATION
Minimum distance between any portion of the canopy and any lot line | 3.0 m |
| (g) | PUMP LOCATION
Minimum distance of a pump to a 15 m sight triangle | 1.0 m |
| (h) | PLANTING STRIP WIDTH
Minimum | 0.7 m |
| (i) | DRIVEWAY LOCATION

Minimum distance between the interior side or rear lot line and the closest point of an adjacent driveway measured along the property line | 2.5 m |
| (j) | KIOSK LOCATION
Minimum distance between the kiosk and any lot line | 1.4 m |

All other provisions of this By-law shall apply.

(6104-84) (3) Repealed by By-law 6104-84

(6104-84) (4) Repealed by By-law 6104-84

**(6930-14) (5) EXCEPTION 5 (GB-CW-5)
PART OF BLOCK 2, REGISTERED PLAN 40M-1623
NORTHWEST CORNER OF CONSUMERS DRIVE AND GARDEN STREET**

Notwithstanding the provisions of 17B to the contrary, the following additional uses shall be permitted on the lot subject to GB-CW-05:

- 17E.5.1 the preparation and sale of coffee and related foods as an accessory component of a gas bar with the gas bar kiosk not exceeding 204 square metres with no limitation on the amount of floor area devoted to the sale of convenience items.
- 17E.5.2 a take-out restaurant. A take-out restaurant shall mean a building or part of a building where the principle business is the preparation of food for retail sale to the public for immediate consumption off the premises but shall not include a drive through.

Notwithstanding the provisions of 6(13)a), 17B and 17D to the contrary, any use, building of structure within a GB-CW-5 Zone, shall be established in accordance with the following provisions:

- 17E5.3 Minimum front yard: 6 metres to a car wash building.
- 17E5.4 Minimum exterior side yard: 10.7 metres to a car wash building and 15 metres to a gas kiosk/service commercial building.
- 17E5.5 Minimum interior side yard: 15 metres to a car wash and 6 metres to a gas kiosk/service commercial building.
- 17E5.6 Minimum rear yard: 7.5 metres to a gas kiosk/service commercial building and 15 metres to a car wash.

- 17E5.7 Kiosk Location: Minimum distance between the building containing the kiosk and:
- a) the interior side lot line: 6 metres
 - b) the rear lot line: 7.5 metres
- 17E5.8 The minimum number of parking spaces shall be 17 including two accessible spaces.
-

SECTION 18 GENERAL PROVISIONS FOR INDUSTRIAL ZONES

(610-77) (1) LOTS ADJACENT TO HIGHWAY NUMBER 401 AND 2 AND 12

No person shall within any Industrial Zone use any lot or erect, alter or use any building or structure for any Non-Residential purpose within 152.5 m of the centreline of Highway Number 401 or within 91.5 m of the centreline of Highway Number 2 or Highway Number 12, except in accordance with the following provisions:

(a) GROUND FLOOR AREA

- | | |
|-------------|--------------------|
| (i) Minimum | 925 m ² |
|-------------|--------------------|

(b) EXTERNAL DESIGN

- (i) All plans and specifications for all buildings and structures shall be prepared by a registered architect and bear his stamp.
- (ii) The exterior of the wall or walls of any building or structure facing Highway Number 401 or Highway Number 2 or Highway Number 12 and the adjoining two side walls of such building or structure shall be of brick, stone, architectural concrete block or glass construction provided that the following facing materials may be used to a maximum of 40% of the total surface area of each wall:
 - Aluminum
 - asbestos siding
 - bronze
 - ceramic veneer
 - decorative glazed terra cotta
 - precast stone or concrete panels
 - stainless steel
 - steel with protective glazed enamel or porcelain finish
 - wood frames, doors and fascia

(87-68) (b.1) EXCEPTIONS

Notwithstanding the provisions of paragraph (b) hereof the following external design provisions shall apply within the 'M1A' Zone:

- (i) All plans and specifications for all buildings and structures shall be prepared by a registered architect or professional engineer and bear his stamp.

(610-77) (ii) The exterior of the wall or walls of any building or structure facing Highway Number 401 or Highway Number 2 or Highway Number 12 and the adjoining two sides of such building or structure shall be of:

- aluminum
 - architectural concrete block
 - brick
 - bronze
 - ceramic veneer
 - decorative glazed terra cotta
 - precast stone or concrete panels
 - stainless steel
 - steel with protective glazed enamel or porcelain finish or glass construction
 - stone
-

provided that the following facing materials may be used to a maximum of 40% of the total surface area of each wall:

- asbestos siding
- wood doors, frames and fascia

(iii) DISTANCE FROM HIGHWAY

No building or structure shall be located closer than 23 m to any Highway Number 401 Service Road nor within 68.5 m of the centreline of Highway Number 401.

(2) USES PROHIBITED

No person shall within any Industrial Zone use any lot or erect, alter or use any building or structure for any of the following purposes:

- abattoir
 - arsenal
 - asphalt production
 - automobile wrecking yard
 - cattle sheds and pens
 - cement lime or sulphate works
 - coke manufacture
 - commercial garbage incineration and/or disposal operations but not including those accessory to a use permitted by this by-law
 - distilling of bones, blood boiling, tripe boiling or extracting oil from fish
 - fat, grease, lard or tallow rendering or refining but not including the manufacture of soap
 - incineration or reduction of dead animals or offal
 - junk or salvage yard
 - kerosene refining
 - manufacturing or storing of explosives, ammunition or fireworks manufacturing, refining or processing of hydrochloric acid, nitric acid, picric acid, sulphuric acid, or any sulphurous acid
 - petroleum refining
 - slaughter house
 - stock yards
 - tannery for the curing and storing of rawhide, skins, leather or hair
 - wool pulling or wool scouring
-

SECTION 18A SELECT INDUSTRIAL ZONE (M1A)

(67-68)

(87-68)

(1) USES PERMITTED

No person shall within the Select 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:

(6775-13)

(a) RESIDENTIAL USES

- single detached dwelling if occupied by a caretaker, watchman or other similar person employed full time on the lot on which such dwelling house is located

(b) NON-RESIDENTIAL USES

(6775-13)

- auditorium, swimming pool or other recreational or educational use
- bank
- commercial or technical school
- office
- other manufacturing or industrial use carried out within a wholly enclosed building or structure, except a junk or salvage yard, an automobile wrecking yard or other obnoxious use

(3526-94)

- parking lot
- place of entertainment
- plant for the assembly and manufacture of products within a wholly enclosed structure as follows:
 - (a) apparel and finished textile products plant
 - (b) paper and allied products plant
 - (c) furniture and finished lumber products plant
 - (d) light metal products plant for the assembly and manufacture of instruments, household and other similar products
 - (e) printing plant
- public garage
- public use in accordance with the provisions of Section 6(16) hereof
- radio or television transmission establishment
- restaurant
- retail store or service shop, if accessory and incidental to a use permitted in an industrial zone on the same lot.
- transport terminal for the loading and unloading of transport vehicles
- warehouse for the storage of goods and materials within a wholly enclosed structure

(2) ZONE PROVISIONS

No person shall within any Select Industrial Zone ('M1A') 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 7 hereof.

(b) NON-RESIDENTIAL USES

(i) LOT AREA Minimum

4180 m²

and where there are more than 20 persons employed on the lot the minimum lot area shall be increased by 46 m² for each person in excess of 20 persons.

- | | | |
|--------|---|--|
| (ii) | LOT COVERAGE
Maximum for all buildings | |
| | where sanitary sewers not available
where served by sanitary sewers | 20% of the lot area
60% of the lot area |
| (iii) | FRONT YARD
Minimum depth | 9.0 m |
| (iv) | REAR YARD
Minimum depth | 7.5 m |
| (v) | INTERIOR SIDE YARD
Minimum width | 3.0 m |
| (vi) | EXTERIOR SIDE YARD
Minimum width | 7.5 m |
| (vii) | LANDSCAPED OPEN SPACE
Minimum | 10% of the lot area |
| (viii) | HEIGHT OF BUILDING
Maximum | 12.5 m |
| | provided that if any portion of a building is erected above a height of 12.5 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 | 12.5 m |
| (ix) | PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE

Where the front, side or rear lot line abuts a Residential or Development Zone or portion of a street the opposite side of which portion of the street abuts a Residential or Development Zone, planting strips adjoining such abutting lot line or portion thereof, shall be provided within the 'M1A' Zone in accordance with the requirements for planting strips set out in Section 6(15) hereof. | |
| (x) | PROPERTY ABUTTING RAILWAY

Notwithstanding any other provisions of this By-law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along that portion of such lot which so abuts the railway right-of-way. | |
| (xi) | USE OF FRONT AND EXTERIOR SIDE YARD

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles. | |
| (xii) | 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 a 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. | |

(xiii) 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.

(xiv) PERFORMANCE STANDARDS

All permitted uses shall observe the following standards of performance:

TYPE OF EMISSION		MAXIMUM EMISSION PERMISSIBLE
(a)	Noise	Imperceptible at any point on any lot line
(b)	Odours, Toxic or Corrosive Gases	Nil
(c)	Vibration	Imperceptible outside the building
(d)	Glare and Heat	Imperceptible outside the building
(e)	Electromagnetic	Imperceptible outside the building

(6926-14)

(xv) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(xvi) GENERAL PROVISIONS FOR INDUSTRIAL ZONES

In accordance with the provisions of Section 18 hereof.

(6276-09)

(3) EXCEPTIONS

**EXCEPTION 1: M1A-1
1100 CHAMPLAIN COURT**

(1) USES PERMITTED

Notwithstanding the uses permitted in an M1A Zone, in any M1A-1 Zone, the following additional uses shall be permitted:

- new automobile sales dealership

(2) ZONE PROVISIONS

Notwithstanding the zone provisions in an M1A Zone, in any M1A-1 Zone the following zone provisions shall apply:

- | | | |
|-----|--|-----|
| (a) | Number of New Automobile Sales Dealerships
Maximum: | One |
|-----|--|-----|

(3) 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 No. 2585, the following definitions shall apply:

- (a) **NEW AUTOMOBILE SALES DEALERSHIP** means a building or part of a building where new automobiles and motor vehicles are kept for sale, including the servicing of same.

(8180-25)

**EXCEPTION 2: M1A-2
300 WATER STREET****1. Defined Area**

The lands located on the north side of Water Street and west of South Blair Street and zoned M1A-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 #2585.

2. Use Permitted

Notwithstanding the uses permitted in subsection 18A (1a) and 18A (1b) the temporary use of a private elementary school and secondary school shall be granted for the Subject Land with the municipal address of 300 Water Street and as shown on Schedule "A-1" to this By-law amendment.

3. Expiry Date

The temporary use of a private elementary school and secondary school shall cease to be in effect as of April 28, 2028.

SECTION 19 PREFERRED INDUSTRIAL ZONE (M1)

(1) USES PERMITTED

No person shall within any 'M1' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'M1' uses, namely:

- | | | |
|-----------|-----|---|
| (6775-13) | (a) | RESIDENTIAL USES |
| | | <ul style="list-style-type: none"> • single detached dwelling if occupied by a caretaker, watchman or other similar person employed full time on the lot on which such dwelling house is located |
| (2698) | (b) | NON-RESIDENTIAL USES |
| (6775-13) | | <ul style="list-style-type: none"> • assembly plant • contractor's or tradesman's shop • dry-cleaning establishment • fabricating plant • laundry shop • manufacturing plant • parking lot • processing plant • public use in accordance with the provisions of Section 6(16) hereof • retail outlet, a wholesale outlet or an office accessory to a permitted use • service shop • warehouse |
| (6775-13) | | |

(2) ZONE PROVISIONS

No person shall within any 'M1' 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 7 hereof. | | | | |
| (b) | NON-RESIDENTIAL USES | | | | |
| (i) | <p>LOT AREA</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Minimum where sanitary sewers not available</td> <td style="width: 30%; text-align: right;">1,855 m²</td> </tr> </table> <p>provided that where there are more than 20 persons employed on the lot the minimum lot area shall be increased by 46 m² for each person in excess of 20 persons.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">where served by sanitary sewers</td> <td style="width: 30%; text-align: right;">no minimum lot area</td> </tr> </table> | Minimum where sanitary sewers not available | 1,855 m ² | where served by sanitary sewers | no minimum lot area |
| Minimum where sanitary sewers not available | 1,855 m ² | | | | |
| where served by sanitary sewers | no minimum lot area | | | | |
| (ii) | <p>LOT COVERAGE</p> <p>Maximum for all buildings</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">where sanitary sewers not available</td> <td style="width: 30%; text-align: right;">20% of the lot area</td> </tr> <tr> <td style="width: 70%;">where served by sanitary sewers</td> <td style="width: 30%; text-align: right;">60% of the lot area</td> </tr> </table> | where sanitary sewers not available | 20% of the lot area | where served by sanitary sewers | 60% of the lot area |
| where sanitary sewers not available | 20% of the lot area | | | | |
| where served by sanitary sewers | 60% of the lot area | | | | |
| (iii) | <p>FRONT YARD</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Minimum depth</td> <td style="width: 30%; text-align: right;">9.0 m</td> </tr> </table> | Minimum depth | 9.0 m | | |
| Minimum depth | 9.0 m | | | | |
| (iv) | <p>REAR YARD</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Minimum depth</td> <td style="width: 30%; text-align: right;">7.5 m</td> </tr> </table> | Minimum depth | 7.5 m | | |
| Minimum depth | 7.5 m | | | | |

(v)	INTERIOR SIDE YARD Minimum width	3.0 m
(vi)	EXTERIOR SIDE YARD Minimum width	9.0 m
(vii)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
(viii)	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 0.3 m by which such portion of the building is erected above a height of 12m.

(2698)

- (ix) PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE
- Where the front, 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, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the 'M1' Zone, in accordance with the requirements for planting strips set out in Section 6(15) hereof.
- (x) PROPERTY ABUTTING RAILWAY
- Notwithstanding any other provisions of this By-law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along that portion of such lot line which so abuts the railway right-of-way.
- (xi) USE OF FRONT AND EXTERIOR SIDE YARDS
- Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking area.
- (xii) OPEN STORAGE
- No storage of goods or materials shall be permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building provided that:
- (a) such open storage is accessory to the use of the main building on the lot;
 - (b) no storage is located closer than 9.0 m to any street line nor 23 m to a Highway Number 401 Service Road;
 - (c) such open storage does not cover more than 30% of the lot area nor exceed the ground floor area of the main building on the lot;

- (d) any portion of the area used for open storage where it does not adjoin the outside wall of a building is enclosed by a fence at least 2.0 m in height from the ground which fence shall be of permanent masonry, wood and/or plastic construction with a ratio of voids to solids not greater than 50%; and
- (e) the storage area is not visible from the street on which the lot fronts along any line of sight that is perpendicular to the centreline of the street or that is perpendicular to the tangents of all points in the centreline of the street in the case of a curved street.

(xiii) 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.

(xiv) PERFORMANCE STANDARDS

All permitted uses shall observe the following standards of performance:

TYPE OF EMISSION		MAXIMUM EMISSION PERMISSIBLE
(a)	Noise	Imperceptible at any point on any lot line
(b)	Vibration	Imperceptible outside the building
(c)	Glare and Heat	Imperceptible outside the building
(d)	Electromagnetic	Imperceptible outside the building

(6926-14)

(xv) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(xvi) GENERAL PROVISIONS FOR INDUSTRIAL ZONES

In accordance with the provisions of Section 18 hereof.

SECTION 20 RESTRICTED INDUSTRIAL ZONE (M2)

(1) USES PERMITTED

No person shall within any 'M2' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'M2' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- single detached dwelling if occupied by a caretaker, watchman or other similar person employed full time on the lot on which such dwelling house is located

(2698)

(b) NON-RESIDENTIAL USES

(6775-13)

(6775-13)

(63-68)

- assembly plant
- cartage express or truck transport terminal or yard
- contractor's or tradesman's shop
- dry-cleaning establishment
- fabricating plant
- laundry shop
- manufacturing plant
- parking lot
- processing plant
- public use in accordance with the provisions of Section 6(16) hereof
- retail outlet, a wholesale outlet or an office accessory to a permitted use
- service shop
- storage area for boats and trailers
- warehouse

(2) ZONE PROVISIONS

No person shall within any 'M2' 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 7 hereof.

(b) NON-RESIDENTIAL USES

(i) LOT AREA

Minimum where sanitary sewers are not available

1,855 m²

provided that where there are more than 20 persons employed on the lot the minimum lot area shall be increased by 46 m² for each person in excess of 20 persons.

where served by sanitary sewers

no minimum lot area

(ii) LOT COVERAGE

Maximum for all buildings

where sanitary sewers not available

20% of the lot area

where served by sanitary sewers

60% of the lot area

- | | | |
|-------------|--|----------------------------|
| (iii) | <p>FRONT YARD
Minimum depth</p> <p>provided that where the lands adjoining the opposite side of that portion of the street abutting such front yard are designated as a Residential or Development Zone, the minimum front yard depth opposite such Residential or Development Zone shall be</p> | <p>9.0 m</p> <p>18.5 m</p> |
| (iv) | <p>REAR YARD
Minimum depth</p> <p>provided that where the rear lot line is the boundary line between an 'M2' Zone and a Residential, Institutional, Commercial or Development Zone, the minimum rear yard depth opposite such Zone shall be</p> | <p>7.5 m</p> <p>15 m</p> |
| (v) | <p>INTERIOR SIDE YARD
Minimum width</p> <p>provided that where the side lot line is the boundary line between 'M2' Zone and a Residential, Institutional, Commercial or Development Zone, the minimum interior side yard width opposite such Zone shall be</p> | <p>3.0 m</p> <p>6.0 m</p> |
| (vi) | <p>EXTERIOR SIDE YARD
Minimum width</p> <p>provided that where the lands adjoining the opposite side of that portion of the street abutting such exterior side yard are designated as a Residential or Development Zone, the minimum exterior side yard width opposite such Residential or Development Zone shall be</p> | <p>9.0 m</p> <p>18.5 m</p> |
| (vii) | <p>LANDSCAPED OPEN SPACE
Minimum</p> | <p>10% of the lot area</p> |
| (viii) | <p>HEIGHT OF BUILDING
Maximum</p> <p>provided that if any portion of a building is erected above a height of 12.5 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 0.3 m by which such portion of the building is erected above a height of 12.5 m</p> | <p>12.5 m</p> |
| (2698) (ix) | <p>PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE</p> <p>Where the front, 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, planting strips adjoining such abutting lot lines, or portion thereof, shall be provided within the 'M2' Zone, in accordance with the requirements for planting strips set out in Section 6(15) hereof.</p> | |
| (x) | <p>PROPERTY ABUTTING RAILWAY</p> <p>Notwithstanding any other provision of this By-law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along that portion of such lot line which so abuts the railway right-of-way.</p> | |

(xi) USE OF FRONT AND EXTERIOR SIDE YARDS

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking area.

(2698)

(xii) OPEN STORAGE

No storage of goods or materials shall be permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building or in the interior side yard provided that:

(a) such open storage is accessory to the use of the main building on the lot;

(b) no storage is located closer than 9.0 m to any street line nor 23 m to a Highway Number 401 Service Road;

(c) such open storage does not cover more than 40% of the lot area nor exceed twice the ground floor area of the main building on the lot;

(d) any portion of the area used for open storage, where it does not adjoin the outside wall of a building is enclosed by a fence;

(2698)

(e) the fence described in the foregoing paragraph is at least 2.0 m in height from the ground and is of chain link, permanent masonry, wood, and/or plastic construction except that in the case of a corner lot that portion of the fence adjacent to the exterior side lot line shall be of permanent masonry, wood and/or plastic construction with a ratio of voids to solids not greater than 50%; and, where the open storage of goods or materials is in the interior side yard such storage shall be located no closer than 45.5 m to the front lot line nor within 6.0 m of the interior side lot line.

(xiii) 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.

(6926-14)

(xiv) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(xv) GENERAL PROVISIONS FOR INDUSTRIAL ZONES

In accordance with the provisions of Section 18 hereof.

(7362-18)

(3) EXCEPTIONS

**EXCEPTION 1 (M2-1)
PART OF LOT 22, CONCESSION 1
SW-2015-02****1. Defined Area**

The lands located north of the Burns Street Extension, east of Hopkins Street and zoned H-M2-1 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 #2585.

(7968-23)

**2. Holding Provisions
Repealed by By-law Amendment 7968-23**

SECTION 21 GENERAL INDUSTRIAL ZONE (M3)

(1) USES PERMITTED

No person shall within any 'M3' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'M3' uses, namely:

(6775-13)

(a) RESIDENTIAL USES

- single detached dwelling if occupied by a caretaker, watchman or other similar person employed full time on the lot on which such dwelling house is located.

(2698)
(1884-85)

(b) NON-RESIDENTIAL USES

- any use permitted in an 'M2' Zone
- concrete batching or mixing plant
- contractor's yard
- feed mill
- flour mill
- fuel storage supply yard
- fuel storage tank
- grain elevator
- lumber yard
- open storage use of goods or materials if accessory to a permitted use
- planning mill

(2) ZONE PROVISIONS

No person shall within any 'M3' 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 7 hereof.

(b) NON-RESIDENTIAL USES

- | | | |
|-------|---|---|
| (i) | LOT AREA
Minimum where sanitary sewers not available

provided that where there are more than 20 persons employed on the lot the minimum lot area shall be increased by 46 m ² for each person in excess of 20 persons.

where served by sanitary sewers | 1,855 m ²

no minimum lot area |
| (ii) | LOT COVERAGE
Maximum for all buildings

where sanitary sewers not available
where served by sanitary sewers | 20% of the lot area
60% of the lot area |
| (iii) | FRONT YARD
Minimum depth

provided that where the lands adjoining the opposite side of that portion of the street abutting such front yard are designated as a Residential or Development Zone, the minimum front yard depth opposite such Residential or Development Zone shall be | 9.0 m

18.5 m |

(2698)	(iv)	REAR YARD Minimum depth	7.5 m
		provided that where the rear lot line is the boundary line between an 'M3' Zone and a Residential, Institutional, Commercial or Development Zone, the minimum rear yard depth opposite such Zone shall be	15 m
	(v)	INTERIOR SIDE YARD Minimum width	3.0 m
		provided that where the side lot line is the boundary line between an 'M3' Zone and a Residential, Institutional, Commercial or Development Zone, the minimum interior side yard width opposite such Zone shall be	6.0 m
	(vi)	EXTERIOR SIDE YARD Minimum width	9.0 m
		provided that where the lands adjoining the opposite side of that portion of the street abutting such exterior side yard are designated as a Residential or Development Zone, the minimum exterior side yard width opposite such Residential or Development Zone shall be	18.5 m
	(vii)	LANDSCAPED OPEN SPACE Minimum	10% of the lot area
	(viii)	HEIGHT OF BUILDING Maximum	12.5 m
		provided that if any portion of a building is erected above a height of 12.5 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 0.3 m by which such portion of the building is erected above a height of	12.5 m
	(ix)	PROPERTY ABUTTING RESIDENTIAL OR DEVELOPMENT ZONE Where the front, 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, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the 'M3' Zone, in accordance with the requirements for planting strips set out in Section 6(15) hereof.	
	(x)	PROPERTY ABUTTING RAILWAY Notwithstanding any other provisions of this By-law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along that portion of such lot line which so abuts the railway right-of-way.	
	(xi)	USE OF FRONT AND EXTERIOR SIDE YARDS Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles except for visitor parking area.	

(xii) OPEN STORAGE

Any part of any lot used for a permitted open storage purpose shall be fenced.

(xiii) 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.

(6926-14)

(xiv) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14

(xv) GENERAL PROVISIONS FOR INDUSTRIAL ZONES

In accordance with the provisions of Section 18 hereof.

SECTION 21A HARBOUR INDUSTRIAL ZONE (MH)

(1883-85)

(1) USES PERMITTED

No person shall within the Harbour Industrial Zone ('MH') 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

- boat and marine accessory sales establishment
- manufacturing plant for the assembly and repair of boats and marine hardware and supplies
- open storage use of goods or materials if accessory to a permitted use

(2) ZONE PROVISIONS

No person shall within any 'MH' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

- N/A

(b) NON-RESIDENTIAL USES

(i) LOT AREA

Minimum where sanitary sewers are not available 1,855 m²

provided that where there are more than 20 persons employed on the lot the minimum lot area shall be increased by 46 m² for each person in excess of 20 persons.

where served by sanitary sewers no minimum lot area

(ii) LOT COVERAGE

Maximum for all building where sanitary sewers not available 20% of the lot area

where served by sanitary sewers 60% of the lot area

(iii) FRONT YARD

Minimum Depth 9.0 m

(iv) REAR YARD

Minimum Depth 7.5 m

(v) INTERIOR SIDE YARD

Minimum Width 3.0 m

(vi) EXTERIOR SIDE YARD

Minimum Width 9.0 m

- (vii) LANDSCAPED OPEN SPACE
Minimum 10% of the lot area
- (viii) HEIGHT OF BUILDING
Maximum 9.0 m
provided that if any portion of a building is erected above a height of 9.0 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 0.3 m by which such portion of the building is erected above a height of 9.0 m
- (ix) USE OF FRONT AND EXTERIOR SIDE YARDS
Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking areas.
- (x) OPEN STORAGE
No storage of goods or materials shall be permitted outside any building except that open storage of goods or materials may be permitted to the rear of the main building or in the interior side yard provided that;
- (a) such open storage is accessory to the use of the main building on the lot;
 - (b) such open storage does not cover more than 40% of the lot area nor exceed twice the ground floor area of the main buildings on the lot;
 - (c) any portion of the area used for open storage where it does not adjoin the outside wall of a building is enclosed by a fence at least 2.0 m in height from the ground which fence shall be of permanent masonry, or wood, or of chain link in conjunction with coniferous planting; and,
 - (d) the storage area is not visible from the street on which the lot fronts along any line of sight that is perpendicular to the centerline of the street or that is perpendicular to the tangents of all points in the centerline of the street in the case of a curved street.
- (xi) OUTSIDE USES PERMITTED
Save and except parking, open storage and rigging and masting of boats all permitted uses and other operations incidental thereto shall be carried on within the confines of the building.
- (xii) PERFORMANCE STANDARDS
All permitted uses shall comply with the requirements of the Environmental Protection Act and the regulations promulgated thereunder.
- (xiii) SPECIAL PROVISION
Any building or part of a building in which fiberglass operations take place shall have a minimum separation distance from the nearest residence of 61m
- (6926-14) (xiv) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14
- (xv) GENERAL PROVISIONS FOR INDUSTRIAL ZONES
In accordance with the provisions of Section 18 hereof.

SECTION 22 CEMETERY ZONE (G)

(1) USES PERMITTED

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

(a) RESIDENTIAL USES

- prohibited

(b) NON-RESIDENTIAL USES

- cemetery, crematorium, columbarium or mausoleum, provided that such use is established and operated in accordance with the provisions of The Cemeteries Act
- church

(2) ZONE PROVISIONS

No person shall within any 'G' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

- N/A

(b) NON-RESIDENTIAL USES

- | | | |
|-----------|--|-------|
| (i) | FRONT YARD
Minimum depth | 7.5 m |
| (ii) | REAR YARD
Minimum depth | 9.0 m |
| (iii) | INTERIOR SIDE YARD
Minimum width | 9.0 m |
| (iv) | EXTERIOR SIDE YARD
Minimum width | 7.5 m |
| (v) | HEIGHT OF BUILDING
Maximum | 11 m |
| (6926-14) | (vi) PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14 | |

SECTION 23 FLOOD ZONE (F)

(1) USES PERMITTED

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

(a) RESIDENTIAL USES

- prohibited

(b) NON-RESIDENTIAL USES

- apiary
- aviary
- berry or bush crop
- dock
- field crop
- flower garden
- golf course
- horticultural nursery
- market garden
- orchard
- parking lot
- private park
- public use in accordance with the provisions of Section 6 (16) hereof
- tree crop

(2) ZONE PROVISIONS

No person shall within any 'F' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) RESIDENTIAL USES

- prohibited

(b) NON-RESIDENTIAL USES

- | | | |
|-------|---|---------------------|
| (i) | LOT COVERAGE
Maximum for all buildings | 10% 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) | HEIGHT OF BUILDING
Maximum | 11 m |

(vii) ADJACENT ZONE

No part of any Flood Zone shall be used to calculate any of the Zone Provisions as may be required by this by-law for uses in adjacent zones.

(viii) PARKING, ACCESSORY BUILDINGS, ETC.

Repealed by By-law 6926-14

(3) EXCEPTIONS

(6204-09)

**EXCEPTION 1 (F-1)
PART OF LOT 30, CONCESSION 1**

(1) Notwithstanding the uses permitted in the F Zone, in any F-1 Zone only the following uses shall be permitted;

- accessory uses including trails, parking facilities, accessory storage and maintenance structures for the sole use of the conservation authority
 - conservation area
 - field crops
 - flood and erosion control structures
 - structures and/or facilities for education and interpretive purposes
-

SECTION 24 DEVELOPMENT ZONE (D)

(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:

(6775-13)

(a) RESIDENTIAL USES

'D' Zones where the symbol 'D' on Schedule "A" is followed by the symbol '(R)'

single detached dwelling.

'D' Zones where the symbol 'D' on Schedule "A" is followed by the symbol '(NR)'

residential uses are prohibited.

(b) NON-RESIDENTIAL 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 6 (16) hereof
- 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 the provisions of Section 7 hereof.

(b) NON-RESIDENTIAL USES

- | | | |
|-------|---|---------------------|
| (i) | LOT COVERAGE
Maximum for all buildings | 10% 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) | HEIGHT OF BUILDING
Maximum | 11 m |
| (vii) | PARKING, ACCESSORY BUILDINGS, ETC.
Repealed by By-law 6926-14 | |

(3) EXCEPTIONS

**(6205-09)
(6619-12)** **EXCEPTION 1 D(R)-1
105 ROSSLAND ROAD WEST
Repealed and replaced by By-law 6983-15
Temporary Use – Expired**

(7272-17) **EXCEPTION 2 D(NR)-2
1632 CHARLES STREET**

1. Notwithstanding the uses permitted in subsection 24(1)(b), the temporary use of a craft brewery shall be granted for a portion of the Subject Land within a unit of the existing building with the municipal address of 1632 Charles Street shown cross hatched on Schedule “A-1” to By-law #7272-17.
2. The following definition of a craft brewery shall apply to this temporary use:

 “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.
3. The temporary use of a craft brewery shall cease to be in effect as of April 10, 2026.

**(7621-20)
(7980-23)**

SECTION 25 EXCEPTIONS

(2815) (1) **SOUTHEAST CORNER PEEL AND DUNLOP STREETS**
(6264-09) Repealed by By-law 6264-09

(112-68) (2) **SENIOR CITIZENS HOUSING PROJECT**
(6264-09) **NORTHEAST CORNER - ONTARIO AND CENTRE STREETS**
409 CENTRE STREET SOUTH
Repealed by By-law 6264-09

(2843) (3) **NORTHWEST CORNER, GILBERT AND BYRON STREETS**
(6264-09) Repealed by By-law 6264-09

(422-70) (4) **LYNDE CREEK NEIGHBOURHOOD**

Notwithstanding the provisions of Section 7(1) subsections (a), (b) and (c) the lands designated "R2" shown on Schedule "A" hereto attached, may be used for the purpose of single family dwellings.

(a) Notwithstanding the provisions of Section 7(1) subsections (a), (b) and (c) the lands designated "R2" shown on Schedule "B" hereto attached, may be used for the purpose of single family dwellings.

(422-70) (5) **LYNDE CREEK NEIGHBOURHOOD - LANDS DESIGNATED R4**

(i) Notwithstanding the provisions of Section 11(1)(a) of By-law 2585 the lands designated "R4" and described in paragraph (iii) below may be used only for the purposes of row dwelling houses provided the following provisions are complied with:

(a)	LOT FRONTAGE Minimum lot frontage	33.5
-----	--------------------------------------	------

(b)	LOT AREA Minimum lot area for Block "C" Minimum lot area for Block "Q"	 1.2 ha 1.8 ha
-----	--	--------------------------

(c)	LOT COVERAGE Maximum number of units Block "C" Maximum number of units Block "Q"	 49 suites 110 suites
-----	--	---------------------------------

(d)	The provisions of paragraphs (d) and (m) inclusive of Section 7(9) of By-law 2585.
-----	--

(i)	No row housing development may be established unless it is in accordance with an approved site plan.
-----	--

(ii)	The lands referred to in paragraph (i) and (ii) above are described as follows Block "C" and Block "Q" as shown on Schedule "A" hereto attached.
------	--

- (422-70) (6) LYNDE CREEK NEIGHBOURHOOD - LAND DESIGNATED C1**
- (i) Notwithstanding the provisions of Section 15(2)(b) of By-law 2585, the lot area and landscaped open space requirements for Block "D" as shown on Schedule "A" hereto attached shall be:
- (a) LOT AREA
Minimum lot area 0.5 ha
- (b) LANDSCAPED OPEN SPACE
Minimum 20% of the lot area
- provided that the 3.0 m strip of land adjoining an abutting Residential Zone may form part of the required landscaped open space and will be used as a planting strip in accordance with the requirements for planting strips set out in Section 6(15).
- (ii) No shopping centre may be established unless it is in accordance with an approved site plan.
- (520-71) (7) NORTHWEST CORNER OF GARDEN STREET AND MARY STREET EAST**
(609-71) Repealed by By-law 609-71
- (442-70) (8) LYNDE CREEK NEIGHBOURHOOD - LANDS DESIGNATED R5**
- (a) Notwithstanding the provisions of Section 7(9)(b) of By-law 2585, four apartment buildings containing a maximum of 780 dwelling units.
- (b) Notwithstanding the provisions of Section 7(9)(c) of this By-law 2585, the maximum lot coverage requirements for all buildings for the lands described in paragraph (f) below shall not exceed 30% of the lot area.
- (c) Notwithstanding the provisions of Section 7(9)(j) of By-law 2585, the minimum landscaped open space shall be 50% of the lot area for the lands described in paragraph (f) below.
- (d) The provisions of Section 7(9)(k) of By-law 2585 shall not apply to the lands described in paragraph (f) below.
- (e) Notwithstanding the provisions of Section 6(13)(a) of By-law 2585, the minimum parking requirements for the lands described in paragraph (f) below shall be 1.25 parking spaces per dwelling unit of which at least 87% shall be underground.
- (f) The lands referred to in paragraph (a), (b), (c), (d) and (e) above are designated R5 as shown on Schedule "A" hereto attached
- (556-71) (9) SENIOR CITIZENS APARTMENT PROJECT - WEST SIDE GREEN STREET,**
(6264-09) BETWEEN PITT AND BURNS STREETS
850 GREEN STREET
Repealed by By-law 6264-09
- (588-71) (9) WELLINGTON STREET WEST SIDE - IRWIN APPLICATION**
238 WELLINGTON STREET
- Notwithstanding the provisions of Section 7(1)(a) the lands described in paragraph (b) below may be used for a single family dwelling.
- The lands referred to in paragraph (a) above are described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby and County of Ontario, and being composed of Parts of Lots 48, 49 and 50 as shown on Farewell, Wallace and Keller's Plan, registered in the Registry Office for the said County, which said parcel may be more particularly described as follows:

PREMISING that the bearing of the east limit of the said Lot 48 is North 17 degrees 45 minutes 40 seconds West and relating all bearing used herein thereto;

COMMENCING at a point in the east limit of the said Lot 48, distant northerly therein 220.98 m from the south east angle of Lot 45, Farewell, Wallace and Keller's Plan;

THENCE South 72 degrees 23 minutes 30 seconds West, a distance of 65.05 m;

THENCE South 17 degrees 49 minutes 00 seconds East, a distance of 42.65 m;

THENCE South 72 degrees 23 minutes 30 seconds West to a Point of Intersection with the existing westerly limit of the said Lot 48, a distance of 126.99 m;

THENCE North 17 degrees 42 minutes 50 seconds West along the said existing westerly limits of Lots 48, 49 and 50, to a point in line with a fence running north easterly, a distance of 166.37 m;

THENCE North 60 degrees 52 minutes 30 seconds East along the said fence, a distance of 82.12 m;

THENCE South 28 degrees 35 minutes 30 seconds East to a Point of Intersection with a line drawn on a bearing of South 72 degrees 40 minutes 20 seconds West from a point in the East Limit of Lot 48, distant southerly therein 110.95 m from the north east angle of Lot 49, a distance of 136.60 m;

THENCE North 72 degrees 40 minutes 20 seconds East to the said point in the East Limit of Lot 48, distant southerly therein 110.95 m from the north-east angle of Lot 49, a distance of 85.15 m;

THENCE South 17 degrees 45 minutes 40 seconds East along the said East Limit of Lot 48, a distance of 5.81 m more or less to the Point of Commencement.

(696-72) (11) LYNDE CREEK NEIGHBOURHOOD

That on the subject lands so marked "Subject Lands" in Schedule "A" hereto, being composed of Registered Plans M926, M927 and M928, no building intended for human habitation shall be designed and constructed or located in such a way as to permit the entry of flood waters below the level of 81.08 m, Canadian Geodetic Datum, but this provision shall not apply to a detached accessory building that is not intended for human habitation. For the purpose of this By-law, where a garage is attached to and forms part of the main building, the garage portion only shall be regarded as a detached accessory building.

**(805-72) (12) DUNDAS STREET WEST, PART LOT 29, CONCESSION 1
861 DUNDAS STREET WEST**

Notwithstanding the provisions of Section 9(1)(a) of this By-law to the contrary, the existing single family dwelling on that Part of Lot 29, Concession 1 in the Town of Whitby described in paragraph (c) below, may also be used for the purposes of a boarding and lodging house.

- (a) Notwithstanding the provisions of Section 2(19)(e) to the contrary, the number of boarders or lodgers shall be limited to five persons.

- (b) The lands referred to in paragraph (a) above, are described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby, in the County of Ontario, and being composed of that part of Lot Number 29 in the First Concession of the Township of Whitby, now Town of Whitby, which said parcel is more particularly described as follows:

COMMENCING at a point in the Southerly limit of the Kingston Road as widened distant 30.48 m measured Easterly from the Westerly limit of said Lot Number 29;

THENCE Easterly along the Southerly limit of the said Kingston Road as widened 25.30 m;

THENCE South 17 degrees 32 minutes East parallel to the Westerly limit of said Lot Number 29, 66.40 m to a point;

THENCE Westerly parallel to the South limit of the said Kingston Road as widened 25.30 m;

THENCE North 17 degrees 32 minutes West parallel to the Westerly limit of the said Lot Number 29, 66.40 m to the place of beginning

(852-72) (13) LYNDE CREEK NEIGHBOURHOOD

That on the lands so marked "Subject Lands" in Schedule "A" hereto, being composed of Registered Plans M958 and M959, no building intended for human habitation shall be designed and constructed or located in such a way as to permit the entry of flood waters below the level of 81.08 m, Canadian Geodetic Datum, but this provision shall not apply to a detached accessory building that is not intended for human habitation. For the purpose of this By-law, where a garage is attached to and forms part of the main building, the garage portion only shall be regarded as a detached accessory building.

**(850-72) (14) GARDEN STREET EAST SIDE
301 GARDEN STREET NORTH**

- (a) Notwithstanding the provisions of Section 11(1)(a) of the By-law to the contrary, that part of Lot 24, in the Second Concession in the Town of Whitby, described in paragraph (b) below, may also be used for the purpose of attached single family row dwelling houses, in accordance with the requirements of Section 7(9) provided:

- (i) **LOT AREA**
Minimum lot area for each attached single family row house shall be 195 m²

- (b) The lands referred to in paragraph (a) above are described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Whitby in the County of Ontario and the Province of Ontario and being composed of part, of Lot 24, in Concession 2, the boundaries of the said parcel being described as follows:

PREMISING that the westerly limit of said Lot 24 has a bearing of North 17 degrees 40 minutes 30 seconds West and relating all bearings herein thereto;

COMMENCING at a point in the line of a post and wire fence distant 8.23 m measured North 72 degrees 17 minutes 40 seconds east therealong from an iron bar planted in the westerly limit of said Lot 24 distant, 302.78 m measured North 17 degrees 40 minutes 30 seconds West therealong from the southwest angle thereof;

THENCE North 72 degrees 17 minutes 40 seconds East along the said line of post and wire fence, 90.75 m to an iron bar planted;

THENCE North 71 degrees 51 minutes 10 seconds East along the said line of post and wire fence, 74.31 m to an iron bar planted in the south westerly limit of the lands of the Canadian Pacific Railway;

THENCE North 58 degrees 18 minutes West along the said south westerly limit of lands of the Canadian Pacific Railway, 239.61 m to a point therein distant, 2.22 m measured South 58 degrees 18 minutes East therealong from an iron bar planted in the line of a post and wire fence running easterly;

THENCE South 14 degrees 50 minutes East, 182.77 m to the said Point of Commencement.

(877-72)

(15) BRADLEY NEIGHBOURHOOD

- (a) Notwithstanding the provisions of Section 7(1) Subsection (b) the lands designated R2 and unhatched on Schedule "A" hereto must have a minimum lot depth of 30.5 m, and the provisions of Section 7(1) Subsection (b) shall not apply.
- (b) Notwithstanding the provisions of Section 7(1) Subsection (a), (b) and (c) the lands designated R2 and hatched horizontally on Schedule "A" hereto may have the following:

LOT FRONTAGE	
Minimum where served by both sanitary sewers and public water supply	9.0 m
LOT DEPTH	
Minimum	30.5 m
LOT AREA	
Minimum where served by both sanitary sewers and public water supply and the provisions of Section 7(1) Subsection (c) shall not apply.	279 m ²
- (c) **Rezoned by By-law 1009-80**
- (d) Notwithstanding the provisions of Section 7(1) and the provisions of this By-law any yard abutting limited access roads shall be 20 m.

(879-72)

(16) LYNDE CREEK NEIGHBOURHOOD

- (a) Notwithstanding the provisions of Section 7(1) Subsections (a) and (c), the lands designated R2 on Schedule "A" hereto may have the following:
 - (i) LOT FRONTAGE

Minimum where served by both sanitary sewers and public water supply	12 m
--	------
 - (ii) LOT AREA

Minimum where served by both sanitary sewers and public water supply	372 m ²
--	--------------------
- (b) Notwithstanding the provisions of Section 7(1), any rear yard abutting Burns Street extended shall have a minimum depth of 20 m

(1118-73)
(174-75)
(1832-85)

(17) NORTH-EAST CORNER, DUNDAS STREET AND ANDERSON STREET
Repealed by By-law 1832-85

(165-74) (18) LYNDE CREEK NEIGHBOURHOOD

That on the lands so marked "Subject Lands" in Schedule "B" hereto, being composed of Registered Plan M-1005, no building intended for human habitation shall be designed and constructed or located in such a way as to permit the entry of flood waters below the level of 81.08 m, Canadian Geodetic Datum, but this provision shall not apply to a detached accessory building that is not intended for human habitation. For the purpose of this By-law, where a garage is attached to and forms part of the main building, the garage portion only shall be regarded as a detached accessory building.

(295-75) (342-76) (19) PART LOT 25, CONCESSION 1

That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designations to "R-2-A", "R-3-B", "OS" and "I" of the lands so marked "R-2-A", "R-3-B", "OS" and "I" on Schedule "A-1" annexed to this By-law.

- (a) The provision of Section 7(1) and Section 7(2) of By-law 2585 shall not apply to the lands designated as "R-2-A" and "R-3-B" 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 HOUSING**(6776-13)****(i) USE PERMITTED**

- single detached dwelling

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m
- (b) LOT DEPTH
Minimum 30.5 m
- (c) LOT AREA
Minimum 465 m²
- (d) LOT COVERAGE
Maximum for all building 25% of the lot area

(359-76)

- (e) FLOOR SPACE INDEX
Maximum 0.35
- (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 10.5 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 having a planned width of 29 m or more, the minimum is 20 m

- (568-77)
- (h) INTERIOR SIDE YARD
Minimum width 1.2 m
- provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be 2.0 m
- and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be 2.5 m
- notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior side yard shall be 4.3 m
- (i) EXTERIOR SIDE YARD
Minimum 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 yard lot line a minimum distance of 6.0 m
- except in the case of a yard abutting a street or abutting a 0.3 m reserve adjoining a street having a planned width 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 7.5 m
- (l) PARKING, ACCESSORY BUILDINGS, ETC.
- In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot.
- (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 HOUSING

(i) USES PERMITTED

- semi-detached dwelling house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 9.0 m
- (b) LOT DEPTH
Minimum 30.5 m

(359-76)	(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
	(f)	FRONT YARD Minimum	4.5 m
(578-77)		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	10.5 m
		except in the case of a rear yard abutting a 0.3 m reserve, the minimum is	5.0 m
		except where this 0.3 m reserve abuts a street having a planned width of 29 m or more, the minimum 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	1.2 m
		provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be	2.0 m
		and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be	2.5 m
		notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior side yard shall be	4.3 m
	(i)	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 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

(I) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585,

provided however and notwithstanding the provisions of Section 6(3)(a), the minimum parking requirements shall be 2 spaces per lot.

(342-76)

(d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585 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 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 distant therefrom.
- (iii) **LIVING ROOM** shall mean 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) **REQUIRED LIVING ROOM WINDOWS** means the minimum requirements of the total window area in a living room in accordance with The Building Code.
- (v) **BUILDING CODE** means the building by-law as amended of The Corporation of the Town of Whitby enacted pursuant to The Planning Act and all other enabling legislation referred thereto.
- (vi) **ZERO DECIMAL THREE METRE RESERVE** means a strip of land of 0.3 m in width owned of The Corporation of the Town of Whitby or owned by the Regional Municipality of Durham and immediately adjoining a public highway.

(342-76)

- (vii) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (viii) Notwithstanding the provisions of Section 14 Subsection (2)(b)(iii) of By-law 2585, the minimum depth of the rear yard of the lands in the "I" Institutional Zone on Schedule "A-1" annexed to this By-law shall be 1.5 m.

(e) No building within any of the lands referred to in Schedule "A-1" annexed to this By-law shall be designed, constructed or located in such a way as to permit any openings below a minimum elevation of 85.50 m, Canadian Geodetic Datum.

(325-76)

(21) **NORTHEAST CORNER - WATSON STREET AND HURON STREET**

(6775-13)

- (a) Notwithstanding the provisions of Section 24(a) of By-law Number 2585 that portion of the lands zoned D (NR) as shown on Schedule "A-1" annexed to this By-law and referred to as the "Subject Property" may be used for the purpose of one single detached dwelling.
- (b) The minimum lot frontage provisions of Section 7(1)(a) of By-law Number 2585 shall not apply to the D (NR) Zone of the lands outlined in Schedule "A-1" annexed to this By-law.

- (c) The minimum lot area provisions of Section 7(1)(c) of said By-law Number 2585 shall not apply to the D (NR) Zone of the lands outlined in Schedule "A-1" annexed to this By-law.

(369-76) (22) SOUTH OF BURNS STREET - WEST OF ANNES STREET

- (a) The Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designation to "R-4-A" of the lands so marked "R-4-A" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-4-A" on Schedule "A-1" annexed to this By-law.
- (c) 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) USES PERMITTED

- group housing

(ii) ZONE PROVISIONS

- | | | |
|------|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 61 m |
| (b) | LOT AREA
Minimum | 0.6 ha |
| (c) | LOT COVERAGE
Maximum for all buildings | 25% of the lot area |
| (d) | FLOOR SPACE INDEX
Maximum | 0.50 |
| (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 BUILDING
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 facing and parallel to each other 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 window 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 window 6.0 m

Minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room window 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 186 m² plus an additional 42 m² for each bedroom

provided however and notwithstanding the above, the maximum number of dwelling units on the lands referred to in Schedule "A-1" annexed to this By-law shall not exceed 120

(j) PARKING REQUIREMENTS

The provisions of Section 6(13) shall not apply to the residential development referred to in this By-law and instead thereof the following shall apply:

(i) Minimum 2 spaces for each dwelling unit, 25% of which shall be allocated and set apart for visitors

(ii) Location of Parking Spaces

Notwithstanding the yard provisions of By-law 2585 to the contrary uncovered surface parking areas shall be permitted in the required yards as follows:

- (a) 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 provided however that at least 25% of the parking area requirements shall be located in common parking area which area 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 a 0.3 m reserve	6.0 m
(5) from any lot line other than a street line or a 0.3 m reserve	3.0 m

(iii) Use of Parking Spaces and Area

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.

(k) SITE PLAN

No building or other structure shall be erected on any lot except in accordance with a site plan approved by the Town of Whitby showing the exterior architectural design of such building or structure, the location of such building or structure on the lot and the landscaping of the lot including location of parking areas.

- (d) No building intended for human habitation within any of the lands referred to in Schedule "A-1" annexed to this By-law shall be designed and constructed or located in such a way as to permit the entry of flood waters below the level of 81.08 m, Canadian Geodetic Datum.
- (e) 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.

- (f) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585 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 and cellar) to the total lot area.
- (ii) **LIVING ROOM** shall mean 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.

- (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) **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 temporary parking or storage of motor vehicles.
- (v) **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, providing however that this definition shall not exclude the sale of any such single family dwelling unit under the provisions of The Condominium Act.

(736-78) (23) PART OF LOT 24, CONCESSION 1

- (a) That Schedule "A" to By-law No. 2585 is hereby amended by changing the zone designations to "R-4-B", "F" and "OS" of the lands so marked "R-4-B", "F" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-4-B" on Schedule "A-1" annexed to this By-law.
- (c) 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 TOWNHOUSE DWELLING

(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	185 m ²
(d)	LOT COVERAGE Maximum for all buildings	40% 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 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**
- There is no interior side yard requirement except in the case of an end unit, in which case the interior side yard shall be a minimum width of 1.2 m
- provided however and notwithstanding the above
- (i) 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.
- (ii) 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.
- (iii) where the side lot line adjoins any of the lands designated as "F" on Schedule "A-1" annexed to this By-law the minimum interior side yard shall be at least 7.5 m
- (i) **EXTERIOR SIDE YARD**
Minimum depth 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 yard lot line a minimum distance of 6.0 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 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces for each dwelling unit
- (m) **SITE PLANS**
- No building 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.

- (d) Notwithstanding the provisions of Section 23 of By-law 2585, no buildings or other structures shall be erected on any part of the lands designated as "F" on Schedule "A-1" annexed to the By-law except those necessary for flood or erosion control.
 - (e) Notwithstanding the provisions of Section 6 of By-law 2585 no garages, carports or other accessory buildings or structures may be erected or located within 7.5 m of the westerly boundary of the lands designated as "F" on Schedule "A-1" annexed to this By-law except those necessary for flood or erosion control.
 - (f) 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 2585 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 a distance between the side lot lines measured on a line parallel to the front lot line and 7.5 m distant therefrom.
 - (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) **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.
- (6775-13)
- (vi) **SINGLE FAMILY TOWN HOUSE DWELLING** means one of a group of not more than eight single detached dwellings but not less than three single detached dwellings attached to each other, side by side, each of which dwelling house:
 - (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 masonry wall to another dwelling house in the same row; and,
 - (c) contains a private garage within each dwelling house.
 - (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.

(592-77) (24) **PART OF LOT 27, CONCESSION 2**

- (a) That Schedule "A" to By-law Number 2585 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) The provision of Section 7 of By-law 2585 shall not apply to the lands designated as "R-2-A" on Schedule "A-1" annexed to this By-law.
- (c) 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

(6775-13)

- single 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 |
| | provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be | 2.0 m |
| | and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be 2.5 m notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior 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 from the exterior 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 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 | 7.5 m |
| (l) | PARKING, ACCESSORY BUILDING, ETC.
In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot. | |
- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585, 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 distant therefrom.
 - (iii) **LIVING ROOM** shall mean 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) **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) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (vi) **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 temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
 - (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.
-

**(654-78) (825-79) (25) PART OF LOTS 27 AND 28, CONCESSION 2
CADILLAC / FAIRVIEW/ ROSSLAND/ COCHRANE**

(1635-84) (a) That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designations to "R-2-A-1", "R-3-B-1", "R-4-B-1" and "OS" of the lands so marked "R-2-A-1", "R-3-B-1", "R-4-B-1" and "OS" on Schedule "A-1" annexed to this By-law.

(1635-84) (b) The provisions of Section (7) of By-law 2585 shall not apply to the lands designated as "R2A", "R3B" and "R4B" on Schedule "A-1" attached to this By-law.

(1635-84) (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

(6775-13) (i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 15 m

(b) LOT DEPTH
Minimum 30.5 m

(c) LOT AREA
Minimum 465 m²

(1635-84) (d) LOT COVERAGE
Maximum for all buildings 33% of the lot area

(e) GROSS FLOOR AREA
Repealed by By-law 1635-84

(f) FRONT YARD
Minimum depth 4.5 m

provided however and notwithstanding the above, a garage or carport, the entrance, to is from the front yard, shall be set back a minimum distance from the front lot line of 6.0 m

(1635-84) (g) REAR YARD
Minimum depth 7.5 m

except in the case of a rear yard which abuts the second storey, or portion thereof, of a building erected upon Lots 16-41, 44, 75, 101-108, 112-122, 126-131, 134-142, 150-162, 221-229, inclusive, Plan M-1148, the minimum depth shall be 9.0 m

except in the case of a rear yard which abuts a 0.3 m reserve the minimum depth shall be 10.5 m

(1635-84) (h) INTERIOR SIDE YARD
Minimum Width 1.0 m

provided however and notwithstanding the above.

(654-78) (825-79)	(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	4.3 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 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	7.5 m
(1635-84)	(l)	PARKING, ACCESSORY BUILDINGS, ETC. In accordance with the provisions of Section 6 of By-law 2585 provided, however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot	

- (1635-84) (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

- semi-detached dwelling houses

(ii) ZONE PROVISIONS

(1635-84) (654-78) (825-79) (1635-84)	(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 for each dwelling unit
	(d)	LOT COVERAGE Maximum for all buildings	40% of the lot area
	(e)	GROSS FLOOR AREA Repealed by By-law 1635-84	

(1635-84)	(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
(1635-84)	(g)	REAR YARD Minimum Depth	7.5 m
		except in the case of a rear yard which abuts the second storey of a building, or portion thereof, which is erected upon Lots 109-111, 123-125, 132-133, 148-149, 186-188, 216-220, 230-233, inclusive, Plan M-1148 the minimum depth shall be	9.0 m
		except in the case of a rear yard which abuts a 0.3 m reserve the minimum depth shall be	10.5 m
(1635-84)	(h)	INTERIOR SIDE YARD (on the side of the dwelling that is not attached to the adjoining dwelling house)	
(1711-84)		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	1.2 m
(654-78)	(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 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	7.5 m
	(l)	PARKING, ACCESSORY BUILDING, ETC. In accordance with the provisions of Section 6 of By-law 2585 provided, however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per dwelling unit	
(1635-84)	(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)	USE PERMITTED	
		<ul style="list-style-type: none"> 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	45%
(1635-84)	(e)	GROSS FLOOR AREA Repealed by By-law 1635-84	
(1635-84)	(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
	(h)	INTERIOR SIDE YARD There is no interior side yard requirements 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	1.2m for the first storey and basement plus 0.6m for each storey or partial storey above the first.
	(i)	EXTERIOR SIDE YARD Minimum depth	4.5 m
		providing, however and notwithstanding the above, a garage or carport the entrance to which is from the exterior sideyard, shall be set back from the exterior side yard lot line a minimum distance of	6.0 m
	(j)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(k)	HEIGHT OF BUILDINGS Maximum	9.5 m
	(l)	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.	

(m) **PARKING, ACCESSORY BUILDINGS, ETC.**

In accordance with the provisions of Section 6 of By-law 2585, provided, however and notwithstanding the provisions of Section 6(13)(a) the minimum parking requirements shall be two spaces per dwelling unit.

(f) 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 2585 then the definitions hereinafter set forth shall take precedence.)

(i) **LOT BUILDING COVERAGE** means that part of the lot area covered by the horizontal projections of the area of all buildings.

(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 6.0 m distant therefrom.

(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) **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:

(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 masonry wall to another dwelling unit in the same row; and

(c) contains a private garage within each unit.

(6775-13)

(vii) **SEMI-DETACHED DWELLING HOUSE** means one or a pair of two attached single detached dwellings with a common masonry 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 vehicles parking area, whether surfaced or not

**(389-76) (26) PART OF LOTS 23 AND 24, CONCESSION 2
PARAMOUNT**

- (a) That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designations to "R-2-A", "R-3-B", "D(R)", "R-4-A", "C-1", "I-2", "OS", "F", and "I" of the lands so marked "R-2-A", "R-3-B", "D(R)", "R-4-A", "C-1", "I-2", "OS", "F", and "I" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law Number 2585 shall not apply to the lands designated as "R-2-A", "R-3-B", and "R-4-A" on Schedule "A-1" annexed to this By-law.
- (c) 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

(6775-13)

(i) USES PERMITTED

- single 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 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 29m or more, the minimum depth is | 20 m |

- (568-77)
- (h) INTERIOR SIDE YARD
Minimum width 1.2 m
provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be 2.0 m
and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be 2.5 m
notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior 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 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 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 the provisions of Section (g) 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 uses and zone provisions:

R-3-B – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USES PERMITTED

- semi-detached dwelling houses

(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 m² for each dwelling unit
- (d) LOT COVERAGE
Maximum for all buildings 30% of the lot area

(568-77)	(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 On the side of the dwelling that is not attached to the adjoining dwelling house. Minimum width	1.2 m
		provided that the minimum width of any portion of the yard abutting any portion of the second storey of any building or structure shall be	2.0 m
		and provided further that the minimum width of any portion of the yard abutting any portion of the third storey of any building or structure shall be	2.5 m
		notwithstanding the aforesaid, where no garage or carport is provided on the lot, the minimum width of one interior 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 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 (g) 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) USES PERMITTED**

- group housing

(ii) ZONE PROVISIONS**(621-78)**

- | | | |
|-------|---|---------------------|
| (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 | 0.50 |
| (e) | YARDS
Minimum depth | |
| (i) | from any street having a planned width of less than 29 m | 10.5 m |
| | provided however and notwithstanding the above, any building, the entrance to which is from the adjoining street then the minimum depth of the front yard relating to such building may be reduced to | 7.5 m |
| (ii) | from any street having a planned width of 29 m or more | 15 m |
| | provided however and notwithstanding the above, the end wall of any building containing no windows may be located within 12 m of such street. | |
| (iii) | from any interior or rear lot line (except a lot line adjoining a 0.3 m reserve which latter case the relevant provisions of Paragraphs (i) and (ii) above shall apply) | 7.5 m |
| (f) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (g) | HEIGHT OF BUILDING
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 facing and parallel to each other 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 window 6.0 m

Minimum distance between two exterior walls facing and parallel to each other where both walls contain no habitable room window 3.0 m

(621-78)

(i) NUMBER OF DWELLING UNITS

The maximum number of dwelling units shall not exceed the ratio of one dwelling unit for each 293 m² of lot area and provided further that at least 35 of the dwelling units shall contain no more than two bedrooms.

(j) PARKING

In accordance with Section (g) 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, 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-2" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

I-2 – RESTRICTED INSTITUTIONAL**(i) USES PERMITTED**

- Arena
- Church
- community centre
- nursery school
- Long Term Care Home
- private school
- school
- swimming pool

(6926-14)

(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	

In accordance with Section 6, Subsection (13) of By-law 2585.

(g) PARKING AREA REQUIREMENTS

The provisions of Section 6(13) of By-law 2585 shall not apply to any residential development referred to in this By-law, and instead, the following provisions shall apply:

(621-78)

(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:

- (a) For each dwelling unit which contains a private garage which is located within or contiguous to such unit, two spaces for each dwelling unit.
- (b) For each dwelling unit that does not contain a private garage located within or contiguous to the unit, then the minimum number of parking spaces for each such unit shall be 1.5 parking spaces per unit, 85% of which shall be underground, within the structure or otherwise enclosed to the satisfaction of Council.
- (c) 25% of the entire parking spaces shall be allocated and set apart for visitors.

(ii) LOCATION OF PARKING SPACES

Notwithstanding the yard provisions of By-law 2585 to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows:

- (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 provided however that at least 25% of the parking area requirements 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 2.0 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 a 0.3 m reserve | 3.0 m |

(iii) **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.

- (iv) The distance between the intersection of street lines and the nearest driveway entrance shall be at least 7.5 m.

- (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 2585 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) **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.

- (iv) **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 distant therefrom.

- (v) **LIVING ROOM** shall mean 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.

- (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.

(621-78)

- (vii) **GROUP HOUSING** means one or more buildings each of which contain three or more single family dwelling units, and which building or buildings are located on the same lot which lot is retained under one ownership, providing however that this definition shall not exclude the sale of any such single-family dwelling unit under the provisions of The Condominium Act.

- (viii) **HABITABLE ROOM** means a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sun room.

- (ix) **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.

- (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.
- (xi) **SEMI-DETACHED DWELLING HOUSE** means one of a pair of two attached single family dwelling houses with a common party wall (either above or below grade) dividing a pair of single family dwelling houses vertically, each of which has an independent entrance from the outside.

(362-76)
(6264-09) (27) **SENIOR CITIZEN APARTMENT PROJECT – 315 COLBOURNE STREET WEST
SOUTH SIDE OF COLBORNE STREET WEST, BETWEEN KING AND CENTRE STREETS
Repealed by By-law 6264-09**

(514-77) (28) **PART OF LOT 24, CONCESSION 2**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R-4-B", "F" and "OS" of the lands so marked "R-4-B", "F" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-4-B" on Schedule "A-1" annexed to this By-law.
- (c) 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) USES PERMITTED

- single family town house dwellings

(ii) ZONE PROVISIONS

- | | | |
|-----|--|--|
| (a) | LOT FRONTAGE
Minimum | 6.0 m for each dwelling unit |
| (b) | LOT COVERAGE

Maximum for all buildings on each Block
shown on Schedule "A-1" |

30% of the area of
each block |
| (c) | FLOOR SPACE INDEX

Maximum for all buildings on each Block as shown on
Schedule "A-1" |

0.50 |
| (d) | 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 |

- | | | |
|-----|---|--|
| (e) | <p>REAR YARD</p> <p>Minimum depth</p> | <p>7.5 m</p> |
| | <p>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</p> | <p>13.5 m</p> |
| (f) | <p>INTERIOR SIDE YARD</p> <p>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</p> | <p>1.2 m plus 0.6 m for each storey or partial storey above the first storey</p> |
| (g) | <p>EXTERIOR SIDE YARD</p> <p>Minimum depth</p> | <p>4.5 m</p> |
| | <p>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</p> | <p>6.0 m</p> |
| (h) | <p>LANDSCAPED OPEN SPACE</p> <p>Minimum</p> | <p>45% of the lot area</p> |
| (i) | <p>HEIGHT OF BUILDINGS</p> <p>Maximum</p> | <p>9.5 m</p> |
| (j) | <p>NUMBER OF DWELLING UNITS</p> <p>The maximum number of dwelling units on the lands zoned "R-4-B" on Schedule "A-1" annexed to this By-law shall not exceed a ratio of 1 dwelling unit for each 233 m², and in no event shall the number of dwelling units erected on said lands exceed</p> | <p>77 dwelling units</p> |
| (k) | <p>PARKING</p> <p>In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces for each dwelling unit</p> | |
| (l) | <p>SITE PLANS</p> <p>No buildings shall be erected on any lot except in accordance with a site plan prepared by the 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.</p> | |
- (d) Notwithstanding the provisions of Section 23 of By-law 2585, no buildings or other structures shall be erected on any part of the lands designated as "F" on Schedule "A-1" annexed to this By-law except those necessary for flood or erosion control.
-

- (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 2585 then the definitions hereinafter set forth shall take precedence.

(647-78)

- (i) **FLOOR SPACE INDEX** means the ratio of the gross floor area of all dwelling houses (excluding garages, basements and cellars) erected on each Block as shown on Schedule "A-1" to the total area of such Block.
- (ii) **LOT FRONTAGE** means a horizontal distance between the side lot lines. Where such lot lines are not parallel the lot frontage shall be a distance between the side lot lines measured on a line parallel to the front lot line and 7.5 m distant therefrom.
- (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) **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.

(6775-13)

- (vi) **SINGLE FAMILY TOWN HOUSE DWELLING means** one of a group of not more than eight single detached dwellings but not less than three single detached dwellings attached to each other, side by side, each of which dwelling house:
 - (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 to another dwelling unit in the same row; and
 - (c) contains a private garage within each unit.
- (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.

(424-76)

**(29) BLOCK "D" PLAN M-926
293 MICHAEL BOULEVARD**

- (a) Notwithstanding the provisions of Section 15(1)(b) of By-law 2585 the lands referred to in Schedule "A-1" annexed to this By-law may also be used for a Nursery School, providing the gross floor area of the portion of the building used for such purposes does not exceed 650.5 m².
- (b) Notwithstanding the provisions of Section 6(11)(a)(ii) of By-law 2585 only one loading space shall be required to service a building not exceeding 1022 m² on the lands referred to in Schedule "A-1" annexed to this By-law.

- (c) Notwithstanding the provisions of Section 6(13)(a) of By-law 2585 the minimum parking area requirements for a building of not more than 1,022 m² of gross floor area located on the lands referred to in Schedule "A-1" annexed to this By-law shall be 2,276 m².

(443-76)
(696-78) **(30) SOUTH SIDE OF DUNDAS STREET BETWEEN BYRON STREET AND CENTRE STREET**

Repealed by By-law 696-78

(448-77)
(6264-09) **(31) NORTHWEST CORNER OF GARDEN STREET AND MARY STREET EAST
200 GARDEN STREET**

Repealed by By-law 6264-09

(502-77)
(6264-09) **(32) AREA BOUNDED BY ATHOL STREET, ONTARIO STREET EAST, GREEN STREET AND ST. JOHN STREET EAST**

Repealed by By-law 6264-09

(549-77)
(1832-85) **(34) PART OF LOT 22, CONCESSION 2**

Repealed by By-law 1832-85

(670-78) **(36) EAST OF HOPKINS - SOUTH OF THE C.P.R.**

- (a) Notwithstanding the provisions of Section 20(1)(b) of By-law 2585 that portion of the lands hatched diagonally as shown on Schedule "A-1" annexed to this By-law and referred to as the "Subject Property" may also be used for the purpose of a "Public Garage".

- (b) For the purpose of the interpretation of the aforesaid subsection (a),

"PUBLIC GARAGE" shall mean a building or place where used motor vehicles are stored or kept for sale, or a building or place 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.

(635-78)
(6264-09) **(37) LOTS 147 TO 152 1/2, PARTS OF LOTS 153, 154, 158 and 159, LOTS 160 to 167, LOTS 180 to 189, PARTS OF LOTS 190 AND 195, AND LOTS 196 AND 201, PERRY'S PLAN, WEST OF BROCK STREET**

Repealed by By-law 6264-09

(739-78)
(3070-91) **(38) NORTHEAST CORNER OF MARY AND PERRY STREETS**

Subject Land rezoned by By-law 3070-91. See Section 26.4

(767-78)
(1832-85) **(39) WEST SIDE OF BROCK STREET NORTH - LOTS 7 AND 8, REGISTERED PLAN NO. 173.**

Repealed by By-law 1832-85

(791-79)
(1102-81) **(40) 507 BROCK STREET NORTH**

- (a) That notwithstanding the provisions of Section 16A(1)(b) of By-law 2585, the lands shown on Schedule "A-1" annexed to this By-law and referred to as the subject property may be used for a retail furniture store and/or a ballet studio, provided that there is no open storage of any goods or materials, and provided further that no building shall be erected on said lands except in accordance with a site plan prepared by an architect or an engineer qualified to design buildings and approved by the Town of Whitby showing the exterior architectural design and location of such building on the lot.

- (b) The provisions of Section 6(13)(a) shall not apply to the use of the lands shown in Schedule "A-1" annexed to this By-law for either a retail furniture store and/or a ballet studio and instead thereof the minimum parking requirements for a building erected on said lands and which is used for either a retail furniture store and/or a ballet studio shall be 14 spaces.
- (c) Notwithstanding the provisions of Section 6(11)(a)(ii) of By-law 2585 to the contrary, the required number of loading spaces for a building erected on the lands shown on Schedule "A-1" annexed to this By-law shall not exceed one.

(818-79)

**(41) BLOCK "C" PLAN M-959
100 WHITE OAKS COURT**

- (a) That notwithstanding the provisions of Section 12(1) of By-law No. 2585 to the contrary the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely
 - convenience store
 - (i) provided the said store is located entirely within the first storey of the present apartment building located on said lands.
 - (ii) that no signs indicating such use shall be permitted on any part of the lands referred to in Schedule "A-1" or on any part of the building located on said lands except one non-illuminated fascia sign.
 - (iii) a site plan showing the size, location and design, including the location of the entrance to such store, and the size and location of any sign, and the design and location of external trash containers is submitted to and approved by the Town of Whitby.
 - (iv) that there shall be no outside storage of garbage or other refuse. Provided that nothing herein shall exclude the providing of trash containers outside the building in convenient locations for the use by the clientele of the store for the discarding of wrappings or containers relating to items purchased in the store.
- (b) For the purpose of the interpretation of this By-law,

"CONVENIENCE STORE" shall mean a retail store with a floor space not exceeding 75 m² and designed primarily for the use and convenience of the residents of the four apartment buildings located on Block "C" on Plan M-959.

(839-79)
(6264-09)

**(42) Y & G SHOPPING CENTRE
601 DUNDAS STREET WEST
Repealed by By-law 6264-09**

(859-79)

(43) 403 ROSSLAND ROAD WEST

That notwithstanding the provisions of Section 9(1) of By-law 2585 the lands shown on Schedule "A-1" annexed to this By-law and referred to as the subject property may also be used for the purpose of a "Nursery School" provided that such use is confined to the basement area of the existing church building located on said lands.

(875-79)
(1832-85)

**(44) PART OF LOT 22, CONCESSION 2
Repealed by By-law 1832-85**

(925-79)
(2558-89)
(5438-04)

**(45) NORTHEAST CORNER OF BROCK STREET AND TRENT STREET EAST
Repealed by By-law Amendment 5438-04**

(933-79) (46) PART OF LOTS 24 AND 25, CONCESSION 2

- (a) That Schedule "A" to By-law No. 2585 is hereby amended by changing the zone designations to "R-2-A-1", "R-3-B-1", "R-4-B", "F", and "OS" of the lands so marked "R-2-A-1", "R-3-B-1", "R-4-B", "F" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law No. 2585 shall not apply to the lands designated as "R-2-A-1", "R-3-B-1" and "R-4-B" on Schedule "A-1" annexed to this By-law.
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A-1" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-A-1 – SINGLE FAMILY DETACHED DWELLING HOUSE**(6775-13)****(i) USE PERMITTED**

- single 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 | 157.5 m ² |
| (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 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, a garage or carport, the entrance to which is from the exterior side yard lot, shall be set back 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 area |
| (k) | HEIGHT OF BUILDINGS
Maximum | 8.0 m |
| (l) | PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585, provided, however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot | |
- (d) No person shall use any lot or erect or alter or use any building or structure in any "R-3-B-1" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

See Exception #70

R-3-B-1 – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES**(i) USES 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 for each dwelling unit |

(1127-81)	(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 set back 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	15 m
	(h)	INTERIOR SIDE YARD Minimum width on the side of the dwelling house that is not attached to the adjoining dwelling house	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, 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
		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 area
	(k)	HEIGHT OF BUILDINGS Maximum	8.0 m

(l) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585, provided, however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot

- (e) 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) 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 | 45% of the lot area |
| (e) | FLOOR SPACE INDEX
Maximum | 0.65 |
| (f) | FRONT YARD
Minimum depth | 4.5 m |
| | provided how-ever 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 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 | |
| | There is no interior side yard requirement except in the case of an end unit, in which case the interior side yard shall be a minimum width of | 1.0 m |
| | provided however and notwithstanding the above | |

(1127-81)

- (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 4.5 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 yard lot line a minimum distance of 6.0 m
 - (j) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area
 - (k) HEIGHT OF BUILDINGS
Maximum 9.5 m
 - (l) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585, provided, however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot
 - (m) SITE PLANS

No buildings shall be erected on any lot except in accordance with a site plan 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) Notwithstanding the provisions of Section 23 of By-law 2585 to the contrary, no buildings or structures other than conservation or flood control projects will be erected or maintained on that portion of the lands designated on Schedule "A-1" annexed hereto as "F" (Flood Zone).
- (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 2585, 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 m distant therefrom.
 - (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.
-

- (6775-13) (iv) **SINGLE FAMILY TOWN HOUSE DWELLING** means one of a group of not more than eight single detached dwellings but not less than three single detached dwellings attached to each other, side by side, each of which dwelling house:
- (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 masonry wall to another dwelling house in the same row; and,
 - (c) contains a private garage within each dwelling house.
- (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 dwelling vertically, each of which has an independent entrance from the outside.
- (vi) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (vii) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (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.

(983-80) (47) **PART OF LOT 22, CONCESSION 2**
(1832-85) **Repealed by By-law 1832-85**

(989-80) (48) **305 WATSON STREET EAST**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R3" of the lands so marked "R3" on Schedule "A-1" annexed to this By-law and designated as "Subject Land".
- (b) Notwithstanding the provisions of Section 10(1)(a) of By-law 2585 the following additional residential use shall be permitted on the lands outlined on Schedule "A-1" annexed hereto, namely, a Duplex Semi-Detached Dwelling House.
- (c) The provisions of Section 7 of By-law 2585 shall not apply to the use of the aforesaid lands for the purpose of a Duplex Semi-Detached Dwelling House and instead thereof the following zone provisions shall apply.

DUPLEX SEMI-DETACHED DWELLING HOUSE

No person shall use any lot or erect, alter or use any building or structure for the purpose of a Duplex Semi-Detached Dwelling House unless the lot is served by a public water supply and except in accordance with the following provisions:

- (i) **LOT FRONTAGE**
Minimum 25 m

(ii)	LOT DEPTH Minimum	50 m
(iii)	LOT AREA Minimum	1,200 m ²
(iv)	LOT COVERAGE Maximum for all buildings	25% of the lot area
(v)	FLOOR SPACE INDEX Maximum	0.40
(vi)	FRONT YARD Minimum depth	6.0 m
(vii)	REAR YARD Minimum depth	15 m
(viii)	INTERIOR SIDE YARD Minimum width	2.0 m
(ix)	EXTERIOR SIDE YARD Minimum width	6.0 m
(x)	LANDSCAPED OPEN SPACE Minimum	50% of the lot area
(xi)	HEIGHT OF BUILDINGS Maximum	9.0 m
(xii)	NUMBER OF DUPLEX SEMI-DETACHED DWELLING HOUSES PER LOT Maximum	1 only
(xiii)	PARKING, ACCESSORY BUILDINGS, ETC.	

In accordance with the provisions of Section 6 of By-law 2585, provided, however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per dwelling unit

- (d) For the purpose of the interpretation of the various provisions of 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 2585, 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) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (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.

- (iv) **DUPLEX SEMI-DETACHED DWELLING HOUSE** means the whole of a dwelling house that is divided vertically into two separate family dwelling units each of which has an independent entrance directly from the outside, located on the same lot which lot is retained under one ownership.

(991-80) (49) BLOCK "B", PLAN M-1111

- (a) That Schedule "A" to By-law No. 2585 is hereby 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) The provisions of Section 7 of By-law No. 2585 shall not apply to the lands designated as "R-2-A" on Schedule "A-1" annexed to this By-law.
- (c) 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

(6775-13)

(i) USE PERMITTED

- single 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 | 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 m |
| | Except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is | 15m |
| | 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) | <p>INTERIOR SIDE YARD
Minimum width</p> <p>provided however and notwithstanding the above</p> <p>(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</p> <p>(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</p> <p>(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</p> | <p>1.0 m</p> <p>1.75 m</p> <p>2.5 m</p> <p>4.5 m</p> |
| (i) | <p>EXTERIOR SIDE YARD
Minimum width</p> <p>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</p> <p>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</p> | <p>4.5 m</p> <p>6.0m</p> <p>9.0 m</p> |
| (j) | <p>LANDSCAPED OPEN SPACE
Minimum</p> | <p>50% of the lot area</p> |
| (k) | <p>HEIGHT OF BUILDINGS
Maximum</p> | <p>8.0 m</p> |
| (l) | <p>PARKING, ACCESSORY BUILDINGS, ETC.</p> <p>In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be 2 spaces per lot</p> | |
- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585, 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 m distant therefrom.
 - (iii) **ZERO DECIMAL THREE METRE RESERVE** means a strip of land of approximately 0.3 m in width owned by The Corporation of The Town or 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) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (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.

(1035-80) (50) **419 BROCK STREET NORTH**
(6264-09) **Repealed by By-law 6264-09**

(1009-80) (51) **SOUTH EAST CORNER OF BROCK STREET AND MANNING ROAD - BLOCK "O" PLAN M-1013**
101 MANNING ROAD

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designation to "I" (Institutional Zone) of the lands so marked "I" on Schedule "A-1" annexed to this By-law.

(6926-14) (b) That notwithstanding the provisions of Section 14(1)(b) of By-law 2585 the lands outlined on Schedule "A-1" annexed to this By-law shall be used only for the purpose of a " Long Term Care Home ". And provided further that any Long Term Care Home erected on said lands shall not contain any rental accommodation for the public other than 182 guest rooms, which shall not contain any facilities or equipment for the cooking or eating of meals, and in addition thereto the total number of beds located in the guest rooms shall not exceed 237.

- (c) That notwithstanding the provisions of Section 14(2)(b) of By-law 2585 the maximum height of any building erected on said lands shall not exceed 36 feet.

(6926-14) (d) That notwithstanding the provisions of Section 6(13)(a) of By-law 2585 the minimum parking requirements for a Long Term Care Home erected on said lands shall be 35.

(e) No building shall be erected on any part of the lands referred to in Schedule "A-1" annexed to this By-law 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 building, the elevation of the building, the location of the building on the lot, and the landscaping of the lot including location of parking area, walkways and driveways.

(1036-80) (52) **421 BROCK STREET NORTH**
(6264-09) **Repealed by By-law 6264-09**

(1121-81) (53) **BLOCK 'E', PLAN M-1112**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designation to "R-2-C" of the lands so marked "R-2-C" 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-C" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions.

R-2-C – SINGLE FAMILY ZERO LOT LINE DWELLING HOUSE**(6775-13)****(i) USES PERMITTED**

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|--|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12 m |
| (b) | LOT DEPTH
Minimum | 28.5 m |
| (c) | LOT AREA
Minimum | 460 m ² |
| (d) | LOT COVERAGE
Maximum for all buildings | 35% 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 | 6.0 m |
| | except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is | 11 m |
| (h) | INTERIOR SIDE YARD
Minimum width | 0.5 m |
| (i) | EXTERIOR SIDE YARD
Minimum | 3.5 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 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot

- (c) That on the lands so marked "R-2-C" on Schedule "A-1" annexed to this By-law no building shall be designed and constructed or located with any opening of any kind below the elevation of 89.5 m Canadian Geodetic Datum.

- (d) Notwithstanding any provisions of By-law 2585 to the contrary, the lands so marked "R-2-C" on Schedule "A-1" annexed to this By-law shall be limited to no more than 14 single family zero lot line dwelling units.
- (e) 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 2585, 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 m distant therefrom.
 - (iii) **ZERO DECIMAL THREE METRE RESERVE** means a strip of land approximately 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) **PARKING SPACE** means an area of not less than 18.5 m² with a minimum perpendicular width of 2.75 m and minimum perpendicular length of 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
 - (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.

(1102-81) (54) 519 BROCK STREET NORTH

Notwithstanding the provisions of Section 16A(1)(b) of By-law 2585, the lands outlined on Schedule "A-3" to this By-law and referred to as "Subject Property" may be used for a Motor Vehicle Paint and Body Shop.

(1120-81) (55) BLOCK "A" - PLAN M-1110

- (a) That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designations to "R-2-A" and "R-3-B" of the lands so marked "R-2-A" and "R-3-B" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-2-A" and "R-3-B" on Schedule "A-1" annexed to this By-law.
- (c) 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:

R2A – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)**(i) USES PERMITTED**

- single 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 | 0.35 |
| (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 m |
| | except in the case of a rear yard abutting a 0.3 m reserve the minimum depth is | 15m |
| | 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, 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 6 of By-law 2585, provided, however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot | |
- (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 uses and zone provisions:

R-3 – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USES 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 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 set back a minimum distance from the lot line of | 6.0 m |

- | | | |
|-----|--|--|
| (g) | <p>REAR YARD</p> <p>Minimum depth</p> <p>except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is</p> <p>except where this 0.3 m reserve abuts a street having a planned width of 30 m or more, the minimum depth is</p> | <p>10 m</p> <p>15 m</p> <p>20 m</p> |
| (h) | <p>INTERIOR SIDE YARD</p> <p>on the side of the dwelling house that is not attached to the adjoining dwelling house</p> <p>Minimum width</p> <p>provided however and notwithstanding the above,</p> <p>(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</p> <p>(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</p> <p>(c) where no garage or carport facilities are provided on the lot then the minimum width of the interior side yard shall be</p> | <p>1.0 m</p> <p>1.75 m</p> <p>2.5 m</p> <p>4.5 m</p> |
| (i) | <p>EXTERIOR SIDE YARD</p> <p>Minimum width</p> <p>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</p> | <p>4.5 m</p> <p>6.0 m</p> |
| (j) | <p>LANDSCAPED OPEN SPACE</p> <p>Minimum</p> | <p>50% of the lot area</p> |
| (k) | <p>HEIGHT OF BUILDINGS</p> <p>Maximum</p> | <p>8.0 m</p> |
| (l) | <p>PARKING, ACCESSORY BUILDINGS, ETC.</p> <p>In accordance with the provisions of Section 6 of By-law 2585, provided however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces</p> | |
- (e) For the purpose of the interpretation of the various zone provisions set forth in Subsections (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 2585, 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 7.0 m distant therefrom.
- (iii) **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.
- (iv) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (v) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (vi) **LANDSCAPED OPEN SPACE** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers and 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.

(1154-81) (56) **PART OF LOT 23, CONCESSION 2 (HONDA DEALERSHIP)**
(1832-85) Repealed by By-law 1832-85

(1143-81) (57) **SOUTHEAST CORNER OF ST. PETER STREET AND BROCK STREET SOUTH**
(1832-85) Repealed by By-law 1832-85

(1142-81) (58) **LOTS 104 - 112, PLAN M-1190 (CAMBRIDGE COURT)**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designation to "R-2-B" of the lands so marked "R-2-B" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-2-B" on Schedule "A-1" annexed to this By-law.
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-2-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-B – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)

(i) **USE PERMITTED**

- single detached dwelling

(ii) **ZONE PROVISIONS**

- (a) **LOT FRONTAGE**
Minimum 12 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	7.5 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 30 m or more, the minimum depth is	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 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, 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
	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 area
(k)	HEIGHT OF BUILDINGS Maximum	8.0 m

(l) **PARKING, ACCESSORY BUILDINGS, ETC.**

In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot

(d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585, 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 7.0 m distant therefrom.
- (iii) **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.
- (iv) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
- (v) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (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.

(1188-81) (59) **LOT 7, PLAN M-1196**

- (a) That Schedule "A" to By-law Number 2585 is hereby 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) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-2-A" on Schedule "A-1" annexed to this By-law.
- (c) 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

(6775-13)

(i) **USE PERMITTED**

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 14 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 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, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585, provided, however, and notwithstanding the provisions of Section 6(13) (a), the minimum parking requirements shall be two spaces per lot | |

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsection 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 2585, 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 7.0 m distant therefrom.
 - (iii) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
 - (iv) **LANDSCAPED OPEN SPACE** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers and 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.

(1192-81) (60) PART OF LOT 22, CONCESSION 2

- (a) That Schedule "A" to By-law No. 2585 is hereby amended by changing the zone designations to "R-2-A", "R-2-A/R-3-B" and "D" of the lands so marked "R-2-A", "R-2-A/R-3-B" and "D" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law No. 2585 shall not apply to the lands designated as "R-2-A", and "R-2-A/R-3-B" on Schedule "A-1" annexed to this By-law.
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A" Zone of Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-ASINGLE FAMILY DETACHED DWELLING HOUSE

- (6775-13)**
- (i) **USE PERMITTED**
 - single detached dwelling
 - (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
- (6264-09)**
- (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 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	
	on the side of the dwelling house that is not attached to the adjoining 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 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 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 area
(k)	HEIGHT OF BUILDINGS	
	Maximum	8.0 m

- (d) No person shall use any lot or erect or alter or use any building or structure in any "R-2-A/R-3-B" Zone of Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

(6775-13)

"R-2-A/R-3-B" – SINGLE FAMILY DETACHED DWELLING HOUSE - SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES

(i) USES PERMITTED

- single detached dwelling
- semi-detached dwelling houses

(ii) ZONE PROVISIONS

- (a) For a single family detached dwelling house the zone provisions shall be in accordance with Section (c)(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 | 280 m ² for each dwelling unit |
|-----|---------------------|---|

(1243-81)

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| (d) | LOT COVERAGE
Maximum for all buildings | 40% of the lot area |
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(6264-09)

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|-----|------------------------------|------|
| (e) | FLOOR SPACE INDEX
Maximum | 0.50 |
|-----|------------------------------|------|

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|-----|--|-------|
| (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 | 6.0 m |

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|-----|----------------------------|------|
| (g) | REAR YARD
Minimum depth | 10 m |
|-----|----------------------------|------|

except in the case of a rear yard abutting a 0.3 m reserve, the minimum depth is	15 m
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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
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|-----|--------------------|
| (h) | INTERIOR SIDE YARD |
|-----|--------------------|

on the side of the dwelling house that is not attached to the adjoining house

Minimum width	1.0 m
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provided however and notwithstanding the above,

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|-----|--|---------------------|
| (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, 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 |
| | 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 area |
| (k) | HEIGHT OF BUILDINGS
Maximum | 8.0 m |
| (l) | PARKING, ACCESSORY BUILDINGS, ETC. | |

In accordance with the provisions of Section 6 of By-law 2585, provided however, and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot

- (e) For the purpose of the interpretation of the various zone provisions set forth in Subsections (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 2585, 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 distant therefrom.

- (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) **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 6.0 m for the temporary parking or storage of motor vehicles and may be located in a private garage, private driveway or carport.
- (vi) **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.
- (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.

(1219-81) (61) **LOT 5, REGISTERED PLAN 636
859 DUNDAS STREET WEST**

- (a) Notwithstanding the provisions of Section 6(15)(a) of By-law 2585, of the lands outlined on Schedule "A-3" to this By-law and referred to as "Subject Property", no planting strip is required along the side lot line.
- (b) Notwithstanding the provisions of Section 2(59) the following definition of a parking space shall apply to the lands outlined on Schedule "A-3" annexed to this By-law and referred to as "Subject Property".

PARKING SPACE means an area of not less than 16.5 m² 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 be located in a private garage, private driveway or carport.

(6264-09) (c) **Repealed by By-law 6264-09**

(1243-81) (62) **REGISTERED PLAN M-1225**
(6264-09) **Repealed by By-law 6264-09**

(1241-81) (63) **PART OF LOTS 25 AND 26, CONCESSION 2 (N.I.P. AREA)**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designation to "R-5-A", "R-3-B", "R-2-B", and "OS" of the lands so marked "R-5-A", "R-3-B", "R-2-B" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-5-A", "R-3-B" and "R-2-B" on Schedule "A-1" annexed to this By-law and instead the following provisions shall apply.
- (c) No person shall use any lot or erect or alter or use any building or structure in any "R-5-A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-5-A – APARTMENT DWELLING HOUSE**(i) USE PERMITTED**

- apartment dwelling house

(ii) ZONE PROVISIONS

(1445-82)	(a)	LOT FRONTAGE Minimum	35 m
	(b)	UNIT TO LOT AREA RATIO The minimum lot area shall be the sum of the areas required for each dwelling unit on the lot as follows:	57.47 m ²
	(c)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(1445-82)	(d)	FLOOR SPACE INDEX Maximum	1.0
	(e)	FRONT YARD Minimum depth	7.5 m
	(f)	REAR YARD Minimum depth 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
(1445-82)	(g)	INTERIOR SIDE YARD Minimum width 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 habitable room windows may be reduced to	1.8 m
	(h)	EXTERIOR SIDE YARD Minimum width	7.5 m
	(i)	LANDSCAPED OPEN SPACE Minimum	32% of the lot
(1445-82)	(j)	HEIGHT OF BUILDING Maximum	6 storeys
	(k)	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).	

(l) DISTANCE BETWEEN BUILDINGS

- (i) The minimum distance between two exterior walls facing and parallel to each other, where either or 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 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 1/2 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 7.0 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 3.5 m, whichever is the greater.
- (vi) For the purposes of this paragraph (l), 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 no less than 21 m

(n) UNOBSTRUCTED YARDS

An unobstructed yard, clear and unobstructed by any public or joint pedestrian access or surface parking area, excluding a private driveway for a dwelling unit shall be provided adjoining each exterior wall of every 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
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except that where the yard adjoins a street line the minimum depth need not exceed	6.0 m
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in the case of a wall containing no habitable room windows	1.8 m
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(1445-82)

(o) PARKING

(6926-14)

(i) For each Apartment Building, Seniors	0.25 spaces
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For each dwelling unit other than a Apartment Building, Seniors	1.5 spaces
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With 0.2 spaces per unit allocated and designated for visitor parking

Notwithstanding the above a minimum of one parking spaces per unit shall be provided for the subject property.

(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 6.0 m to any street line and no closer than 3 m to any side lot line.

- (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 uses and zone provisions:

R-3-B – SINGLE FAMILY SEMI-DETACHED DWELLING HOUSES**(i) USE PERMITTED**

- semi-detached dwelling house

(ii) ZONE PROVISIONS

- | | | |
|-----|-------------------------|---|
| (a) | LOT FRONTAGE
Minimum | 10 m for each dwelling unit |
| (b) | LOT DEPTH
Minimum | 27 m |
| (c) | LOT AREA
Minimum | 270 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 through the front yard, shall be set back a minimum distance from the lot line of | 6.0 m |
| (f) | REAR YARD
Minimum depth | 7.5 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 |
| (h) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (i) | HEIGHT OF BUILDINGS
Maximum | 9.0 m |
| (j) | PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per dwelling unit | |
- (e) No person shall use any lot or erect or alter or use any building or structure in any "R-2-B" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

R-2-B – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12.1 m |
| (b) | LOT DEPTH
Minimum | 27 m |
| (c) | LOT AREA
Minimum | 286 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 through 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 BUILDINGS Maximum	9.0 m
(k)	PARKING, ACCESSORY BUILDING, ETC. In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot	

(f) For the purpose of the interpretation of the various zone provisions set forth in Subsections (c), (d), and (e) 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 2585, 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 m distant therefrom.
- (iii) **PARKING SPACE** means an area of not less than 16.5 m² 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 be located in a private garage, private driveway or carport.
- (iv) **LANDSCAPED OPEN SPACE** means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers and 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.

(1259-81)
(6264-09)

(64) 201 DUNDAS STREET WEST
Repealed by By-law 6264-09

(1268-81) (65) **SOUTHEAST CORNER OF KENT STREET AND BEECH STREET**
 (1379-82) **309 BEECH STREET WEST**
Repealed by By-law 1379-82

(1380-82) (65) **SOUTHEAST CORNER OF KENT STREET AND BEECH STREET**
309 BEECH STREET WEST

That notwithstanding the uses permitted in a Residential Type 3 Zone as referred to in Section 10(1)(b) of By-law 2585, the following additional non-residential uses shall be permitted on the lands outlined on Schedule "A-2" annexed to this By-law:

(a) **NON-RESIDENTIAL USES PERMITTED**

- (6775-13)
- nursery school
 - office

(b) **NON-RESIDENTIAL ZONE PROVISIONS**

- | | | |
|-------|-------------------------------------|---------------------|
| (i) | LOT AREA
Minimum | 675 m ² |
| (ii) | LOT FRONTAGE
Minimum width | 22 m |
| (iii) | LOT COVERAGE
Maximum | 30% of the lot area |
| (iv) | FRONT YARD
Minimum depth | 6.0 m |
| (v) | REAR YARD
Minimum depth | 0.8 m |
| (vi) | INTERIOR SIDE YARD
Minimum width | 3.0 m |
| (vii) | EXTERIOR SIDE YARD
Minimum width | 6.0 m |

Notwithstanding the provisions of Section 6(18) of By-Law 2585, a sight triangle composed of 4.5 m shall be permitted on the subject property as shown on Schedule s "A-1" annexed to this By-law.

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|---------------|---------------------------------------|--------------------------------|
| (viii) | LANDSCAPED OPEN SPACE
Minimum area | 10% of the lot area |
| (ix) | HEIGHT OF BUILDING
Maximum | 5.5 m |
| (6775-13) (x) | FLOOR AREA
Minimum for an office | 45 m ² per employee |
| (xi) | PARKING | |

- (6775-13)
- | | |
|-----|---|
| (a) | In accordance with the provisions of Section 6 of By-law 2585 for an office. |
| (b) | Notwithstanding the provisions of Section 6 of By-law 2585, parking for a nursery school shall be one parking space per employee. |

- (c) That Section 6(13)(c)(v) of By-law 2585 shall not apply to the subject property.

**(1286-81) (66) BLOCK 'D', REGISTERED PLAN M-926
283 MICHAEL BOULEVARD**

- (a) Notwithstanding the uses permitted in the Shopping Centre Commercial Zone, as referred to in Section 15(1)(b) of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely; a "Dry Cleaning Establishment" in conjunction with a "Dry Cleaner's Distribution Station".
- (b) The additional use as referred to in Subsection (a) above, shall not exceed a total floor area of 148.8 m² (excluding the floor space area of any cellar or basement that is used solely for storage of goods and/or the operation of heating and other mechanical equipment).

**(1324-82) (67) BLOCK 'C' AND PART OF BLOCK 'D', REGISTERED PLAN M-1110
728 ANDERSON STREET**

- (a) Notwithstanding the uses permitted in the Shopping Centre Commercial Zone, as referred to in Section 15(1)(b) of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely:

- nursery school

**(1344-82) (6264-09) (1455-83) (68) LOTS 20, 21, 22, 23 and 24 of Plan 173
Repealed by By-law 1455-83**

- (a) Notwithstanding the uses permitted within the C1 Zone, the following additional uses shall be permitted on the lands described as lots 20,21,22,23, and 24 of Plan 173:

- clinic
- dry cleaning establishment

- (b) Notwithstanding the Zone Provisions of Section 15(2)(b) the following Zone Provisions as hereinafter set forth shall apply:

ZONE PROVISIONS

(i)	LOT FRONTAGE Minimum	42 m
(ii)	LOT DEPTH Minimum	70 m
(iii)	FRONT YARD Minimum	12 m
(iv)	EXTERIOR SIDE YARD Minimum	12 m
(v)	INTERIOR SIDE YARD Minimum	3.0 m
(vi)	REAR YARD Minimum	3.0 m

- (vii) LOT COVERAGE
Maximum for all buildings 35%
- (viii) MAXIMUM GROUND FLOOR AREA 1,000 m²
- (ix) HEIGHT OF BUILDING
Maximum 10 m
- (x) LANDSCAPED OPEN SPACE
Minimum 10% of the lot area
- (xi) PARKING
Minimum 50 spaces
- (xii) 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 notwithstanding herein shall be deemed to prevent the outside parking of automobiles during normal business hours by the owner, tenants, employees and customers.

- (c) For the purpose of the interpretation of the various provisions of this By-law, the following additional definition shall apply:
 - (i) **EATING ESTABLISHMENT** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption within the building or buildings on the premises only.

**(1343-82) (69) LOTS 12 AND 13, REGISTERED PLAN 871
1130 AND 1150 CHAMPLAIN COURT**

- (a) That notwithstanding the non-residential uses permitted in a "Select Industrial" Zone as referred to in Section 18A(1)(b) of By-law 2585, the following additional use of a "truck yard" shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law.
- (b) That such additional use as referred to in Subsection 1(a) above, shall be permitted only as an accessory use to the main use on the lands outlined on Schedule "A-1" annexed to this By-law.
- (c) That the truck yard be restricted to the rear and/or interior side yard.
- (d) That no portion of the truck yard be located closer than 25 m from the exterior lot line and no closer than 63 m from the front lot line.

(1353-82) (70) PART OF LOTS 24 and 25, CONCESSION 2

- (a) Notwithstanding Subsection 46(d)(i) of Section 25 (Exceptions) to By-law 2585 on the lands designated "Subject Property" on Schedule "A-1" annexed to this By-law and zoned "R3B-1", a "Single Detached Dwelling" shall be permitted subject to the provisions of Subsection 46(d)(ii) save and except Subsection 46(d)(ii)(h), Interior Side Yards. In the case of a "Single Detached Dwelling" the Interior Side Yard provisions shall be:
 - (i) on one side of a dwelling unit for which a building permit was issued on or prior to April 5, 1982, the minimum width of an interior side yard on one side of the dwelling unit shall be 0.23 m

- (ii) in the case of a dwelling unit for which a building permit is issued after April 5, 1982, the minimum width of an interior side yard on one side of the dwelling unit shall be 1.0 m
- (iii) in the case of any other interior side yard sub-section (a), (b), and (c) of Subsection 46(d)(ii)(h) of Section 25 By-law 2585 shall apply.

(1369-82)

(71)

PART LOT 25, CONCESSION 2
Draft Plan of Subdivision, File No. 18T-25548

- (a) That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designations to "R-2-A" and "OS" so marked "R-2-A" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R-2-A" on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:
- (c) No persons 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 top this By-law except in accordance with the following uses and zone provisions:

R-2-A – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 15 m

Notwithstanding the above, the lots identified by a star symbol shown thusly* on Schedule "A-1" annexed to this By-law shall have a minimum lot frontage of 13.5 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 0.45
- (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 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 |
| (h) | INTERIOR SIDE YARD
Minimum width

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, 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, ACCESSORY BUILDINGS ETC.

In accordance with the provisions of Section 6 of By-law 2585 provided, however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per lot | |
- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsection (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 2585, 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 that 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.

- (iii) **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 Municipal 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 of 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.

(1378-82) (72) PART OF LOT 25, CONCESSION 1

- (a) That Schedule "A" to By-law Number 2585 is hereby amended by changing the zone designation to "R-2-A" of the lands so marked as "R-2-A" on Schedule "A-1" annexed to this By-law and designated as "Subject Property".
- (b) No persons 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 DWELLINGS

(i) USES 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 m

- (h) INTERIOR SIDE YARD
Minimum width

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 BUILDING
Maximum 8.0 m
- (k) PARKING

In accordance with the provisions of Section 6 of By-law 2585.

- (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 2585, 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) **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

(1414-82) (73) **SOUTHWEST CORNER OF BURNS STREET EAST AND HOPKINS STREET
900 HOPKINS STREET**

- (a) That notwithstanding the non-residential uses permitted in a "Select Industrial Zone" as referred to in Section 18A(1)(b) of By-law 2585, the following additional use of a clinic shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law.
- (b) That the non-residential use referred to in the above paragraph (a) be confined to a maximum floor area of 371.6 m².

(1413-82) (74) **NORTHEAST CORNER OF CENTRE STREET NORTH AND DUNDAS STREET WEST**
 (6264-09) **220 DUNDAS STREET WEST**
 Repealed by By-law 6264-09

(1445-82) (75) **CONCESSION 2, PART OF LOTS 25 AND 26**
 (5955-07) **Repealed by By-law 5955-07**

(1590-83) (76) **PART OF LOT 25, CONCESSION 1**
 (6264-09) **Repealed by By-law 6264-09**

(1476-83) (77) **PART OF LOT 22, CONCESSION 2**
1230 DUNDAS ST. EAST

Notwithstanding the provisions of Section 16A, Subsections (2)(v), (2)(vii) and (2)(ix) of By-law 2585 the following provisions shall apply over the lands designated "C2-S" outlined on Schedule "A-1":

- (i) REAR YARD
Minimum Depth 1.0 m
- (ii) LANDSCAPED OPEN SPACE
Minimum 6.5% of the lot area
- (iii) The planting strip along the rear yard is not required.

Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely: a retail / wholesale automotive parts store.

(1475-83) (78) **NORTHEAST CORNER OF BROCK STREET NORTH AND MAPLE STREET EAST**
605 BROCK STREET NORTH

Notwithstanding Subsection 2(iv) of Section 16A of By-law 2585, the following provision is substituted therefore:

- (i) EXTERIOR SIDE YARD
Minimum Width 0.0 m

(1486-83) (79) **576 MARY STREET EAST**
 (1633-84) **Repealed by By-law 6264-09**
 (6264-09)

(1487-83) (80) **600 GARDEN STREET**

- (a) Notwithstanding the provisions set forth in Section 19(2)(b)(ii), (iii), (iv), (v), (viii), (ix) and (xii) of By-law 2585, the following zone provisions shall apply:

- (i) LOT COVERAGE
Maximum 23%
- (ii) FRONT YARD
Minimum Depth 15 m
- (iii) REAR YARD
Minimum Depth 18 m

- | | | |
|------|-------------------------------------|-------|
| (iv) | INTERIOR SIDE YARD
Minimum Width | 3.3 m |
| (v) | HEIGHT OF BUILDING
Maximum | 9.1 m |
| (vi) | PROPERTY ABUTTING RESIDENTIAL ZONES | |

Where the rear or side lot line abuts a Residential Zone planting strips 2.0 m in width abutting such lot line, or portion thereof, shall be provided, except where a rear or side yard is interrupted by a driveway, in accordance with the requirements for planting strips set out in Section 6(15) of By-law 2585.

- | | |
|-------|--------------|
| (vii) | OPEN STORAGE |
|-------|--------------|

No storage of goods or materials shall be permitted outside any building or structure.

**(1501-83) (81) BLOCK 13, PLAN M-1196
PLAN OF SUBDIVISION 18T-82006**

- | | |
|-----|---|
| (a) | That Schedule "A" to By-law No. 2585 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) | The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R2A" on Schedule "A-1" annexed to this By-law. |
| (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

(6775-13)

(i) USE PERMITTED

- single 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 | 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 | 10 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, 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 |
| (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 6 of By-law 2585. | |

- (d) For the purpose of 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 2585, then the definitions hereinafter set forth shall take precedence.)

- (i) **FLOOR SPACE INDEX** means the ration 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) **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) **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 distant therefrom.

(1506-83) (82) BLOCK 'D' – PLAN M-958 - PLAN OF SUBDIVISION 18T-77105

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A" and "OS" of the lands so marked "R2A" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) That the provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R2A" on Schedule "A-1" annexed to this By-law.
- (c) Notwithstanding the provisions of Section 13 of By-law 2585 no buildings or other structures shall be erected on any part of the lands designated as "OS" on Schedule "A-1" annexed to this By-law except those that are necessary for flood or erosion control.
- (d) 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

(6775-13)

(i) USE PERMITTED

- single 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) | 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 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 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 BUILDING ETC.
In accordance with the provisions of Section 6 of By-law 2585.

(e) For the purpose of the interpretation of the various zone provisions set forth in subsection (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 2585, then the definitions hereinafter set forth shall take precedence.)

- (i) **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.
- (ii) **FLOOR SPACE INDEX** means the ratio of the gross floor area of the dwelling (excluding garage, basement and cellar) to the total lot area.

(1494-83) (83) 440 HOPKINS STREET, PART OF LOT 23, CONCESSION 1

- (a) Notwithstanding the non-residential uses permitted in an "M2" Restricted Industrial Zone as referred to in Section 20(1)(b) of By-law 2585, the following additional use of a Public Garage shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law.
- (b) That there be no outside storage of automobile parts and/or dismantled motor vehicles on the subject property as shown on the attached Schedule "A-1" annexed to this By-law.

**(1497-83) (6264-09) (84) PART OF LOT 26, CONCESSION 2
Repealed by By-law 6264-09**

**(1528-83) (85) PART OF BLOCK H, REGISTERED PLAN M-1112
95 CRAWFORTH STEET**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designation to "R4A" of the lands so marked "R4A" 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 "R4A" Zone on Schedule "A-1" annexed to this By-law except in accordance with the following uses and zone provisions:

"R4A" BLOCK TOWNHOUSE

(i) USES PERMITTED

- block townhouse

(ii) ZONE PROVISIONS

- | | | |
|-----|--|---------------------|
| (a) | LOT FRONTAGE
Minimum | 89 m |
| (b) | LOT AREA
Minimum | 2.26 ha |
| (c) | LOT COVERAGE
Maximum for all buildings | 30% of the lot area |
| (d) | FRONT YARD
Minimum Depth | 15 m |
| (e) | INTERIOR SIDE YARD
Minimum Depth | 7.5 m |
| | except in the case where a wall adjoins an interior
side yard the minimum depth shall be | 1.75 m |
| (f) | REAR YARD
Minimum Depth | 7.5 m |
| (g) | EXTERIOR SIDE YARD
Minimum Depth | 7.5 m |
| (h) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (i) | HEIGHT OF BUILDINGS
Maximum for all two storey buildings
Maximum for all three storey buildings | 7.5 m
9.0 m |
| (j) | NUMBER OF DWELLING UNITS

The maximum number of dwelling units on the lands zoned "R4A"
on Schedule "A-1" annexed to this By-law shall not exceed 80
dwelling units. | |
| (k) | PARKING REQUIREMENTS

The provisions of Section 6(13) of By-law 2585 shall not apply to
any residential development referred to in this By-law and instead,
the following provisions shall apply:

PARKING SPACES
Minimum | |
| | | 165 spaces |

- (i) For each dwelling unit which contains a private garage which is located within or contiguous to such unit, two spaces for each dwelling unit.
- (ii) For each dwelling unit that does not contain a private garage located within or contiguous to the unit, then the minimum number of parking spaces for each unit shall be 1.5 parking spaces.
- (iii) Fifteen Percent of the entire parking spaces shall be allocated for visitors.
- (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 ton capacity.
- (l) For the purpose of interpreting the permitted use "Block Townhouse" contained in Subsection (b) above, the following definition shall apply.

BLOCK TOWNHOUSE means one or more buildings each of which contain four or more single family dwelling units and which building or buildings are located on the same lot which lot is retained under one ownership, providing however that this definition shall not exclude the sale of any such single family dwelling unit under the provisions of the Condominium Act.

(1534-83) **(86) PLAN OF SUBDIVISION 18T-82007
PART OF LOT 24, CONCESSION 2**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A", "OS", and "F" of the lands so marked "R2A", "OS" and "F" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R2A" on Schedule "A-1" annexed to this By-law.
- (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 house

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 12 m
- (b) LOT DEPTH
Minimum 30 m
- (c) LOT AREA
Minimum 360 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 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 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 m |
| (i) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (j) | HEIGHT OF BUILDING
Maximum | 8 m |
| (k) | PARKING | |

In accordance with the provisions of Section 6 of By-law 2585.

- (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 2585, then the definitions hereinafter set forth shall take precedence.)
- (i) **0.3" 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.
 - (ii) **EXTERIOR-SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.
 - (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) **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 distant therefrom.

- (e) That on Lots 57-64 as shown on Schedule "A-1" annexed to this By-law, no structures shall be designed and constructed or located with any openings of any kind below the elevation of 90.80 Canadian Geodetic Datum.

That on Lots 75-79 as shown on Schedule "A-1" annexed to this By-law, no structures shall be designed and constructed or located with any openings of any kind below the elevation of 88.81 Canadian Geodetic Datum.

(1533-83)
(2882-90)

**(87) NORTHEAST CORNER OF MAPLE STREET AND BROCK STREET NORTH
605 BROCK STREET NORTH
Repealed by By-law 2882-90**

- (a) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law No. 2585, the following additional uses shall be permitted on the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law No. 2882-90.

(6775-13)
(6775-13)

- automotive parts sales centre
- banquet/assembly hall
- marine supply centre
- offices
- personal service establishment
- pool supply centre
- recreational club or facility
- retail sporting goods centre
- warehouse sales outlet

(6775-13)
(6775-13)

- (b) The offices shall be permitted to a maximum of 970 m² of the gross floor area.

- (c) A minimum of 455 m² of the total gross floor area permitted for offices as specified in subsection (b) above shall be located on the second storey.

(6775-13)

- (d) The personal service establishment uses shall be permitted on the ground floor to a maximum of 153 m² of gross floor area.

- (e) Notwithstanding the provisions of Section 6(13)(h) of By-law No. 2585, no setback for the parking area from the streetline will be required for the area marked with diagonal lines within the "Subject Property" shown on Schedule "A-1" annexed to By-law No. 2882-90.

- (f) Notwithstanding the definitions in By-law No. 2585 to the contrary the following shall apply to the uses in Subsection 87(a) above.

RECREATIONAL CLUB OR FACILITY means a building or part of a building wherein recreational facilities are provided and shall include a private club.

RETAIL SPORTING GOODS CENTRE means a building or part of a building where 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.

WAREHOUSE SALES 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/liquor store and catalogue sales outlet shall be considered as permitted uses.

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.

OFFICES means one or more of the following uses; namely, business, corporate, professional and business field offices but does not include such uses as an art studio, medical office, dental office, chiropractor, law office, real estate office and travel agency.

(6775-13) **PERSONAL SERVICE ESTABLISHMENT** means a building or 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 shoe repair, a dry cleaner's distribution station, a school of dance, art or music and a photographic studio.

(1543-83) (88) **114 LUPIN DRIVE**

(a) Notwithstanding the uses permitted in the Shopping Centre Commercial Zone, as referred to in Section 15(1)(b) of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely;

- dry cleaning establishment in conjunction with a dry cleaner's distribution station.

(1625-84)
(6264-09) (89) **NORTHWEST CORNER OF MARY STREET WEST AND BROCK STREET NORTH
200 BROCK STREET NORTH
Repealed by By-law 6264-09**

(1635-84) (90) **LOTS 154, 155 AND 156, PLAN M-1148**

- (i) That Schedule "A" to By-law No. 2585 is hereby amended by changing the zone designation from "R3B" to "R2A" of the lands so marked as subject property on Schedule "A-2" attached to this By-law.
- (ii) Notwithstanding the provisions of Section 25(25)(c)(a) to the contrary the following zone provision shall apply.

LOT FRONTAGE	
Minimum	13.7 m

(1664-84)
(6264-09) (91) **SOUTHEAST CORNER OF KING STREET AND DUNDAS STREET WEST
309 DUNDAS STREET WEST
Repealed by By-law 6264-09**

(1665-84) (92) **700 GARDEN STREET**

- (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

(6775-13) (i) **USE PERMITTED**

- single 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 | 33% of the lot area |
| (e) | FRONT YARD
Minimum Depth | 13 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 | 14.5 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 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 m |
| (j) | PARKING | |
| | In accordance with the provisions of Section 6 of By-law 2585. | |

(1693-84)
(6264-09)

(93) SOUTHWEST CORNER OF BROCK STREET NORTH AND STARR AVENUE
Repealed by By-law 6264-09

(1711-84)

(94) PART LOT 28, CONCESSION 2

- (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 this By-law except in accordance with the following uses and zone provisions.

"R2B" – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)**(i) USE PERMITTED**

- single detached dwelling

(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 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 | 1.2 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 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 6 of By-law 2585.

**(1807-85)
(6264-09)**

**(95) NORTHWEST CORNER OF DUNDAS STREET EAST AND GARDEN STREET
620 DUNDAS STREET EAST
Repealed by By-law 6264-09**

(1808-85) (96) PART OF LOTS 30 AND 31, CONCESSION 2

- (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**(6775-13)****(i) USE PERMITTED**

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|--|----------------------|
| (a) | LOT FRONTAGE
Minimum | 17.3 m |
| (b) | LOT DEPTH
Minimum | 48 m |
| (c) | LOT AREA
Minimum | 836.5 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 | 10.5 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 6 of By-law 2585.

(1823-85)
(6264-09) (97) **PART OF LOT 26, CONCESSION 2**
235 ASH STREET
Repealed by By-law 6264-09

(1831-85) (98) **PART OF LOT 22, CONCESSION 2**

Notwithstanding the provisions of Section 16A of By-law 2585, the following additional provisions shall apply to the "Subject Property" as shown on the attached Schedule "A-1".

- (a) Where the side or rear lot line of a lot abuts a Residential Zone fronting Bowman Avenue, any building or structure to be erected, altered or used on such lot shall be set back from the side or rear lot line of a minimum of 7.5 m
- (b) Notwithstanding Section 6(13)(h), parking area location of By-law 2585, no parking of motor vehicles shall be permitted in the side or rear yards as determined in the above paragraph (a).

(1832-85) (99) **VARIOUS C2-S ZONED AREAS**

- (a) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the additional use of a single family detached dwelling shall be permitted on any lot within the lands shown shaded with dots on Schedule "A-1".
- (b) That Section 25(39) of By-law 2585 is hereby repealed.
- (3)
 - (a) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the additional use of a "bank" shall be permitted on any lot within the lands shown shaded with dots on Schedule "A-2".
 - (b) Notwithstanding the zone provisions in Section 16A of By-law 2585, the following zone provisions shall apply to the use for a bank of the subject property as referred to in Section 3(a) hereof.

ZONE PROVISIONS

- (i) FRONT YARD
Minimum Depth 7.5 m
- (ii) REAR YARD
Minimum Depth 7.5 m
- (iii) INTERIOR SIDE YARD
Minimum Width 0.0 m
- (iv) EXTERIOR SIDE YARD
Minimum Width 4.5 m
- (v) HEIGHT
Maximum 9.5 m

- | | | |
|-------|----------------------------------|---------------------|
| (vi) | LANDSCAPED OPEN SPACE
Minimum | 20% of the lot area |
| (vii) | PARKING | |

In accordance with the provisions of Section 6, as amended.

- (c) That Sections 25(17), (34), (44), (47) and (56) of By-law 2585 be repealed.

- (4) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the additional use of a "Beauty Parlour" shall be permitted on the lands shown hatched diagonally on Schedule "A-2".

- (5) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the additional use of a "Hotel" shall be permitted on the lands shaded with dots on Schedule "A-3".

- (1893-85) (6) Repealed by By-law 1893-85**

- (1893-85) (7) Repealed by By-law 1893-85**

- (8) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the additional uses of "Retail Stores", "Barber Shops" and "Beauty Parlours" shall be permitted on the lands crosshatched on Schedule "A-5". The zone provisions of Section 16A shall be complied with and further provided that no open storage of goods or materials is maintained.

- (9) That Section 16(3)(b) of by-law 2585 be repealed.

- (10) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585 the additional use of a "Convenience Retail Store" shall be permitted on the lands shaded with dots on Schedule "A-5".

- (a) Notwithstanding the zone provisions in Section 16A of By-law 2585, the following zone provisions shall apply to the subject property with respect to the use thereof as a "Convenience Retail Store":

ZONE PROVISIONS

- | | | |
|-------|--|----------------------|
| (i) | GROSS FLOOR AREA
Maximum | 185.1 m ² |
| (ii) | LOT COVERAGE
Maximum for all buildings | 16.75% |
| (iii) | LANDSCAPED OPEN SPACE
Minimum | 21.2% |
| (iv) | In accordance with the provisions of Section 6 of By-law 2585, provided however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be | 13 parking spaces |
| (v) | OPEN STORAGE

The permitted use 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. | |

(1838-85) (100) **PART OF LOT 23, CONCESSION 1**
1121 DUNDAS STREET EAST, 124 AND 180 HOPKINS STREET

Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely:

- (5094-02) • daycare centre
- marine sales
- motor vehicle paint and body shop
- (6775-13) • personal service establishment and offices
- pool centre
- recreational club or facility
- retail sporting goods centre
- retail/wholesale automobile parts store
- warehouse sales outlet

(2297-87)
(6775-13) Notwithstanding anything to the contrary, the maximum floor area for a personal service establishment and/or office use shall not exceed 600 m².

For the purpose of the interpretation of the various provisions of 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 No. 2585, then the definitions hereinafter set forth shall take precedence.)

- (6775-13) (a) **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, a school of dance, art or music, and photographic studio.
- (b) **OFFICES** means one or more of the following uses namely, business, corporate and professional office but does not include such uses as an art studio, medical office, dental office, a drugless practitioner's office, law office, real estate office and a travel agency.

(5094-02) Notwithstanding Section 6(11)(a)(i) of By-law No. 2585, the total number of required loading spaces for a building or structure with a total floor area exceeding 2325 m² but not greater than 7430 m² shall be two.

(1867-85)
(3670-95) (101) **PART OF LOT 25, CONCESSION 506 VICTORIA STREET EAST**
Repealed by By-law 3670-95

Notwithstanding the permitted uses of Section 20(1)(b) of By-law No. 2585, the following additional use of construction equipment sales and service shall be permitted for the lands identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law No. 3670-95.

(1870-85) (102) **PART 1, PLAN 40R-1275**
400 HOPKINS STREET

Notwithstanding the uses permitted in a Restricted Industrial Zone as referred to in Section 20 of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely:

- technical school for the training of laborers.

(1872-85)
(6264-09) **(103) PARTS 3 AND 4, PLAN 40R-8299**
340 BYRON STREET SOUTH
 Repealed by By-law 6264-09

(1877-85)
(6264-09) **(104) PART OF LOT 25, CONCESSION 2**
552 DUNDAS STREET EAST
 Repealed by By-law 6264-09

(1880-85) **(105) PART OF LOTS 31 AND 32, CONCESSION 1**
PLAN OF SUBDIVISION 18T-79070

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2", "R2B", "R3B" and "F" of the lands so marked "R2", "R2B", "R3B" and "F" 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) USE PERMITTED

- single family detached dwelling house

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12 m |
| (b) | LOT DEPTH
Minimum | 30 m |
| (c) | LOT AREA
Minimum | 390 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 lot line of | 6.0 m |
| (f) | REAR YARD
Minimum | 10 m |
| (g) | INTERIOR SIDE YARD | |
| (h) | provided however and notwithstanding the above,
Minimum Width | 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 |

- | | | |
|-----|---|---------------------|
| (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 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, ACCESSORY BUILDINGS, ETC. | |

In accordance with the provisions of Section 6 of By-law 2585.

- (c) No persons 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 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 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 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 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 6 of By-law 2585.

For the purpose of the interpretation of the various zone provisions set forth in Subsections (b) and (c) above, the following definition shall apply. (Where there is a conflict between the definition set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence.)

- (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.

- (d) No buildings or structures other than conservation or flood control projects will be permitted on the lands designated as "F" Flood Zone as shown on the attached Schedule "A-1".

(1885-85) (106) **PART OF LOTS 25 AND 26, CONCESSION 2
PLAN OF SUBDIVISION 18T-78009**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A", "R2B", and "OS" of the lands marked "R2A", "R2B" 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 zoned provisions.

"R2A" SINGLE FAMILY DETACHED DWELLING HOUSE

- (6775-13) (i) **USE PERMITTED**
- single 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 | 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 |
| (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 yard lot line, a minimum distance of | 6.0 m |
| | except in the case of an exterior side yard abutting a 0.3 m reserve which abuts a street having a planned width of 30 m or more, the minimum depth is | 4.5 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 6 of By-law 2585.

- (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

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 13.5 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 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 | 1.5 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 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 6 of By-law 2585.

- (d) For the purpose of the interpretation of the various zone provisions set forth in Subsections (b) and (c) above, the following definition shall apply. (Where there is a conflict between the definition hereinafter set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence.)

- (i) **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.

**(1889-85) (107) PART OF LOT 24, CONCESSION 2
840 DUNDAS STREET EAST**

- (a) Notwithstanding Section 7(9)(f) of By-law 2585, the minimum interior side yard shall be 6.5 m
- (b) Notwithstanding Section 7(9)(l)(i) of By-law 2585, 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 13.5 m

(2010-86) (c) Notwithstanding Section 6(13)(a) of By-law 2585, parking spaces to be provided shall be 133 spaces

Provided that one of such parking spaces shall be located at or near the southerly pedestrian entrances to any apartment building located on the said lands and shall be maintained at all times for the temporary parking of vehicles solely for the purposes of picking up or discharging passengers or making deliveries.

- (d) Notwithstanding Section 6(13)(h) of By-law 2585, a parking area shall be permitted in all yards 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 1.9 m to any side lot line.

**(1904-85) (108) PART OF LOT 24, CONCESSION 1
PLAN OF SUBDIVISION 18T-83014**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A", "OS" and "F" of the lands so marked "R2A", "OS" and "F" on Schedule "A-1" annexed to this By-law.
- (b) The provisions of Subsection 6(14) of By-law 2585 shall not apply to the lands designated "R2A" on Schedule "A-1" annexed to this By-law.
- (c) The provisions of Section 7 of By-law 2585 shall not apply to the lands designated as "R2A" on Schedule "A-1" annexed to this By-law.
- (d) No persons 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**(6775-13)****(i) USE PERMITTED**

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|-------------------------|--------------------|
| (a) | LOT FRONTAGE
Minimum | 14.5 m |
| (b) | LOT DEPTH
Minimum | 30 m |
| (c) | LOT AREA
Minimum | 435 m ² |

(2707-89)

- | | | |
|-----|---|---------------------|
| (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 | 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 |
| (h) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (i) | HEIGHT OF BUILDING
Maximum | 10 m |
| (j) | PARKING | |

In accordance with the provisions of Section 6 of By-law 2585.

- (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 2585, then the definitions hereinafter set forth shall take precedence).
- (i) **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 distant therefrom.
- (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 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.
- (f) That on the lands designated "R2A" on Schedule "A-1" annexed to this By-law, no structures shall be designed and constructed or located with any openings of any kind below the elevation of 86.11 m Canadian Geodetic Datum.

(1927-85) (109) **BLOCK 171, REGISTERED PLAN M-1225
PLAN OF SUBDIVISION 18T-80003**

- (a) That Schedule "A" to By-law 2585 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

(6775-13)

(i) **USE PERMITTED**

- single 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 | 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) | 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 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 6 of By-law 2585.

- (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 definition hereinafter set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).
- (i) **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.

(1943-85) (4589-00)	(110)	SOUTHWEST CORNER OF BROCK STREET NORTH AND PALMERSTON AVENUE Repealed by By-law 4589-00	
(1985-86)	(111)	PART OF LOT 25, CONCESSION 2 PLAN OF SUBDIVISION 18T-80072 (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A" and "R2B" of the lands so marked "R2A" and "R2B" 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	
(6775-13)	(i)	USE PERMITTED • single detached dwelling	
	(ii)	ZONE PROVISIONS (a) LOT FRONTAGE Minimum	15 m
		(b) LOT DEPTH Minimum	29 m
		(c) LOT AREA Minimum	425 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	1.0 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 yard lot line, a minimum distance of	5.5 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 6 of By-law 2585.

(c) No persons 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

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 13.5 m

(b) LOT DEPTH
Minimum 27.5 m

(c) LOT AREA
Minimum 370 m²

(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 5.5 m

(f) REAR YARD
Minimum 10 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 yard lot line, a minimum distance of 5.5 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 6 of By-law 2585.

- (d) For the purpose of interpretation of the various zone provisions set forth in Subsection (b) and (c) above, the following definition shall apply. (Where there is a conflict between the definition hereinafter set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).

- (i) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(1992-86)
(6264-09) (112) **NORTHEAST CORNER OF COLBORNE STREET WEST AND KING STREET**
312 COLBOURNE STREET WEST
Repealed by By-law 6264-09

(2033-86)
(6264-09) (113) **SOUTHWEST CORNER OF VICTORIA STREET AND CHARLES STREET**
Repealed by By-law 6264-09

(2109-86)
(5955-07)
(6264-09) (113A) **PART OF LOT 31, CONCESSION 1, 965 DUNDAS STREET WEST**
Repealed by By-law 6264-09

(2034-86) (114) **SOUTHEAST CORNER OF ST. LAWRENCE STREET AND BROCK STREET**
SOUTH
1101 BROCK STREET SOUTH

Notwithstanding the provisions of Section 16A, Subsection 2(ix), the said provision shall not apply to the lands marked as "Subject Property" annexed to this By-law.

That Schedule "A" to By-law No. 2585 is hereby amended so that the portion of the street so designated on Schedule "A-1" (crosshatched) as "Subject Property" annexed to this By-law shall have a planned width of street allowance of 26 m and not as heretofore designated on the said Schedule "A".

(2552-89) Notwithstanding the permitted uses in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the following additional uses shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law; namely:

- (6775-13)
- office uses
 - personal service establishment
 - retail service

(2110-86)
(5955-07)
(6264-09) (114A) **SOUTHEAST CORNER OF BROCK STREET SOUTH AND GILBERT STREET**
EAST
403 BROCK STREET SOUTH
Repealed by By-law 6264-09

(2056-86) (115) **987 DUNDAS STREET EAST**

Notwithstanding the definition for a converted dwelling house under Section 2 Definitions of By-law 2585, the following definition shall apply to the Subject Property as shown on Schedule "A-1" annexed to this By-law.

CONVERTED DWELLING HOUSE means a dwelling house altered or converted so as to provide therein dwelling units provided the main dwelling house was erected prior to 1986.

The zone provisions for a converted dwelling house as contained in Section 7(6) of By-law 2585 shall apply to the "Subject Property" as shown on Schedule "A-1" annexed to this By-law.

(2057-86) (116) **PART OF LOT 26, CONCESSION 2**
(2197-87) **Repealed by By-law 2197-87**

(2115-86) (117) **PART OF LOT 23, CONCESSION 2**
1120 DUNDAS STREET EAST

Notwithstanding the provisions of Section 16A of By-law 2585, the following rear yard setback for a used car automobile sales establishment shall apply over the lands designated as "C2-S" outlined on Schedule "A-1":

REAR YARD

Minimum Depth 2.0 m

(2130-86) (118) **PART LOT 32, CONCESSION 1 LOT 40, PLAN 40M-1484**
(3516-94) **Repealed by By-law 3516-94**

(a) The provisions set forth in Section 25 (Exceptions) Subsection (105)(c) shall apply to the lands identified as the "Subject Property" and marked 'R3B' on Schedule "A-1" annexed to By-law No. 3516-94.

(2168-87) (119) **PART OF LOT 25, CONCESSION 1 (C3-DT-12)**
(6264-09) **421 DUNDAS STREET EAST**
Repealed by By-law 6264-09

(2209-87) (120) **PART OF LOT 32, CONCESSION 2**
PLAN OF SUBDIVISION 18T-86049

- (a) That Schedule "A" to By-law No. 2585 is hereby amended by changing the zone designations to "R1A", "R2A", "R3A", "OS" "D(NR)" and "F" of the lands so marked "R1A", "R2A", "R3A", "OS" "D(NR)" and "F" on Schedule "A-1" annexed to this By-law.
- (b) No persons 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

(6775-13) (i) **USE PERMITTED**

- single detached dwelling

(ii) **ZONE PROVISIONS**

- | | | |
|-----|-------------------------|---------------------|
| (a) | LOT FRONTAGE
Minimum | 18 m |
| (b) | LOT DEPTH
Minimum | 32 m |
| (c) | LOT AREA
Minimum | 570 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 |
| (g) | INTERIOR SIDE YARD
Minimum Width | 1.0 m |
| (a) | provided however and notwithstanding the above, the exterior wall of a second or third storey of any building shall be set back a distance from the 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 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 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 | 8.5 m |
| (k) | PARKING

In accordance with the provisions of Section 6 of By-law 2585. | |
- (c) No persons shall use any lot or erect or alter 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

(6775-13)

(i) USE PERMITTED

- single 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 | 33% of the lot area |
| (e) | FRONT YARD
Minimum Depth | 4.5 m |
| | provided however and notwithstanding the foregoing, 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 |
| | 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 |
| (a) | provided however and notwithstanding the above, the exterior wall of a second or third storey of any building shall be set back a distance from the 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 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 | 6.0 m |
| (i) | LANDSCAPED OPEN SPACE
Minimum | 40% of the lot area |
| (j) | HEIGHT OF BUILDING
Maximum | 8.5 m |
| (k) | PARKING | |
| | In accordance with the provisions of Section 6 of By-law 2585 | |
- (d) No persons 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) USE PERMITTED

- single family link dwelling house

(ii) ZONE PROVISIONS

- | | | |
|-----|--|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12 m |
| (b) | LOT DEPTH
Minimum | 40 m |
| (c) | LOT AREA
Minimum | 465 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 | 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 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 | 6.0 m |
| (i) | LANDSCAPED OPEN SPACE
Minimum | 40% of the lot area |
| (j) | HEIGHT OF BUILDING
Maximum | 8.5 m |
| (k) | PARKING | |
| | In accordance with the provisions of Section 6 of By-law 2585. | |

- (d) No buildings or structures other than conservation or flood control projects will be permitted on the lands designated as Flood Zone (F) as shown on the attached Schedule "A-1".

- (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 set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).
- (i) **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.
- (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.
- (2) Notwithstanding the provisions of Section 7(1)(a) and 7(1)(c) of By-law 2585 to the contrary the following provisions shall apply to any lands designated on Schedule "A-1" to this By-law with an asterisk (*).
- (a) LOT FRONTAGE
Minimum 10 m
 - (b) LOT AREA
Minimum 0.8 ha

**(2210-87) (121) BLOCK "F", REGISTERED PLAN M-1013
PLAN OF SUBDIVISION 18T-84042**

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A", "R2" and "OS" of the lands so marked "R2A", "R2" and "OS" on Schedule "A-1" annexed to this By-law.
- (b) No persons 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

- (6775-13)**
- (i) USE PERMITTED
 - single detached dwelling
 - (ii) ZONE PROVISIONS
 - (a) LOT FRONTAGE
Minimum 15 m

Notwithstanding the above, the minimum lot frontage for those lots identified by an asterisk (*) shall be 13.9 m
 - (b) LOT DEPTH
Minimum 30 m

(c)	LOT AREA Minimum	433 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
(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 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 6 of By-law 2585	

(2237-87)

**(122) PART OF LOT 27, CONCESSION 1
714 AND 718 CENTRE STREET NORTH**

Notwithstanding Section 19 (2) (b) (iii), (v) of By-law 2585, the following zone provisions shall apply to the subject property as shown on the Schedule "A-1" annexed to this By-law.

(iii)	FRONT YARD Minimum Depth	8.0 m
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(v)	INTERIOR SIDE YARD Minimum Width	0.0 m
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**(2282-87) (123) SOUTH-EAST CORNER OF WATSON AND VICTORIA STREETS
340 AND 360 WATSON STREET WEST**

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" – RESIDENTIAL HOUSING COMPLEX

(i) USE PERMITTED

- Residential

A residential housing complex consisting of apartment dwelling houses and multiple attached housing, and including ancillary recreational amenities that are solely devoted to the residential housing complex.

- Non-Residential

The following commercial uses provided the total gross floor area of such uses does not exceed 550 m² and provided such floor space is integrated into the residential housing complex.

- bank or financial institution
- barber shops
- beauty parlours
- health clubs
- office
- restaurants
- retail stores

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	100 m
(b)	LOT AREA Minimum	2.0 ha
(c)	LOT COVERAGE Maximum for all buildings	35% of the lot area
(d)	FRONT YARD Minimum Depth	6.0 m
(e)	REAR YARD Minimum Depth	6.0 m
(f)	INTERIOR SIDE YARD Minimum Depth	6.0 m
(g)	EXTERIOR SIDE YARD Minimum Depth	6.0 m
(h)	LANDSCAPED OPEN SPACE	35% of the lot area
(i)	HEIGHT OF BUILDINGS Maximum	12 storeys

- (j) NUMBER OF DWELLING UNITS
Maximum 1 dwelling unit for each 90 m² of lot area

(k) PARKING

The provisions of Section 6(13) of By-law 2585 shall not apply to any 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:

1.5 parking spaces for each dwelling unit with 0.2 spaces per unit allocated and assigned for visitor parking.

1 parking space per 14 m² of commercial floor space such parking to be contiguous to and readily accessible to such commercial floor space.

(ii) PARKING AREA LOCATION ON THE 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 or side lot line.

- (1) 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 2585, then the definitions hereinafter set forth shall take precedence).

- (i) **LANDSCAPED OPEN SPACE** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any surfaced walk, patio, open space area on top of a parking structure or underground parking, or similar area but does not include any driveway or ramp whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

- (ii) **LOT COVERAGE** means that percentage of the lot area covered by the horizontal projections of the area of all buildings excluding parking structures the roofs of which are used as landscaped open space.

- (iii) **MULTIPLE ATTACHED HOUSING** means one or more buildings each of which contains three or more dwelling units which are horizontally and/or vertically attached which units have a private entrance from outside the building or have a common entrance and are served by a common corridor, and in which 50% or more of the dwelling units have direct access to grade or a landscaped open space area.

(2310-87)
(6264-09) (124) **PART OF LOT 25, CONCESSION 2**
608 GARDEN STREET
Repealed by By-law 6264-09

(2363-88) (125) **PART LOT 22, CONCESSION 2**
PLAN OF SUBDIVISION 18T-86008

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A" and "R2B" of the lands so marked "R2A" and "R2B" 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

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 15 m |
| (b) | LOT DEPTH
Minimum | 27 m |
| (c) | LOT AREA
Minimum | 400 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 | 1.0 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 lot line, a minimum distance of | 5.5 m |

(2870-90)

Lots 17 and 27, Plan 40M-1601

provided however and notwithstanding the above, the minimum setback of a dwelling from the exterior side lot line for the lands described as Lot 17 and Lot 27, Plan 40M-1601 and shown as the "Subject Property" on Schedule "A-1" annexed to By-law No. 2870-90, shall be a minimum distance of 4.5 m

- | | | |
|------|----------------------------------|---------------------|
| (i) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (ii) | HEIGHT OF BUILDING | |

Maximum 8.0 m

(iii) **PARKING**

In accordance with the provisions of Section 6 of By-law 2585.

- (a) No persons 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

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 13 m |
| (b) | LOT DEPTH
Minimum | 27 m |
| (c) | LOT AREA
Minimum | 370 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 | 5.5 m |
| (f) | REAR YARD
Minimum | 10 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 yard lot line, a minimum distance of | 5.5 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 6 of By-law 2585.

- (b) For the purpose of the interpretation of the various zone provisions set forth in Subsection (b) and (c) above, the following definition shall apply. (Where there is a conflict between the definition hereinafter set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).

- (i) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

(2372-88) (126) PART OF LOT 29, CONCESSION 1, 847 DUNDAS STREET WEST
Repealed by By-law 2667-89

- (a) Notwithstanding the zone provisions of Section 17B of By-law 2585, the following shall apply where inconsistent with the said provisions:
- (i) **INTERIOR SIDE YARD – EAST**
Minimum Width 1.2 m
 - (ii) **INTERIOR SIDE YARD – WEST**
Minimum Width 1.0 m
 - (iii) **REAR YARD**
Minimum Depth 6.0 m

(2381-88) (127) PART OF LOT 31, CONCESSION 2

- (a) No person shall use any lot or erect or alter 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

- (6775-13) (i) USE PERMITTED**
- single detached dwelling
- (ii) ZONE PROVISIONS**
- (a) **LOT FRONTAGE**
Minimum 15 m
 - (b) **LOT DEPTH**
Minimum 30 m
 - (c) **LOT AREA**
Minimum 465 m²
 - (d) **LOT COVERAGE** 33% of the lot area
 - (e) **FRONT YARD** 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 29 or more, the minimum depth is 15 m

(g) INTERIOR SIDE YARD
Minimum Width 1.0 m

(a) provided however and notwithstanding the above, the exterior wall of a second or third storey of any building shall be set back a distance from the 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 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 6.0 m

(i) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

(j) HEIGHT OF BUILDING
Maximum 8.5 m

(k) PARKING

In accordance with the provisions of Section 6 of By-law 2585.

(b) For the purpose of the interpretation of the various zone provisions set forth in Subsection (a) above, the following definition shall apply. (Where there is a conflict between the definition set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).

(i) **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 distant therefrom.

(2382-88) (128) PART OF LOT 25, CONCESSION 2

(a) No person shall use any lot or erect or alter 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

- single detached dwelling

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 12.1 m

(6775-13)

(b)	LOT DEPTH Minimum	27 m
(c)	LOT AREA Minimum	286 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 through 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	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	9.0 m
(k)	PARKING, ACCESSORY, BUILDING, ETC. In accordance with the provisions of Section 6 of By-law 2585.	

(b) For the purpose of interpretation of the various zone provisions set forth in Subsection (a) above, the following definition shall apply. (Where there is a conflict between the definitions set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).

(i) **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 distant therefrom.

(2415-88) (6264-09)	(129) PART OF LOT 26, CONCESSION 2 110 DUNDAS STREET EAST Repealed by By-law 6264-09
(2416-88) (6264-09)	(130) PART OF LOT 26, CONCESSION 2 308 AND 310 MARY STREET EAST Repealed by By-law 6264-09
(2428-88) (6264-09)	(131) 126 BROCK STREET SOUTH Repealed by By-law 6264-09
(2456-88)	(132) PART OF LOTS 25 AND 26, CONCESSION 1 PLANS OF SUBDIVISION (18T-86019 AND 18T-86048)

- (a) That Schedule "A" to By-law 2585 is hereby amended by changing the zone designations to "R2A", "F", "D(R)" and "D(NR)" of the lands so marked "R2A", "F", "D(R)" and "D(NR)" 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

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(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 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, 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 6 of By-law 2585.

- (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 2585, then the definitions hereinafter set forth shall take precedence).

- (i) **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.

(2469-88) (133) **NORTHWEST CORNER OF BOWMAN AVENUE AND DUNDAS STREET EAST
1320 AND 1342 DUNDAS STREET EAST**

- (a) Notwithstanding the uses permitted in a Gasoline Bar Zone as referred to in Section 17B of By-law 2585, the additional use of a Lubritorium shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law as an accessory use to the gas bar use.
- (b) Notwithstanding Section 17D(3)(c) of By-law 2585, a minimum of three parking spaces shall be provided on the Subject Property as shown on Schedule "A-1" annexed to this By-law.

LUBRITORIUM means a building or part of a building where motor vehicles may be serviced which may include the changing of oil and other filters, motor oil, the greasing and topping up of fluids. The sales of oils, greases and other related products may be sold on a retail basis.

(2550-89)
(6264-09) (134) **125 EUCLID STREET
Repealed by By-law 6264-09**

(2551-89) (135) **PART OF LOT 27, CONCESSION 1
1032 BROCK STREET SOUTH**

- (a) Notwithstanding the uses permitted in the Special Purpose Commercial Zone as referred to in Section 16A of By-law 2585, the following additional use shall be permitted on the lands outlined on Schedule "A-1" annexed to this By-law, namely:
- Offices

- (b) Notwithstanding any other definition to the contrary, the following definition shall apply to the subject property:

OFFICES means a building or a portion of a building used for office space which shall include: business, corporate and professional offices, law office, real estate office and a travel agency.

(2609-89)
(6264-09) (136) **SOUTHWEST CORNER OF BROCK STREET SOUTH AND ONTARIO STREET WEST**
500 BROCK STREET SOUTH
Repealed by By-law 6264-09

(2622-89) (137) **SUBWAY MOBILE HOME PARK**

(7017-15) (a) **Repealed by By-law 7017-15**

(7017-15) (b) **Repealed by By-law 7017-15**

- (c) No person shall use any lot or erect or alter or use any building or structure in a "R3A" Zone on Schedule "A-1" annexed to this By-law No. 2622-89 except in accordance with the following uses and zone provisions:

"R3A" – SINGLE FAMILY LINK DWELLING HOUSE

(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 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 2585. | |

(7017-15) (d) **Repealed by By-law 7017-15**

(7017-15) (e) **Repealed by By-law 7017-15**

(7017-15) (f) **Repealed by By-law 7017-15**

**(2628-89) (138) PART OF LOTS 25 AND 26, CONCESSION 2
10 BASSETT BOULEVARD**

No person shall use any lot or erect or alter or use any building or structure in any "R4A" Zone of the lands outlined on Schedule "A-1" annexed to By-law No. 2628-89 except in accordance with the following uses and zone provisions:

"R4A" – BLOCK TOWNHOUSING

(i) USE PERMITTED

- block townhousing and accessory resident activity building

(ii) ZONE PROVISIONS

- | | | |
|-----|--|---------------------|
| (a) | LOT FRONTAGE
Minimum | 15 m |
| (b) | LOT AREA
Minimum | 6.0 ha |
| (c) | LOT COVERAGE
Maximum for all buildings | 35% of the lot area |
| (d) | YARDS

the minimum depth from a public road allowance of 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 where such wall containing a habitable room window of a dwelling unit that 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 yard depth between an end wall and an Open Space "OS" Zone shall be	2.5 m
	the minimum depth from any internal roadway to the nearest portion of a structure shall be	6.0 m
	except in the case of an end wall adjacent to a roadway, the minimum depth shall be	3.0 m
	except in the case of an end wall adjacent to a parking lot the minimum depth shall be	1.0 m
(e)	DISTANCE BETWEEN BUILDINGS	
	In the case of two end walls containing no habitable room windows the distance shall be	2.5 m
	In the case of two walls containing habitable room windows that are parallel to each other, the minimum distance shall be	15 m
	In the case of two walls containing habitable room windows that are not parallel to each other, the minimum distance 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	227
(j)	PARKING Notwithstanding the parking provisions of Section 6(13) of By-law 2585, the following shall apply:	
	<ul style="list-style-type: none"> minimum of two parking spaces per unit, wherein one space shall be provided in a related detached garage minimum free standing visitor parking spaces 	60 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 m ² . The minimum area requirement for such exclusive use areas shall be calculated in any yard except a 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 Section 6(2)(b), 6(2)(c), and 6(23) of By-law 2585, no accessory building shall be permitted on any block townhouse zone 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) 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 the accessory resident activity building shall not exceed 112 m²

(ii) BUILDING HEIGHT
Maximum 2 storeys

(iii) The minimum distance between a wall of the accessory resident activity building and an adjacent lot line shall be 5.0 m

(o) DEFINITION

The following definition shall apply to the subject property as shown on Schedule "A-1" annexed to By-law 2628-89.

BLOCK TOWNHOUSING means one or more buildings or structures each of which contain a minimum of three dwelling units (attached) not exceeding eleven dwelling units, 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 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 Townhousing' lands on which the Accessory Residential Activity Building is situated.

(2634-89)
(6051-08)

(139) **1022 BROCK STREET SOUTH**
Repealed by By-law 6051-08

(2639-89)

(140) **PART OF LOTS 30 AND 31, CONCESSION 2**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "R2A" Zone shown on Schedule "A-1" to By-law No. 2639-89 except in accordance with the following uses and zone provisions:

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)**(i) USES PERMITTED**

- single detached dwelling

(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 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 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 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 6 of By-law 2585

(l) **Notwithstanding anything to the contrary in By-law 2585, the minimum ground elevation for the "R2A" zoned portion as shown on Schedule "A-1" annexed to By-law No. 2639-89 shall be 84.12 m Canadian Geodetic Datum.**(b) **For the purpose of the interpretation of the various zone provisions set forth in Subsection (a) above, the following definition shall apply. (Where there is a conflict between the definition set forth and those referred to in Section 2 of By-law 2585, then the definition hereinafter set forth shall take precedence).**(i) **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 distant therefrom.(2640-89)
(6254-09)**(141) 208 BYRON STREET SOUTH**
Repealed by By-law 6264-09(2668-89)
(6264-09)**(142) 513 BROCK STREET NORTH**
Repealed by By-law 6264-09

(2669-89)

(143) PART OF LOTS 25 AND 26, CONCESSION BROKEN FRONT
202 BLAIR STREET SOUTH(a) **Notwithstanding the uses permitted in the General Industrial Zone as referred to in Section 21 of By-law 2585, the following additional use shall be permitted on the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law No. 2669-89:**

- office

(b) **Notwithstanding anything to the contrary, the gross floor area of the permitted use noted in paragraph (a) above, shall not exceed 2044 m².**(2687-89)
(6264-09)**(144) 151 BROCK STREET NORTH**
Repealed by By-law 6264-09(2700-89)
(6264-09)**(145) SOUTHEAST CORNER BROCK STREET SOUTH AND ONTARIO STREET EAST**
501 BROCK STREET SOUTH
Repealed by By-law 6264-09

(2701-89)

(146) PART OF LOT 29, CONCESSION 1
813, 817, 821 DUNDAS STREET WEST(a) **Notwithstanding the zone provisions of Section 15(2)(b) of By-law No. 2585 the following provisions shall apply to that portion of the "Subject Property" shaded with dots as shown on Schedule "A-1" annexed to By-law No. 2701-89 where inconsistent with By-law 2585:**(i) **INTERIOR SIDE YARD**
(as measured between the westerly limit of that portion of any building within the 'C1' Zone and the westerly limit of the 'C1' Zone)

Minimum Width

0.0 m

- (ii) REAR YARD
Minimum Depth 4.5 m
- (iii) LOT COVERAGE
Maximum 30% of the lot area
- (iv) PARKING
Minimum 150 spaces
- (b) Notwithstanding the permitted uses of Section 16A(1)(b) of By-law No. 2585 the following additional use shall be permitted on that portion of the "Subject Property" crosshatched and designated 'C2-S', on Schedule "A-1" annexed to By-law No. 2701-89:
 - retail beer, wine or liquor store
- (c) Notwithstanding the zone provisions of Subsection 16A(2) of By-law No. 2585 the following zone provisions shall apply to that portion of the "Subject Property" crosshatched and designated 'C2-S' on Schedule "A-1" annexed to By-law No. 2701-89 where inconsistent with By-law 2585:
 - (i) REAR YARD
Minimum Depth 4.5 m
 - (ii) PARKING
Minimum 8.0 spaces

**(2703-89) (147) PART OF LOT 27, CONCESSION 2
814 BROCK STREET NORTH**

- (a) Notwithstanding the permitted uses of Section 16A(1)(b) of By-law 2585, the following additional use shall be permitted on the lands shown as the "Subject Property" on Schedule "A-1" annexed to By-law No. 2703-89; namely,
 - business field office.
- (b) The zone provisions of Section 16(2) of By-law 2585, shall apply to the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 2603-89 except where inconsistent with the following:
 - (i) LOT FRONTAGE
Minimum 30 m
 - (ii) FRONT YARD
Minimum Depth 6.0 m
 - (iii) INTERIOR SIDE YARD
Minimum Width 0.0 m
 - (iv) OFFICE FLOOR SPACE
Maximum 170 m²
 - (v) PARKING
In accordance with the provisions of Section 6 of By-law 2585.

(vi) DETACHED GARAGES, ACCESSORY BUILDINGS

Notwithstanding any other provision contained in By-law No. 2585, the minimum setback from any rear or interior side yard for a detached garage and/or accessory building shall be 1.5 m.

- (c) Notwithstanding the definition contained in By-law No. 2585, the following shall apply to the lands shown on the "Subject Property" on Schedule "A-1" annexed to By-law NO. 2703-89.

A BUSINESS FIELD OFFICE means a building or part of a building which is used for administrative offices for community service uses such as government and charitable social service agencies.

**(2704-89) (148) PART OF LOT 28, CONCESSION 2
PLAN OF SUBDIVISION 18T-87090**

- (a) Notwithstanding Section 7(1)(c), Lot Area, and Section 7(1)(e), Front Yard, of By-law No. 2585, the following shall apply to those lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 2704-89.
- (i) LOT AREA (Lots 1 and 2)
Minimum 349 m²
 - (ii) LOT AREA (Lot 3)
Minimum 450 m²
 - (iii) FRONT YARD (Lots 4, 5, 6, 7, 8)
Minimum Depth 10 m

**(2708-89) (149) SOUTHEAST CORNER OF DUNDAS STREET WEST AND JEFFERY STREET
951 DUNDAS STREET WEST**

No person shall use any part or erect or alter any use of any building or structure on any part of the lands shown as the "Subject Property" and designated as "GB" and "F" on Schedule A-1 annexed to By-law No. 2708-89 except for the following uses and in accordance with the zone provisions hereinafter set forth:

A. "GB" GASOLINE BAR

(a) USES PERMITTED

- gas bar

(b) ZONE PROVISIONS

The above use shall be subject to the provisions of Sections 17B and 17D of By-law No. 2585, as amended, except where in conflict with the following:

- (i) LOT FRONTAGE (Corner Lot)
Minimum 29.8 m
- (ii) LOT DEPTH
Minimum 32.4 m
- (iii) REAR YARD
Minimum 0.0 m

- (iv) Section 17D(4) of By-law No. 2585 shall not apply to the lands identified as the subject property on Schedule "A-1" annexed to By-law No. 2708-89.
- (v) Notwithstanding Section 17D(6) of By-law No. 2585, a kiosk may be located within any yard provided the minimum distance between the kiosk and lot line is:

Front Lot Line	10.5 m
Rear Lot Line	0.0 m
Interior Side Lot Line	8.2 m
Exterior Side Lot Line	10.5 m

B. "F" FLOOD ZONE

(a) USES PERMITTED

- (i) As per Subsection 23(1) of By-law No. 2585, as amended

(b) ZONE PROVISIONS

- (i) As per Subsection 23(2) of By-law No. 2585, as amended.

**(2772-89)
(6264-09) (150) PART OF LOT 26, CONCESSION 2 - 121 ASH STREET**
Repealed by By-law 6264-09

**(2771-89)
(6264-09) (151) PART OF LOT 27, CONCESSION 2 - 404 DUNDAS STREET WEST**
Repealed by By-law 6264-09

(2773-89) (152) PART OF LOT 27, CONCESSION 2 - WILLIS AVENUE

Notwithstanding Section 7(1)(e) of By-law No. 2585, the following provisions shall apply to the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law No. 2773-89.

- (a) FRONT YARD
Minimum Depth 5.0
- (b) FRONT YARD
Minimum Depth (from the garage) 6.0

**(2774-89)
(6264-09) (153) PART OF LOT 26, CONCESSION 2**
416 DUNDAS STREET EAST
Repealed by By-law 6264-09

(2789-90) (154) PART OF LOT 23, CONCESSION 4
PLAN OF SUBDIVISION (18T-89050)

- (a) No persons 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 No. 2789-90 except in accordance with the following uses and zone provisions.

"R2A" – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13) (i) USE PERMITTED

- single detached dwelling

(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 | 5.5 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 yard 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 yard lot line a minimum distance of | 5.5 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 6 of By-law 2585. | |

- (b) No persons 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 No. 2789-90 except in accordance with the following uses and zone provisions:

"R2B" – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13)

(i) USE PERMITTED

- single detached dwelling

(ii) ZONE PROVISIONS

- | | | |
|-----|---|---------------------|
| (a) | LOT FRONTAGE
Minimum | 12 m |
| (b) | LOT DEPTH
Minimum | 28 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 | 1.0 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 |
| (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 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 6 of By-law 2585.

(c) For the purpose of the interpretation of the various zone provisions set forth in By-law No. 2789-90, 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 No. 2585, then the definitions hereinafter set forth shall take precedence):

(i) **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.

(2832-90) (155) 804 BROCK STREET NORTH

(a) Notwithstanding Section 16A(1)(b) of By-law No. 2585, the following additional use, namely, a pool supply centre, shall be permitted on the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 2832-90.

(b) Notwithstanding Section 16A(2)(vi) of By-law No. 2585, the following provision shall apply to the lands identified as "Subject Property" on Schedule "A-1" annexed to By-law No. 2832-90:

(a) INTERIOR SIDE YARD
Minimum Width 0.3 m

(c) All other zone provisions of Section 16A of By-law No. 2585 shall apply to the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 2832-90.

(2838-90) (156) WEST SIDE OF PERRY STREET LOTS 41, 42, 43, PLAN H-50029
(6264-09) 220 PERRY STREET
Repealed by By-law 6264-09

(2849-90) (157) PART OF LOT 25, CONCESSION 1
PLAN OF SUBDIVISION (18T-86019)

(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 No. 2849-90, except in accordance with the following uses and zone provisions:

'R2A' – SINGLE FAMILY DETACHED DWELLING HOUSE

(6775-13) (i) USE PERMITTED

- single detached dwelling

(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 | 5.5 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 |
| (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 | 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 6 of By-law No. 2585. | |

- (b) Section 6(13)(c)(iii) of By-law No. 2585 shall not apply to the lands designated 'R2A' as shown on Schedule "A-1" annexed to By-law No. 2849-90.

(2871-90)
(6264-09)

(158) NORTHEAST CORNER OF ATHOL AND DUNLOP STREETS
219 ATHOL STREET
 Repealed by By-law 6264-09

(2881-90)
(6264-09)

(159) 206 BYRON STREET SOUTH
 Repealed by By-law 6264-09

(2907-90) (161) **PARTS 1 AND 2 PLAN 40R-7628 (R2-DT)**
 (6264-09) **EAST SIDE OF ATHOL STREET**
Repealed by By-law 6264-09

(2957-91) (162) **PARCEL BFC-26-2, SECTION WHITBY MARKED AS "SUBJECT LAND" ON**
 (6117-08) **SCHEDULE "A-2" TO BY-LAW 2957-91**

(A) No person shall use any lot or erect or alter or use any building or structure in any "H-R5A" Zone as indicated on Schedule "A-2" annexed to By-law No. 2957-91 except for one or more of the following uses, namely:

- bush or berry crop
- orchard

a Sales Office having a gross floor area of no more than 600 m² and used solely for the purpose of advertising for sale and selling residential units located, or to be located, on the property as shown on Appendix "B" annexed to By-law No. 2957-91.

(B) The Holding Zone Symbol "H" prefixed to the aforementioned zone designation may be removed in phases and shall be removed once the following matters, as they pertain to the phase of development to which the removal of the "H" symbol would apply, have been satisfied or fulfilled, namely:

(a) The provisions of Section 41 of the Planning Act, R.S.O. 1990, c. P-13 as amended from time to time and as implemented by By-law No. 2647-89, including any duly enacted amendments thereto or replacement thereof, have been fulfilled, including the execution of any Development Agreement with respect to the relevant phase of development;

(b) The Regional Municipality of Durham has provided confirmation in writing that all its requirements, financial and otherwise, have been satisfied, including without limiting the generality of the foregoing the execution of agreements relating to:

(i) the construction of a sanitary sewer on Brock Street South and Water Street or within an easement along the southern limit of the parcel of land east of Brock Street South shown on Appendix "B" annexed to By-law No. 2957-91;

(ii) the replacement of the existing water main on Water Street and Brock Street South;

(6177-08) (iii) **Repealed by By-law 6117-08**

(iv) the construction of water and sanitary sewer connections as required by the said Region.

(c) The Central Lake Ontario Conservation Authority and the Regional Municipality of Durham have provided confirmation in writing that all requirements, financial and otherwise, set forth hereunder have been fulfilled, to the satisfaction of both the Authority and the Region:

(i) confirmation that the lot grade has been raised to a minimum elevation of 77 m C.G.D.;

(ii) confirmation that Brock Street South, from its intersection with Front Street and along the frontage of the lot shown on Appendix "B" annexed to By-law No. 2957-91 to the access point has been raised to a minimum elevation of 76.36 m C.G.D; and

- (iii) the waterway opening of Pringle Creek under Brock Street South has been increased to 37.6 m² of effective flow area or confirmation is received from both the Authority and the Region confirming that this requirement has been waived in whole or in part provided that if this requirement is waived in part only, the portions of the requirements which have not been waived shall be fulfilled.
- (C) No person shall use any lot or erect or alter or use any building or structure in any "R5A" Zone established as aforesaid and entitled "Residential Housing Complex" except for one or more of the following uses and in accordance with the following Zone Provisions, namely:

"R5A" – RESIDENTIAL HOUSING COMPLEX

(i) USES PERMITTED

(a) Residential:

Residential Housing Complex consisting of block townhouses all of which are to be located within the building envelopes shown on Appendix "B" annexed to By-law No. 2957-91.

(b) Non-Residential:

- (i) Accessory recreational amenities including a recreation centre, provided that such facilities are owned and operated for the sole benefit of the residents of the Residential Housing Complex and their guests and not for the general public; and
- (ii) A Sales Office having a gross floor area of no more than 600 m² and used solely for the purpose of advertising for sale and selling residential units located, or to be located, on the property shown on Appendix "B" annexed to By-law No. 2957-91.

(ii) ZONE PROVISIONS

(a)

- (i) The setbacks and dimensions shown on Appendix "B" annexed to By-law No. 2957-91 are minimums;
- (ii) All residential building shall be located within the envelopes shown on Appendix "B". For the sole purpose of interpreting the location of the building envelopes set out in said appendix, the envelopes shall be deemed to conform to the setbacks and dimensions; and
- (iii) Where setbacks refer to the distance between building envelopes, they shall be measured perpendicularly between the exterior finished walls of buildings of their closest point.

(b) LOT COVERAGE:
Maximum:

For all structures located east of Brock Street
South

30% of the Lot

- (c) **LANDSCAPED OPEN SPACE:**
Minimum:
East Side of Brock Street South 45%
- (d) **HEIGHT OF BUILDINGS:**
Maximum:
East of Brock Street South 3 storeys
- (e) **NUMBER OF DWELLING UNITS:**
Lands east of Brock Street South: Not more than 74 block townhouse dwelling units.
- (f) **PARKING:**

The provisions of Section 6(13) of By-law No. 2585 shall not apply to any development referred to in the aforesaid "R5A" Zone, as indicated on Schedule "A-2" annexed to By-law No. 2957-91 and instead of the following provisions shall apply:

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 owners, occupants, or other persons entering upon or making use of the said premises from time to time, parking spaces (as defined in the sub-paragraph (E)(h) and (E)(i) and areas as follows:

Not less than 2 parking spaces will be provided for each townhouse dwelling unit and not less than a further 0.2 parking spaces for each such dwelling unit allocated and assigned for visitor parking.

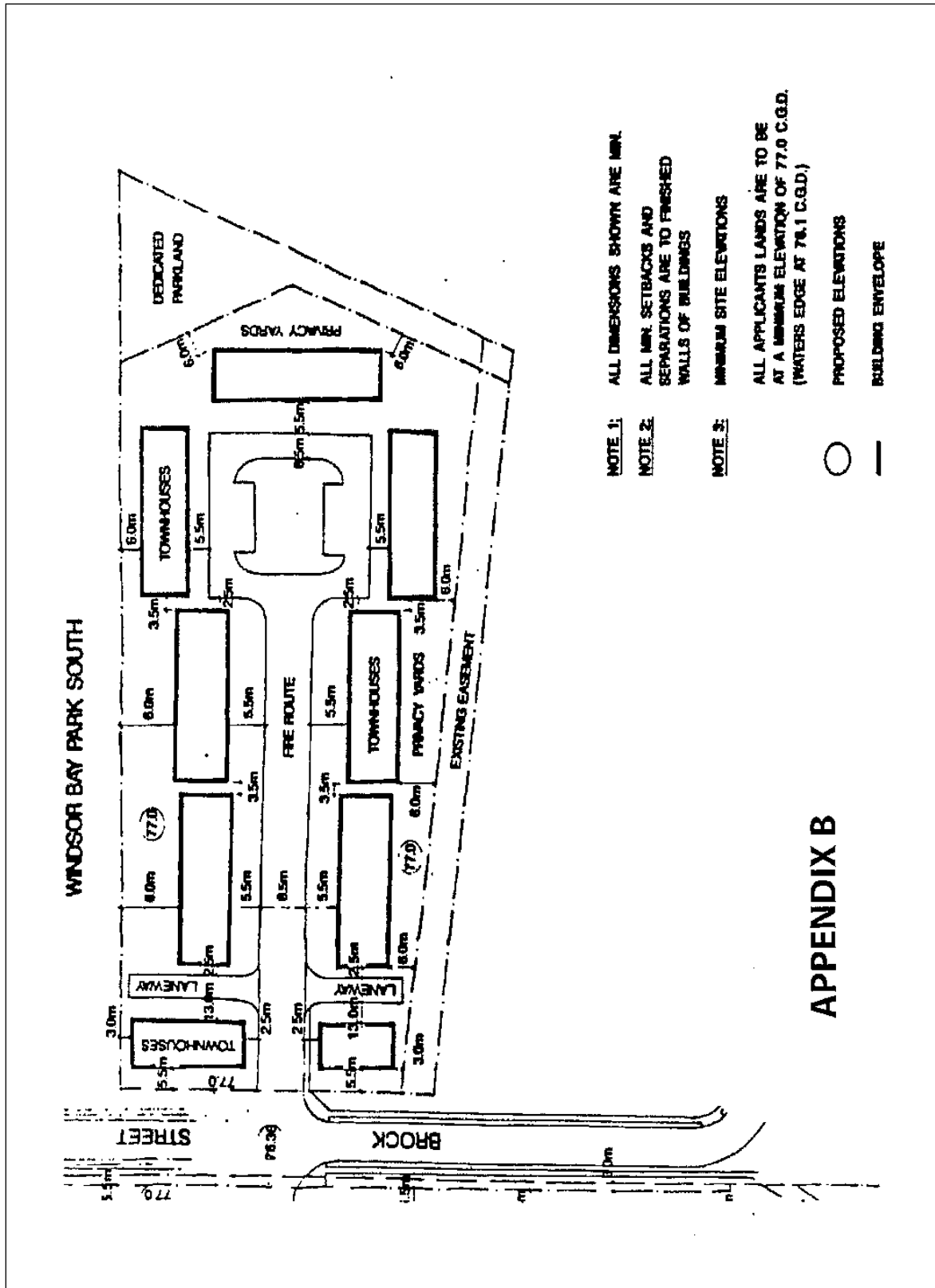
- (D) No persons shall use any lot or erect or alter or use any building or structure, exclusive of any marina, as defined herein, on the lands shown on Schedule "A-2" unless access to and from any such building or structure is provided from and to Brock Street South by means of a public street, or a private road which is maintained by or on behalf of the owners thereof, and which is open to traffic on a year-round basis for all those entitled to the use thereof.
- (E) For the purpose of the interpretation of the various Zone Provisions set forth in By-law No. 2957-91, 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 No. 2585, the definitions hereinafter set forth shall govern:

(6117-08)

- (a) **Repealed by By-law 6117-08**
- (b) **BLOCK TOWNHOUSE** means one or more buildings, each of which contains three or more dwelling units which are attached horizontally and which units have a direct individual entrance or have a common entrance and are served by a common corridor and in which fifty percent (50%) or more of the dwelling units have direct access from a yard or a landscaped open space.
- (c) **HEIGHT OF BUILDING** shall be measured from the grade elevation at the main pedestrian entrance of the building and shall exclude any roof mechanicals, roof parapets and mechanical penthouses.

- (d) **LANDSCAPED OPEN SPACE** means the open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space area or other common outdoor recreational activity space situated at grade or on the top of a parking structure or underground parking, or similar area, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area, marina, or any open space beneath or within any building or structure.
 - (e) **“LOT”**: means the land zoned R5A shown on Schedule “A-2” to this By-law on the east side of Brock Street South. 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, for the purposes of this By-law, the whole of the land shall be considered to be on lot”.
 - (f) **“LOT COVERAGE”** means that percentage of the area of the Lot covered by the horizontal projections of all buildings, excluding parking structures, the roofs of which are used and maintained for any one or more of the following purposes, namely, landscaped open space, private road, driveway, ramp, whether surfaced or not, curb, retaining wall and parking area.
 - (g) **MARINA** means a building, structure or place containing docking facilities and slips and is situate on a navigable waterway, or is adjacent thereto and access to such waterway is provided, and where boats and boat accessories may be kept or serviced or both.
 - (h) **PARKING SPACE** means an area of not less than 16.5 m², exclusive of any aisles or ingress and egress lanes, with a minimum width of 2.75 m and a minimum length of 5.50 m, or one-half of a Tandem Parking Space, for the temporary parking or storage of non-commercial motor vehicles.
 - (i) **TANDEM PARKING SPACE** means an area of not less than 31.8 m², exclusive of any common aisles or ingress or egress lanes, with a minimum width of 2.75 m and a minimum length of 11.5 m, and which shall be counted as two parking spaces only where owned as part of only one unit or where comprising part of the exclusive use common element belonging to one unit within a registered condominium, for the temporary parking or storage of two non-commercial motor vehicles and which are not to be used for visitor parking.
- (F) For the purposes of By-law No. 2957-91:
- (a) the provisions of Section 6(2) (7) (11) (13) (24) and Section 7 of By-law No. 2585 shall not apply to the lands designated on Schedule "A-2" as "H-R5A" once the prefix "H" is removed therefrom as aforesaid.
 - (b) the provisions of Section 13 of By-law No. 2585 shall not apply to the lands designated on Schedule “A-2” as “OS”.
- (G) The breach of any requirement of the zoning by-law affecting any part of the lands designated on Schedule "A-2" for which a building permit has already been issued, shall be deemed not to be a breach with respect to any other part of the said lands.
-

APPENDIX B TO RESIDENTIAL TYPE 5A ZONE – EXCEPTION 162



(2959-91) (163) **PART LOT 28, CONCESSION 2**
 (6264-09) **300 HIGH STREET**
Repealed by By-law 6264-09

(2979-91) (164) **BLOCKS 74 AND 76, REGISTERED PLAN 40M-1586, CONCESSION 2**

- (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 No. 2979-91 except in accordance with the following uses and zone provisions:

"R4B" – SINGLE FAMILY TOWN HOUSE DWELLING

(i) USE PERMITTED

- single family townhouse dwelling

(ii) ZONE PROVISIONS

- | | | | | | |
|-----|---|---------------------|-----|--|--------|
| (a) | LOT FRONTAGE
Minimum | 5.8 m | | | |
| (b) | LOT DEPTH
Minimum | 33.5 m | | | |
| (c) | LOT AREA
Minimum | 194 m ² | | | |
| (d) | LOT COVERAGE
Maximum for all buildings | 40% of the lot area | | | |
| (e) | FRONT YARD
Minimum depth | 5.5 m | | | |
| (f) | REAR YARD
Minimum depth | 10 m | | | |
| (g) | INTERIOR SIDE YARD

There is no interior side yard requirement except in the case of an end unit, in which case the interior side yard shall be a minimum width of <div style="float: right;">1.0 m</div>
provided however and notwithstanding the above, <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;">(a)</td> <td>the exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least</td> <td style="text-align: right; vertical-align: bottom;">1.75 m</td> </tr> </table> | | (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 |
| (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 | | | |
| (h) | EXTERIOR SIDE YARD
Minimum depth | 4.5 m | | | |
| (i) | LANDSCAPED OPEN SPACE
Minimum | 45% of the lot area | | | |
| (j) | HEIGHT OF BUILDINGS
Maximum | 9.5 m | | | |

(k) PARKING, ACCESSORY BUILDINGS, ETC.

In accordance with the provisions of Section 6 of By-law No. 2585, provided, however and notwithstanding the provisions of Section 6(13)(a), the minimum parking requirements shall be two spaces per unit

(l) NUMBER OF UNITS
Maximum

28 units

(3057-91) (165) PART OF LOT 25, CONCESSION 2

- (i) Notwithstanding Section 14(2)(vii) of By-law No. 2585, the following provision shall apply in place thereof:

Notwithstanding any provision to the contrary, an angular plane restriction shall apply along Bassett Boulevard and Garden Street which abuts a Residential Zone, such that no portion of any building or structure shall extend through a 30° angular plane drawn northerly from the southerly limit of the road allowance width on Bassett Boulevard and westerly from the easterly limit of the road allowance width on Garden Street.

- (ii) All other zone provisions of Section 14 shall apply to the lands shown as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3057-91.

**(3134-92) (166) PART OF LOT 26, CONCESSION 1
250 HICKORY STREET SOUTH**

- (a) Notwithstanding the general provisions of Section 7(8) of By-law No. 2585, no person shall use any land in any 'R5' Zone as shown as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3134-92 except in accordance with the following uses and zone provisions:

(i) USE PERMITTED

- (a) Residential
- apartment dwelling house

(ii) ZONE PROVISIONS

- | | | |
|-----|-------------------------------|---------------------|
| (a) | LOT COVERAGE
Maximum | 35% of the lot area |
| (b) | LOT FRONTAGE
Minimum | 33.5 m |
| (c) | FRONT YARD
Minimum | 7.5 m |
| (d) | REAR YARD
Minimum | 10.5 m |
| (e) | INTERIOR SIDE YARD
Minimum | 10.5 m |
| (f) | EXTERIOR SIDE YARD
Minimum | 7.60 m |

(g)	LANDSCAPED OPEN SPACE Minimum	35% of the lot area
(h)	HEIGHT OF BUILDING Maximum	6 storeys
(i)	NUMBER OF DWELLING UNITS Maximum	125 units
(j)	PARKING Minimum	1.295 spaces/unit or 162 spaces, including 25% for visitors

- (b) The general provisions of Section 6 of By-law No. 2585, shall apply to the lands identified as the "Subject Property" and marked 'R5' as shown on Schedule "A-1" annexed to By-law No. 3134-92.

(3179-92)
(6264-09) (167) **PART OF LOT 24, CONCESSION 2**
Repealed by By-law 6264-09

(3181-92) (168) **PART OF LOT 25, CONCESSION 1**
PLAN OF SUBDIVISION (18T-86048)

(3314-93) (A) **HR2A' – HOLDING SINGLE DETACHED DWELLING HOUSE**
H Provision Removed by By-law Amendment 3314-93

'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	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 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
	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 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 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 lot area
(k)	HEIGHT OF BUILDING Maximum	8.5 m

(3314-93)

(B) 'HR2B' – HOLDING SINGLE DETACHED DWELLING HOUSE
H Provision Removed by By-law Amendment 3314-93

'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	27 m

(d)	LOT AREA Minimum	286 m ²
(e)	LOT COVERAGE Maximum for all buildings	40% 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	
	(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	1.5 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

(3314-93)

(C) **'HR3B' – HOLDING SEMI-DETACHED DWELLING HOUSE**
H Provision Removed by By-law Amendment 3314-93

'R3B' – SEMI-DETACHED DWELLING HOUSE

(i) **USE 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 shall be | 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 |
| | 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 interior 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

(3314-93)

(D) 'HR4B' – HOLDING STREET TOWNHOUSE DWELLING
H Provision Removed by By-law Amendment 3314-93

'R4B' – 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 8.0 m

(c) LOT DEPTH
Minimum 30 m

(d) LOT AREA
Minimum 185 m

(e) LOT COVERAGE
Maximum 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 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 street having a planned width of 29 m or more or a 0.3 m reserve abutting such a street, the minimum shall be	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
	(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
(i)	EXTERIOR SIDE YARD Minimum Width	3.0 m
	provided however and notwithstanding the above, a garage or carport, the end 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

(E) '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 No. 3181-92 except in accordance with the following uses and zone provisions:

(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 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 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 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 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 No. 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 No. 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 No. 2585.

- (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) **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.

(3201-92)
(4044-97)

(169) PART OF LOT 26, CONCESSION 2513 BROCK STREET NORTH
Repealed by By-law 4044-97

- (a) Notwithstanding the non-residential uses permitted in Section 16A(1)(b) of By-law No. 2585, 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 No. 4044-97:
 - retail store
 - wine making establishment

(3215-92)

(170) 115-117 KEITH STREET

- (a) Notwithstanding the provisions of Section 10(1)(a) of By-law No. 2585, the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3215-92 may be used for the additional use of a triplex dwelling house.

(3228-92) (171) NORTHWEST CORNER OF MANNING ROAD AND GARDEN 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 No. 3228-92 unless such lot has frontage on an improved local street having a road allowance width of 20 m and is in accordance with the following uses and zone provisions:

'R2A' – SINGLE DETACHED DWELLING HOUSE**(i) USES PERMITTED**

- detached family dwelling house

(ii) ZONE PROVISIONS

- | | | |
|-----|--|---------------------|
| (a) | LOT FRONTAGE
Minimum | 15 m |
| (b) | LOT DEPTH
Minimum | 29 m |
| (c) | LOT AREA
Minimum | 425 m ² |
| (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 | 5.5 m |
| (f) | REAR YARD
Minimum | 10 m |
| (g) | INTERIOR SIDE YARD
Minimum | 1 m |
| (h) | EXTERIOR SIDE YARD
Minimum | 4.5 m |
| (i) | provided however and notwithstanding the above, a garage or carport, the entrance to which is from the exterior side lot line, minimum distance of | 5.5 m |
| (j) | LANDSCAPED OPEN SPACE
Minimum | 50% of the lot area |
| (k) | HEIGHT OF BUILDING
Maximum | 8 m |
| (l) | PARKING
In accordance with the provisions of Section 6 of By-law No. 2585 | |

(8062-24) (b) Repealed by By-law 8062-24.

- (c) For the purpose of the interpretation of the various zone provisions set forth in Subsections (a) and (b) above, the following definition shall apply. (Where there is a conflict between the definition hereinafter set forth and that referred to in Section 2 of By-law No. 2585, then the definition hereinafter set forth shall take precedence).

- (i) **EXTERIOR SIDE YARD** means a side yard immediately adjoining a public street or immediately adjoining a 0.3 m reserve.

**(3242-93) (172) LOT 28, CONCESSION 1
700 DUNLOP STREET WEST**

RESIDENTIAL TYPE 6 – DOWNTOWN ZONE (R6-DT-3)

- (a) No person shall use any lot or erect, alter or use any building or structure in any 'R6-DT-3' Zone identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3242-93 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- apartment dwelling

(ii) ZONE PROVISIONS

LOT AREA Minimum	59 m ² /unit
LOT FRONTAGE Minimum	30 m
LOT DEPTH Minimum	40 m
LOT COVERAGE Maximum	40%
REAR YARD Minimum	10 m
SIDE YARD Minimum	
Interior	3.0 m
Exterior	4.5 m
BUILDING HEIGHT Maximum	4 storeys
FLOOR SPACE INDEX Maximum	1.75
PARKING	
PARKING STANDARDS	1.5 parking spaces per unit 25% of the required parking spaces for all dwellings except a seniors' dwelling, shall be identified as visitors' parking.

LOCATION

The required parking spaces shall be subject to the following regulations:

The required parking spaces shall be located on the same lot as the use, building or structure for which it is required.

The required parking spaces shall not be located within 7.5m of any lot line abutting a street nor within 1.0 m of any other lot line.

ACCESS TO PARKING

All parking spaces and areas shall have access to a street by means of a driveway

LOADING SPACE REQUIREMENTS

Minimum

1 space per apartment dwelling

LANDSCAPED OPEN SPACE

Minimum

30% of the lot area

PRIVATE AMENITY SPACE

9.0 m²/unit

(iii) DEFINITIONS

For the purposes of interpretation of the various zone provisions outlined above, the definitions set forth hereunder shall apply:

DWELLING APARTMENT means a building or buildings, other than a converted dwelling, located on a lot, each containing five or more dwelling units sharing a common hall or halls and common entry.

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.

(3315-93) (173) PART OF LOT 25, CONCESSION 1

- (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 No. 3315-93 except in accordance with the following uses and zone provisions:

"R2A" – SINGLE DETACHED DWELLING HOUSE**(i) USE 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	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 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, (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	
	In the case of an exterior side yard abutting a street line a 0.3 m reserve which abuts a street having a planned width of 29 m or more, the minimum exterior side yard shall be	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 lot area
(k)	HEIGHT OF BUILDING Maximum	8.5 m

- | | | |
|------------------------|-------|---|
| (3316-93)
(6010-07) | (174) | PART OF LOT 22, CONCESSION 1 PLAN OF SUBDIVISION 18T-89083
Repealed by By-law 6010-07 |
| (3336-93) | (175) | PART OF LOT 25, BROKEN FRONT CONCESSION

<div style="margin-left: 40px;"> <p>(a) Notwithstanding Section 21 (1)(b) of By-law No. 2585, the additional use of a "Wholesale Car Auction Facility" shall be permitted on the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3336-93.</p> <p>(b) Notwithstanding Section 2 definitions of By-law No. 2585, the following definition shall apply to the lands identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3336-93:</p> <p style="margin-left: 40px;">WHOLESALE CAR AUCTION FACILITY means a building or part of a building not exceeding a maximum gross floor area of 24,000 ft² (2230 m²) wherein motor vehicles are sold to vehicle dealers only, by way of auction, whereby such a use shall not include any retail sales to the general public and whereby all vehicles awaiting auctioning are contained within an associated vehicle storage compound.</p> <p>(c) Notwithstanding Section 6 (General Provisions) the associated vehicle storage compound for the "Wholesale Car Auction Facility" shall only be permitted within the area identified as 'Vehicle Storage Compound' on Schedule 'A-2' annexed to By-law No. 3336-93.</p> </div> |
| (3366-93)
(6378-10) | (176) | 920 CHAMPLAIN COURT
Repealed by By-law 6378-10 |
| (3379-93)
(5311-03) | (177) | PART OF LOT 25, CONCESSION 1
PART OF BLOCK 2, PLAN M-1623
160 CONSUMERS DRIVE
Subject land rezoned by By-law 5311-03 |
| (3386-93) | (178) | PART OF LOT 27, CONCESSION 2
516 BROCK STREET NORTH

<div style="margin-left: 40px;"> <p>(a) In addition to the uses permitted within a 'C2-S' Zone, one gas bar shall be permitted on the lands zoned 'C2-S/GB' as shown on Schedule "A-1" annexed to By-law No. 3386-93.</p> <p>(b) The zone provisions for the gas bar use as referred to in paragraph (a) above, shall be in accordance with the zone provisions found in Section 17B and Section 17D of By-law No. 2585.</p> </div> |
| (3527-94) | (179) | 104 CONSUMERS DRIVE

<div style="margin-left: 40px;"> <p>(a) In addition to the uses permitted within an 'M1A' Zone, a banquet hall shall be permitted on the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 3527-94.</p> <p>(b) Notwithstanding Section 6(13) (Parking Area Requirements) of By-law No. 2585, the following parking provisions shall apply to the banquet hall use:</p> </div> <div style="margin-left: 100px;"> <p>1 parking space per 9.0 m² of gross floor area.</p> </div> |

- (3546-94) (198) **PART OF LOT 25, CONCESSION 1
1 PAISLEY COURT**
- (a) In addition to the uses permitted within a 'C2' Zone, a gas bar shall be permitted on the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 3546-94.
- (b) The general provisions of Section 17D of By-law No. 2585 shall apply to the gas bar use.
- (3620-95) (199) **PART OF LOTS 25 AND 26, CONCESSION 2
BLOCKS 77 TO 81 AND 83, PLAN 40M-1586**
- (5955-07) (a) **Repealed by By-law 5955-07**
- (5955-07) (b) **Repealed by By-law 5955-07**
- (5955-07) (c) **Repealed by By-law 5955-07**
- (3607-95) (200) **119 CONSUMERS DRIVE**
- (1) Notwithstanding the permitted uses of Section 18A (1)(b) of By-law No. 2585 for the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 3607-95, the subject property shall be used only for the following uses:
- light manufacturing
 - private club not exceeding 550 m²
 - warehouse
- (2) Notwithstanding Section 6(13) Parking Area Requirements of By-law No. 2585, the following parking provisions shall apply to the private club use:
- 1 parking space per 9.0 m²
of gross floor area
- The parking requirements under Section 6(13) of By-law No. 2585 shall continue to apply to the industrial and warehouse uses as provided for in paragraph (a) above.
- (3643-95) (201) **1123 DUNDAS STREET EAST**
- (a) In addition to the uses permitted within a 'C2-S' Zone, a frozen food retail store shall be permitted on the lands identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law No. 3643-95.
- (b) The general provisions of Section 16A of By-law No. 2585 shall apply to the frozen food retail store use.
- (3722-95) (203) **PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-92019)**
- (4451-99) (A) **'HR2A', 'HR2B', 'HR2C', 'HR3A', 'HR3B', 'HR4A', 'HR4B', 'HR5A-1', 'HR5A-2',
HOLDING RESIDENTIAL ZONES, AND 'HC3-R', HOLDING COMMERCIAL –
MIXED USE ZONE.
H Provision Removed by By-law Amendment 4451-99**
- (a) **RESIDENTIAL (R2A) ZONE**
- 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 lot	15 m
		– corner lot	18.5 m
(b)	LOT DEPTH		
	Minimum		30 m
(c)	LOT AREA		
	Minimum		465 m
(d)	LOT COVERAGE		
	Maximum for 1 storey dwelling unit		40%
	Maximum for dwelling unit greater than 1 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 veranda having no habitable space above it subject to the following:
 - (a) in the case of an interior lot, an unenclosed porch or veranda 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 veranda 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 1 storey	7.5 m
Minimum to any 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	1.0 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
provided however and notwithstanding the above 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		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 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) RESIDENTIAL (R2B) ZONE

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 lot – corner lot	12 m 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 Maximum for a dwelling unit greater than 1 storey	45% 40%
(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 5.5 m
(f)	REAR YARD Minimum depth to any portion of a dwelling unit having a maximum height of 1 storey Minimum depth to any portion of a dwelling unit having a height greater than 1 storey 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	7.5 m 10 m 15 m
(g)	INTERIOR SIDE YARD Minimum Width 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 (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	1.0 m 1.5 m 4.5 m
(h)	EXTERIOR SIDE YARD Minimum Width 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	4.5 m 5.5 m
(i)	LANDSCAPED OPEN SPACE Minimum	40%
(j)	HEIGHT OF BUILDING Maximum	8.5 m

(c) RESIDENTIAL (R2C) ZONE

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 lot	10.5 m
		– corner lot	14 m
(b)	LOT DEPTH Minimum		30 m
(c)	LOT AREA Minimum		315 m ²
(d)	LOT COVERAGE	Maximum for 1 storey dwelling units	45%
		Maximum for a dwelling unit greater than 1 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 1 storey	7.5 m
		Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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
		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, 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

(d) RESIDENTIAL (R3A) ZONE

No person 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

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	– interior lot	9.0 m
		– corner lot	12.5 m
(b)	LOT DEPTH Minimum		30 m
(c)	LOT AREA Minimum		270 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 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 1 storey	7.5 m
		Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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		0.0 m
		provided however and notwithstanding the above;	
(i)	on the side where the dwelling units are attached below grade the minimum interior side yard setback shall be		0.5 m
(ii)	on the side where the end wall of the dwelling unit is unattached, the minimum interior side yard setback shall be		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)	HEIGHT OF BUILDINGS	
	Maximum	8.5 m
(j)	LANDSCAPED OPEN SPACE	
	Minimum	40%

(e) RESIDENTIAL (R3B) ZONE

No person shall use any lot or erect or alter or 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 lot 18 m
		– corner lot 21.5 m
	provided however and notwithstanding the above, 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	
	Minimum lot area for a common pair of semi-detached units shall be	540 m ²
	Minimum lot area for one of a pair of semi-detached units shall be	225 m ²
(d)	LOT COVERAGE	
	Maximum for 1 storey dwelling units	45%
	Maximum for 2 and 3 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 1 storey 7.5 m
- Minimum depth to any portion of a dwelling unit having a height greater than 1 storey 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**
- 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 side yard 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% of the lot area
- (j) **HEIGHT OF BUILDING**
- Maximum 8.5 m

(f) MEDIUM DENSITY RESIDENTIAL (R4A) ZONE**(i) USES PERMITTED**

- block townhouse dwelling
- stacked dwelling
- apartment dwelling house
- activity buildings

(ii) ZONE PROVISIONS

(a) LOT FRONTAGE
Minimum 60 m

(b) LOT AREA
Minimum 0.4 ha

(c) COVERAGE
Maximum 35%

(d) DENSITY

Maximum for block townhouse dwellings	35 units net per ha
Maximum for apartment dwellings and stacked dwellings	75 units per net ha

(e) YARDS

(i) The minimum distance from a street line or a 0.3m reserve to the nearest portion of a stacked dwelling shall be 5.5 m

- of a block townhouse shall be 7.5 m
- of an apartment dwelling shall be 10 m

provided however and notwithstanding the above, the minimum distance from a street line to the nearest portion of a block townhouse dwelling may be reduced to a minimum 3.0 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, stacked dwelling or apartment 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 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 end walls of separate blocks of block townhouses containing no habitable room windows shall be	3.0 m
	in the case of stacked dwellings and apartment dwellings	7.5 m
(ii)	The minimum distance between an end wall of a block townhouse and stacked dwelling containing no habitable room windows and a wall other than an end wall shall be	7.5 m
	in the case of apartment dwellings	12 m
(iii)	The minimum distance between walls other than the end walls on separate block townhouses, stacked dwellings and apartment 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 dwelling and 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 dwelling or stacked dwelling shall be	9.5 m
(vii)	The minimum distance between an activity building and street line shall be	5.0 m
(viii)	The minimum distance of an activity building and any other lot line shall be	7.5 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 or stacked 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 | 35% of the lot area |
| (i) | PRIVATE AMENITY SPACE
Minimum Area | 30 m ² per dwelling unit |
| (j) | HEIGHT OF BUILDINGS
Maximum - block townhouses | 3 storeys |
| | In the case of an apartment dwelling unit, or stacked dwelling unit excluding the height of a parapet wall, mechanical room or elevator penthouse, the maximum shall be | 4 storeys |
| (k) | PARKING | |
| | Parking shall be in accordance with the provisions of Section 6 of By-law No. 2585. Notwithstanding Section 6, subsection 13 of the said By-law, the following provisions shall apply: | |
| (i) | The minimum number of parking spaces for a stacked dwelling unit shall be | 1.5 spaces/unit |
| (ii) | Twenty-five percent of the required parking spaces for all dwelling units shall be identified as visitor parking spaces. | |
| (iii) | The minimum distance between a visitor parking area and the nearest portion of a block townhouse dwelling, a stacked dwelling or an end wall containing no habitable room windows shall be | 2.0 m |

(g) RESIDENTIAL (R4B) ZONE

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 lot 6.0 m
– corner lot 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

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 | 1.0 m

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 |
- (h) **MULTIPLE UNIT RESIDENTIAL (R5A-4 AND R5A-5) ZONE**
 Repealed by By-law 5955-07
- (i) **COMMERCIAL (C3-R) - MIXED USE ZONE CATEGORY**
 Site rezoned by By-law 4451-99. See Section 25 – Exception (231)
- (j) 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 set forth and those referred to in Section 2 of By-law No. 2585, then the definitions hereinafter set forth shall take precedence):
- (i) **STREET TOWNHOUSE 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 dividing the dwelling houses vertically, each of which dwelling houses,
- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage.

- (ii) **BLOCK TOWNHOUSE DWELLING** means a building or group of buildings on a lot or lots, each containing a minimum of three and a maximum of seven dwelling units, wherein each dwelling unit is separated from the adjacent dwelling unit by a vertical party or common wall, and with each dwelling unit having its own entrance to the outside and a driveway, private garage, carport, or parking area, and sharing common access to a public street but shall not include a street townhouse dwelling.
- (iii) **STACKED DWELLING** 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 horizontal common wall and a private entrance from outside.
- (iv) **HOME FOR THE AGED** means a home as defined by the Homes for the Aged and Rest Homes Act as amended, or replaced, and may include as an accessory use a retirement home.

**(3733-95) (204) PART OF LOT 31, CONCESSION 2
PLAN OF SUBDIVISION (18T-86049)**

- (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 No. 3733-95 except in accordance with the following uses and zone provisions:

'R2A' – Single Detached Dwelling House

(i) USE 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	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 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 |
| | 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 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 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 'R3B' Zone as shown on Schedule "A-1" annexed to By-law No. 3733-95 except in accordance with the following uses and zone provisions:

R3B' – A SEMI-DETACHED DWELLING HOUSE

(i) USE 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 shall be	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	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 of 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 interior 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 6 of By-law No. 2585.
- (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 No. 2585, 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 No. 2585.
 - (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 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) **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 houses,
- (a) has separate front and rear entrances or separate front and side entrances; and,
- (b) contains a private garage within the 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.

(3840-96) (205) **PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION**
 (4285-98) **PLAN OF SUBDIVISION (18T-90017)**

(4839-01) (a) **'H-M1A-LS' – HOLDING PRESTIGE INDUSTRIAL (BUSINESS PARK) ZONE**

(i) **Repealed by By-law 4839-01**

(ii) **Repealed by By-law 4839-01**

(iii) In the event that the Council of the Town of Whitby deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-M1A-LS' Zone designation over the whole or a portion of the lands, the uses and zone provisions shall be as follows:

(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

- business or corporate office ancillary to a permitted non-residential use
- commercial or technical school
- light manufacturing, assembly or processing of goods within a wholly enclosed building
- office
- office building containing corporate offices
- parking lot
- public use in accordance with Section 6(16) of By-law No. 2585
- 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

(5414-04), (6775-13)

(5414-04)

- warehouse for the storage of goods and materials within a wholly enclosed structure and incidental to a permitted manufacturing, assembly, processing, office or research and development facility, located within the same lot; and

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 Business Park 'M1A-LS' Zone, 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)	GROSS FLOOR AREA Minimum	1800 m ²
(9)	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.

(10) PARKING

Parking shall be provided in accordance with Section 6 of By-law No. 2585 provided that, notwithstanding any provision to the contrary, the following shall apply:

- (a) all parking areas shall be set back a minimum of 3.0 m from any property line forming the front or exterior lot line or any property line abutting a property zone “F” or “D(NR)”;
- (b) Maximum of 20% of the required parking may be permitted in the front or exterior side yard area.

(4864-01)

(11) **ADDITIONAL SETBACK**
Repealed by By-law 4864-01

(4286-98)

(c) **EXCEPTIONS**(i) **M1A-LS-1 - EXCEPTION 1**

- (i) Notwithstanding provisions of this By-law to the contrary, a regional industrial warehouse and distribution centre shall be permitted.
- (ii) Notwithstanding provisions of this By-law to the contrary, no building or structure shall be erected any closer than 15 m from the C.N. Railway right-of-way.

(4287-98)

(ii) **M1A-LS-2: EXCEPTION 2**

- (a) Notwithstanding any provisions of this By-law to the contrary, the minimum lot frontage shall be 45.0 m
- (b) Notwithstanding any provisions of this By-law to the contrary, the minimum lot area shall be 0.6 ha

(7455-18)

(iii) **M1A-LS-3: Exception 3**
100 Montecorte Street**1. Defined Area**

The lands located west of Montecorte Street and north of Victoria Street West and zoned M1A-LS-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 #2585.

2. Uses Permitted

Notwithstanding any provisions of this By-law to the contrary, any lot located within an M1A-LS-3 Zone may be used for all the permitted uses within an M1A-LS Zone, plus the following uses:

- hotel

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary in any M1A-LS-3 Zone the following provisions shall apply:

(a) Lot Line Determination

The lot line abutting Montecorte Street shall be deemed the front lot line and the lot line abutting Victoria Street West shall be deemed the exterior side lot line.

(b) Lot Area
Minimum 0.8 ha(c) Height of Building
Maximum 6 storeys

(d) Location of Parking Areas and/or Parking Spaces

All parking areas and parking spaces shall be permitted in all yards provided that not part of a parking area other than a driveway, and no parking space is located closer than 3.0 m to any street line.

(e) Driveway Width
Minimum 3.0 m(f) Number of Loading Spaces
Minimum 1 loading space**4. Holding Provisions****H Provision Removed by By-law Amendment 7612-20**

(a) No person shall use any lot or erect, alter or use any building or structure in any H-M1A-LS-3 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.

(b) The "H" holding symbol prefixed to the M1A-LS-3 Zone shall not be removed by amendment to this By-law until the following matters have been fulfilled to the satisfaction of the Town of Whitby and the Region of Durham:

- The receipt of a copy of the Ministry of Tourism, Culture and Sport (MTCS) clearance letter and any supporting documentation;
- The receipt of a peer review report of the GHD report entitled "Guideline D-6 Study and Road Noise Impact Study"; and,
- The submission of an acceptable Traffic Impact Study.

(4285-98)
(4839-01)

(b) **'H-MIA-LS-N' – HOLDING PRESTIGE INDUSTRIAL (BUSINESS PARK) NODE ZONE**(i) **Repealed by By-law 4839-01**

(ii) **Repealed by By-law 4839-01**

- (iii) In the event that the Council of the Town of Whitby deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-M1A-LS-N' Zone designation, over the whole or a portion of the lands, the uses and zone provisions shall be as follows:

(a) USES PERMITTED

No person shall use any lot, or erect or alter or use any building within any 'M1A-LS-N' Zone except in accordance with the following uses and zone provisions:

(1) Residential Uses

- Prohibited

(2) Non-Residential Uses

- auditorium, swimming pool or other recreational or educational use contained within a building
- bank or financial institution
- business or corporate office
- clinic
- commercial or technical school
- family restaurant or restaurant
- fraternal organization
- public use in accordance with Section 6(16) of By-law No. 2585
- research and development facility
- retail store within an office building, research and development facility, or commercial or technical school provided that such retail store does not occupy more than 10% of the ground floor area of the office building, research and development facility, or commercial or technical school to a maximum of 200 m²

(b) ZONE PROVISIONS

No person shall, within any Prestige Industrial Business Park Node Zone 'M1A-LS-N', use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-----|----------------------------------|---------------------|
| (1) | LOT AREA
Minimum | 0.4 ha |
| (2) | LOT COVERAGE
Maximum | 40% 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) | GROSS FLOOR AREA
Minimum | 1,800 m ² |
| (9) | HEIGHT OF BUILDING

Minimum
Maximum |
3 storeys
8 storeys |

provided that if any portion of a building is erected above a height of 3 stories, 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 3 stories.

(10) **PARKING**

Parking shall be provided in accordance with Section 6 of By-law No. 2585 provided that notwithstanding any provision to the contrary, the following shall apply:

- (a) all parking shall be set back a minimum of 3.0 m from any property line forming the front or exterior lot lines; and,
- (b) a maximum of 20% of the required parking may be permitted in the front or exterior side yard area.

(8100-24)

(c) **Temporary Use
Northeast Corner of Victoria Street West and Montecorte Street**

Notwithstanding the uses permitted in Subsection 25 (205) (b) article (a), the temporary use of a residential sales office shall be granted for the land generally situated at the northeast corner of Victoria Street West and Montecorte Street shown as the Subject Land in the attached Key Map to this By-law Amendment.

The temporary use of a residential sales office shall cease to be in effect as of June 24, 2027.

(8137-24)

(d) **Holding Provisions**

- (a) No person shall use any lot or erect, alter or use any building or structure in any H-M1A-LS-N Zone except in accordance with the following uses:
 - (i) Uses existing at the date of the passing of this By-law amendment.

(ii) A residential sales office, notwithstanding any zone provisions to the contrary.

(b) The "H" Holding symbol prefixed to the M1A-LS-N Zone may be removed from all or a portion of the lands but shall not be removed, in whole or in part, by amendment to this By-law until the following matters are fulfilled to the satisfaction of the Town of Whitby and the Durham District School Board:

(i) That an adequate and acceptable school site has been identified and protected for to the satisfaction of the Durham District School Board.

**(3879-96) (206) PART OF LOT 28, CONCESSION 1
500 VICTORIA STREET WEST**

OS-RC OPEN SPACE - RECREATION COMPLEX ZONE

(i) USES PERMITTED

No person shall within any OS-RC 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:

- administrative office and meeting room integral to a recreational complex
- any use permitted in an OS Zone under Section 13, Subsection (b);
- field house
- racquet court
- recreation complex

(ii) ZONE PROVISIONS

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

- | | | |
|-----|---|---|
| (a) | LOT COVERAGE
Maximum for all buildings | 30% |
| (b) | FRONT / EXTERIOR / SIDE OR REAR YARD
Minimum | 7.5 m or the building height whichever is greater |
| (c) | LANDSCAPED OPEN SPACE
Minimum | 30% |
| (d) | PARKING, ACCESSORY, BUILDING, ETC. | |

In accordance with the provisions of Section 6 of Zoning By-law No. 2585

**(3873-96) (207) PART OF LOT 27, CONCESSION 2
PLAN OF SUBDIVISION 18T-94007**

(a) 'H-R4B' – HOLDING RESIDENTIAL ZONES

(i) No person shall use any lot or erect or alter or use any building or structure in any 'HR4B' Zone as shown on Schedule "A-1" annexed to By-law No. 3873-96 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 lands to be affected by the said by-law are serviced by municipal water, sanitary sewer and storm sewer facilities; local street connections have been provided; and, contribution for local improvements has been made or the necessary municipal agreement(s) are in place.
- (iii) 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 Ministry of Environment and Energy that, the lands to be affected by the said by-law have been decommissioned and that noise abatement features and a safety berm have been secured.
- (iv) In the event that Council deems it appropriate to delete the 'H' symbol prefixed to the aforementioned 'H-R4B' Zone designation, the following uses and zone provisions shall then apply to the lands so designated:
- (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 No. 3873-96 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 | | 22 m |
| (c) LOT AREA | | |
| Minimum | | 145 m ² |
| (d) LOT COVERAGE | | |
| Maximum | | 50% |
| (e) FRONT YARD | | |
| Minimum Depth | | 4.5 m |
| | provided however and notwithstanding the above, a garage, 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 |
| (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	1.5 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 BUILDINGS Maximum	9.5 m
	(k)	Subsection 6(7)(a) of By-law No. 2585, shall not apply to the lands marked 'R4B' on Schedule "A-1" annexed to By-law No. 3873-96.	
	(l)	Notwithstanding the yard provisions of By-law No. 2585, to the contrary, a bay or bow window may project into any front, rear or exterior side yard a maximum distance of 0.75 m	
(3875-96)	(208)	PART OF LOTS 25 AND 26, CONCESSION 2 SANDPIPER COURT AND BEECH STREET EAST	
(6504-11)	(a)	'H-R3-1' – HOLDING RESIDENTIAL Repealed by By-law 6504-11	
		'R3-1' – RESIDENTIAL TYPE 3 ZONE	
	(i)	USES PERMITTED ON LOTS FRONTING ONTO SANDPIPER COURT:	
		<ul style="list-style-type: none"> single detached dwelling house 	
		USES PERMITTED ON LOTS FRONTING ONTO BEECH STREET:	
		<ul style="list-style-type: none"> single detached dwelling house semi-detached dwelling house duplex dwelling house home based business 	
(6775-13)	(ii)	ZONE PROVISIONS	
		In accordance with Section 7 of By-law No. 2585.	
		'R2A' – SINGLE DETACHED DWELLING HOUSE	
	(i)	USES PERMITTED	
		<ul style="list-style-type: none"> 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	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
(h)	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 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 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 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 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

**(3890-96) (209) PART OF LOT 25, CONCESSION 2
604 GARDEN STREET**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on Schedule "A-1" annexed to By-law No. 3890-96 except in accordance with the following uses and zone provisions:

(4118-18)

**'H-R2B/R3B' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSE
H Provision Removed by By-law Amendment 4118-18**

(i) USES PERMITTED

- single detached dwelling house
- semi-detached dwelling houses

(ii) ZONE PROVISIONS

For a single detached dwelling house, the zone provisions shall be in accordance with the following:

- | | | |
|------|--|---------------------|
| (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 where 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 storey of any building shall be set back a distance from the 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 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 | 8.0 m |
- (b) For semi-detached dwelling houses, the zone provisions shall be in accordance with the following.
- | | | |
|-----|--|---------------------|
| (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 shall be | 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 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,

the exterior wall of the second or third storey of the unattached side shall be set back a distance from the interior side line at least 1.5 m

where no garage or carport facilities are provided on the lot then the minimum setback of the unattached side from the interior 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

- (c) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B-1' Zone as shown on Schedule "A-1" annexed to By-law No. 3890-96 except in accordance with the following uses and zone provisions:

(6775-13)

**'H-R2B/R3B-1' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSES
HOLDING OFFICE**

- (i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B-1' Zone as shown on schedule "A-1" annexed to By-law No. 3890-96 except in accordance with the following uses:

- (6775-13)
- any existing use, building or structure erected on or before September 1,
 - any reuse of an existing building or structure for the purposes of an office erected on or before September 1, 1996;
 - 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(iii) **USES PERMITTED**

(6775-13)

- office
- single detached dwelling house
- semi-detached dwelling house

(iv) **ZONE PROVISIONS**

For a single detached dwelling house and semi-detached dwelling houses the zone provisions shall be in accordance with Section 3(a)(iv) of this By-law.

(6775-13)

For offices, the zone provisions shall be in accordance with the following.

(a)	LOT FRONTAGE Minimum	22 m
(b)	LOT DEPTH Minimum	35 m
(c)	LOT AREA Minimum	800 m ²
(d)	LOT COVERAGE Maximum	25% of the lot area
(e)	FRONT YARD Minimum Depth	5.0 m
(f)	REAR YARD Minimum	7.5 m
(g)	INTERIOR SIDE YARD Minimum Width	3.0 m
(h)	LANDSCAPED OPEN SPACE Minimum	33% of lot area
(i)	HEIGHT OF BUILDING Maximum	2 storeys
(j)	BUILDING GROSS FLOOR AREA Maximum	400 m ²

- (6775-13) (d) For the purpose of interpreting the office use, the following definition shall apply:
- (i) **PROFESSIONAL AND BUSINESS 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, and the office of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a dentist, and a chiropractor.

(3889-96) (210) **PART OF LOT 25, CONCESSION 2
612 GARDEN STREET**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on Schedule "A-1" annexed to By-law No. 3889-96 except in accordance with the following uses and zone provisions:

**'H-R2B/R3B' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSE**

- (i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on schedule "A-1" annexed to By-law No. 3889-96 except in accordance with the following uses:

- any existing use, building or structure erected on or before September 1, 1996;
- 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(iii) USES PERMITTED

- single detached dwelling house
- semi-detached dwelling houses

(iv) ZONE PROVISIONS

For a single detached dwelling house the zone provisions shall be in accordance with the following:

(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 where 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 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 of | 5.5 m |
| (j) | LANDSCAPED OPEN SPACE
Minimum | 40% of the lot area |
| (k) | HEIGHT OF BUILDING
Maximum | 8.0 m |
- (b) For semi-detached dwelling houses the zone provisions shall be in accordance with the following.
- | | | |
|-------|--|--------|
| (i) | 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 |
| (ii) | LOT FRONTAGE - CORNER LOT
Minimum | 12.5 m |
| (iii) | LOT DEPTH
Minimum | 30 m |
-

(iv)	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
(v)	LOT COVERAGE Maximum	40% of the lot area
(vi)	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
(vii)	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
(viii)	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 line 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 from the interior side lot line shall be	4.5 m

- (ix) 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

- (x) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

- (xi) 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 'H-R2B/R3B-1' Zone as shown on Schedule "A-1" annexed to By-law No. 3889-96 except in accordance with the following uses and zone provisions:

**(6775-13) 'H-R2B/R3B-1' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSES
HOLDING OFFICE**

- (i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B-1' Zone as shown on schedule "A-1" annexed to By-law No. 3889-96 except in accordance with the following uses:

- (6775-13)**
- any existing use, building or structure erected on or before September 1, 1996;
 - any reuse of an existing building or structure for the purposes of an office erected on or before September 1, 1996;
 - 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(iii) USES PERMITTED

- (6775-13)**
- offices
 - single detached dwelling house
 - semi-detached dwelling houses

(iv) ZONE PROVISIONS

For a single detached dwelling house and semi-detached dwelling houses the zone provisions shall be in accordance with Section 3(a)(iv) of this By-law.

- (6775-13)** For offices, the zone provisions shall be in accordance with the following.

- (a) LOT FRONTAGE
Minimum 22 m
- (b) LOT DEPTH
Minimum 35 m
- (c) LOT AREA
Minimum 800 m²

(d)	LOT COVERAGE Maximum	25% of the lot area
(e)	FRONT YARD Minimum Depth	5.0 m
(f)	REAR YARD Minimum	7.5 m
(g)	INTERIOR SIDE YARD Minimum Width	3.0 m
(h)	LANDSCAPED OPEN SPACE Minimum	33% of lot area
(i)	HEIGHT OF BUILDING Maximum	2 storeys
(j)	BUILDING GROSS FLOOR AREA Maximum	400 m ²

(6775-13) (d) For the purpose of interpreting the office use, the following definition shall apply:

(6775-13) (i) **PROFESSIONAL AND BUSINESS 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, and the office of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a dentist, and a chiropractor.

(3891-96) (211) **PART OF LOT 25, CONCESSION 2
606 GARDEN STREET**

(a) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on Schedule "A-1" annexed to By-law No. 3891-96 except in accordance with the following uses and zone provisions:

**'H-R2B/R3B' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSE**

(i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on schedule "A-1" annexed to By-law No. 3891-96 except in accordance with the following uses:

- Any existing use, building or structure erected on or before September 1, 1996;
- 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(iii) **USES PERMITTED**

- single detached dwelling house
- semi-detached dwelling houses

(iv) ZONE PROVISIONS

- (a) For a single detached dwelling house the zone provisions shall be in accordance with the following:

- | | | |
|--------|---|---------------------|
| (i) | LOT FRONTAGE – INTERIOR LOT
Minimum | 12 m |
| (ii) | LOT FRONTAGE - CORNER LOT
Minimum | 14 m |
| (iii) | LOT DEPTH
Minimum | 27 m |
| (iv) | LOT AREA
Minimum | 286 m ² |
| (v) | LOT COVERAGE
Maximum for all buildings | 40% of the lot area |
| (vi) | 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 |
| (vii) | REAR YARD
Minimum | 7.5 m |
| | except where 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 |
| (viii) | 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 |
| (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 |
| (ix) | 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 |

(x)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(xi)	HEIGHT OF BUILDING Maximum	8.0 m
(b)	For semi-detached dwelling houses the zone provisions shall be in accordance with the following.	
(i)	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
(ii)	LOT FRONTAGE - CORNER LOT Minimum	12.5 m
(iii)	LOT DEPTH Minimum	30 m
(iv)	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
(v)	LOT COVERAGE Maximum	40% of the lot area
(vi)	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
(vii)	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
(viii)	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 line 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 from the interior side lot line shall be 4.5 m

(c) 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

(d) LANDSCAPED OPEN SPACE
Minimum 40% of the lot area

(e) 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 'H-R2B/R3B-1' Zone as shown on Schedule "A-1" annexed to By-law No. 3891-96 except in accordance with the following uses and zone provisions:

(6775-13)

**'H-R2B/R3B-1' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSES
HOLDING OFFICE**

(i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B-1' Zone as shown on schedule "A-1" annexed to By-law No. 3891-96 except in accordance with the following uses:

(6775-13)

- any existing use, building or structure erected on or before September 1, 1996;
- any reuse of an existing building or structure for the purposes of an office erected on or before September 1, 1996;
- 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(6775-13)**(iii) USES PERMITTED**

- offices
- single detached dwelling house
- semi-detached dwelling houses

(iv) ZONE PROVISIONS

- (a) For a single detached dwelling house and semi-detached dwelling houses the zone provisions shall be in accordance with Section 3(a)(iv) of this By-law.

(6775-13)

- (b) For offices, the zone provisions shall be in accordance with the following.

(i)	LOT FRONTAGE Minimum	22 m
(ii)	LOT DEPTH Minimum	35 m
(iii)	LOT AREA Minimum	800 m ²
(iv)	LOT COVERAGE Maximum	25% of the lot area
(v)	FRONT YARD Minimum Depth	5.0 m
(vi)	REAR YARD Minimum	7.5 m
(vii)	INTERIOR SIDE YARD Minimum Width	3.0 m
(viii)	LANDSCAPED OPEN SPACE Minimum	33% of lot area
(ix)	HEIGHT OF BUILDING Maximum	2 storeys
(x)	BUILDING GROSS FLOOR AREA Maximum	400 m ²

(6775-13)

- (d) For the purpose of interpreting the office use, the following definition shall apply:

(6775-13)

- (i) **PROFESSIONAL AND BUSINESS 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, and the office of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a dentist, and a chiropractor.

**(3892-96) (212) PART OF LOT 25, CONCESSION 2
608 GARDEN STREET**

- (a) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on Schedule "A-1" annexed to By-law No. 3892-96 except in accordance with the following uses and zone provisions:

**'H-R2B/R3B' – HOLDING SINGLE DETACHED DWELLING HOUSE
HOLDING SEMI-DETACHED DWELLING HOUSE**

- (i) No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B' Zone as shown on schedule "A-1" annexed to By-law No. 3892-96 except in accordance with the following uses:

- Any existing use, building or structure erected on or before September 1, 1996;
- 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.

(iii) USES PERMITTED

- single detached dwelling house
- semi-detached dwelling houses

(iv) ZONE PROVISIONS

- (a) For a single detached dwelling house the zone provisions shall be in accordance with the following:

(i)	LOT FRONTAGE - INTERIOR LOT Minimum	12 m
(ii)	LOT FRONTAGE - CORNER LOT Minimum	14 m
(iii)	LOT DEPTH Minimum	27 m
(iv)	LOT AREA Minimum	286 m ²
(v)	LOT COVERAGE Maximum for all buildings	40% of the lot area
(vi)	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

- | | | |
|--------|---|---------------------|
| (vii) | REAR YARD
Minimum | 7.5 m |
| | except where 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 |
| (viii) | 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 |
| | (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 |
| (ix) | 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 |
| (x) | LANDSCAPED OPEN SPACE
Minimum | 40% of the lot area |
| (xi) | HEIGHT OF BUILDING
Maximum | 8.0 m |
- (b) For semi-detached dwelling houses the zone provisions shall be in accordance with the following.
- | | | |
|-------|--|--------------------|
| (i) | 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 |
| (ii) | LOT FRONTAGE - CORNER LOT
Minimum | 12.5 m |
| (iii) | LOT DEPTH
Minimum | 30 m |
| (iv) | 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 |
-

(v)	LOT COVERAGE Maximum	40% of the lot area
(vi)	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
(vii)	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
(viii)	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 line 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 from the interior side lot line shall be	4.5 m
(ix)	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

	(x)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
	(xi)	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 'H-R2B/R3B-1' Zone as shown on Schedule "A-1" annexed to By-law No. 3892-96 except in accordance with the following uses and zone provisions:	
(6775-13)		'H-R2B/R3B-1' – HOLDING SINGLE DETACHED DWELLING HOUSE HOLDING SEMI-DETACHED DWELLING HOUSES HOLDING OFFICE	
	(i)	No person shall use any lot or erect or alter or use any building or structure in any 'H-R2B/R3B-1' Zone as shown on schedule "A-1" annexed to By-law No. 3892-96 except in accordance with the following uses:	
(6775-13)		<ul style="list-style-type: none"> any existing use, building or structure erected on or before September 1, 1996; any reuse of an existing building or structure for the purposes of an office erected on or before September 1, 1996; 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 Regional Municipality of Durham that sanitary sewer, municipal water and storm water servicing facilities and/or capacities are available to service the proposed development.	
(6775-13)	(iii)	USES PERMITTED <ul style="list-style-type: none"> offices single detached dwelling house semi-detached dwelling houses 	
	(iv)	ZONE PROVISIONS	
	(a)	For a single detached dwelling house and semi-detached dwelling houses the zone provisions shall be in accordance with Section 3(a)(iv) of this By-law.	
(6775-13)	(b)	For offices, the zone provisions shall be in accordance with the following.	
	(i)	LOT FRONTAGE Minimum	22 m
	(ii)	LOT DEPTH Minimum	35 m
	(iii)	LOT AREA Minimum	800 m ²
	(iv)	LOT COVERAGE Maximum	25% of the lot area
	(v)	FRONT YARD Minimum Depth	5.0 m

(vi)	REAR YARD Minimum	7.5 m
(vii)	INTERIOR SIDE YARD Minimum Width	3.0 m
(viii)	LANDSCAPED OPEN SPACE Minimum	33% of lot area
(ix)	HEIGHT OF BUILDING Maximum	2 storeys
(x)	BUILDING GROSS FLOOR AREA Maximum	400 m ²

(6775-13) (d) For the purpose of interpreting the office use, the following definition shall apply:

(6775-13) (i) **PROFESSIONAL AND BUSINESS 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, and the office of a lawyer, an architect, an engineer, an accountant, a landscape architect, a planner, a denturist, and a chiropractor.

(3903-96)
(6775-13) (213) **239 WELLINGTON STREET**

(a) Notwithstanding the home based business definitions found in Section 2 of By-law No. 2585, the following home based business definition shall apply to the lands identified as the "Subject Property" on Schedule A-1 attached to By-law No. 3903-96:

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 346 m²;
- (ii) the bed and breakfast shall not exceed two guest bedrooms; and,
- (iii) a minimum of two parking spaces shall be provided for the single detached dwelling house and one additional parking space for each guest bedroom in the bed and breakfast use shall be provided.

(3986-97) (215) **PART OF LOT 23, CONCESSION 1 – 106 CONSUMERS DRIVE**

(a) Notwithstanding Section 18A of By-law No. 2585, any use in an "OS" Zone under Section 13 Subsection (b) of the said by-law shall be permitted on the lands identified as "Subject Property" on Schedule "A-1" attached to By-law No. 3986-97.

"H-M1A" – Holding Select Industrial Zone

- (i) No person shall use any lot in an "H-M1A" Zone identified as the "Subject Property" on Schedule "A-1" annexed to By-law No. 3986-97 except in accordance with the following uses:
 - recreational use within an "OS" Zone;
 - parking lot; and,
 - none of the above noted uses shall be located within a building or structure.
- (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 lands to be affected by the said by-law have been further studied and the necessary municipal agreement(s) are in place.
- (iii) In the event that Council deems it appropriate to delete the "H" symbol prefixed to the aforementioned "H-M1A" Zone designation, the uses and zone provisions of Section 18A, as amended, shall then apply to the lands so designated.

(4018-97) (216) 61 ASPEN PARK WAY (P) AND 41 SALMON WAY (P)

'R4A' – RESIDENTIAL ZONE

No person shall use any lot or erect or alter or use any building or structure within the 'R4A' Residential Zone except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- block townhousing

(ii) ZONE PROVISIONS

- (a) LOT FRONTAGE
Minimum 65 m
- (b) LOT AREA
Minimum 10,500 m²
- (c) LOT COVERAGE
Maximum 30%
- (d) 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 m

except in the case of an exterior side yard on the lands north of the Crawford Street extension, the minimum distance from a street line or a 0.3 m reserve shall be 2.6 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 of 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 of 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 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 | 2.0 m |
| (iii) | DISTANCE BETWEEN BUILDINGS ON THE SAME LOT | |
| (a) | The minimum distance between the end walls of separate block townhouse dwellings shall be | 1.5 m |
| (b) | 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 | 9.0 m |
| (c) | The minimum distance between walls other than the end walls on separate block townhouse dwellings shall be | 15 m |
| (iv) | INTERNAL ROADWAY | |
| (a) | The minimum width of an internal roadway shall be | 8.5 m |
| (b) | The minimum distance from an internal roadway to the nearest portion of a block townhouse dwelling shall be | 5.5 m |
| | except in the case of an end wall adjacent to a roadway, the minimum distance shall be | 1.75 m |
| (v) | LANDSCAPED OPEN SPACE
Minimum | 35% |
| (vi) | PRIVATE AMENITY SPACE
Minimum Area | 30 m ² per dwelling unit |
| (vii) | HEIGHT OF BUILDINGS
Maximum | 9.5 m |
| (viii) | NUMBER OF DWELLING UNITS
Maximum | 94 |

(4045-97)
(4342-99)
(6264-09)

(217) PART OF LOT 26, CONCESSION 2119 ASH STREET
 Repealed by By-law 4342-99
 Repealed by By-law 6264-09

(4077-97)
(4281-98)
(4912-01)
(5226-03)

(218) 1606 CHARLES STREET
 Temporary use – Expired

(4152-98) (219) 711 HARRIET STREET

- (a) Notwithstanding the permitted uses of Section 10 of By-law No. 2585, 'a converted dwelling house' containing a maximum of two 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 No. 4152-98.

**(4167-98) (220) 960 DUNDAS STREET WEST, PART OF LOT 31, CONCESSION 2
Temporary use – Expired****(4182-98) (221) 607 PALACE STREET**

- (a) Notwithstanding the permitted uses of Section 19(1)(b) of By-law No. 2585, for the lands identified as the "Subject Property" as shown on Schedule "A-1" annexed to By-law No. 4182-98, the subject property shall be used only for the following uses:

- contractor's or tradesman's shop
- dry-cleaning establishment
- office
- parking lot
- public use
- retail outlet or wholesale outlet accessory to a permitted use
- service shop

(6776-13)**(4228-98) (222) 269 WATER STREET (WATERFRONT PUMPHOUSE)**

- (i) Notwithstanding the uses permitted within an "OS" Zone, the following additional use shall be permitted on the lands described as Part 1 of Plan 40R-18259:

- eating establishment/banquet hall

(ii) ZONE PROVISIONS

- | | | |
|-----|---|----------------------------|
| (a) | LOT COVERAGE
Maximum for all buildings | 60% |
| (b) | FRONT YARD
Minimum | 7.5 m |
| (c) | INTERIOR SIDE YARD
Minimum | 0 m |
| (d) | REAR YARD | Established Building Limit |

Notwithstanding the rear yard setback provision, an at grade patio shall be permitted in the rear yard provided such patio not extend more than 6.4 m from the rear of the established building limit.

- (e) Parking shall be provided in accordance with Section (6) of Zoning By-law No. 2585. Notwithstanding the aforesaid the required parking spaces may be provided on "M1A" Industrial, "I" Institutional or "OS" Open Space Zones provided the parking spaces are within 91.5 m of the subject property.

(4262-98) (223) 703 HARRIET STREET

- (a) Notwithstanding the permitted uses of Section 10 of By-law No. 2585, a converted dwelling house' containing a maximum of two 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 No. 4262-98.

(4279-98) (224) 605 BROCK STREET NORTH

- (a) Notwithstanding Section 16A of By-law No. 2585, the use of a retail store shall be permitted on the lands identified as "Subject Property" on Schedule A-1 attached to By-law No. 4279-98.

**(4354-99)
(6042-08) (225) PART OF LOT 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-98011)
PARTS 4 AND 7, PLAN 40R-24417**

(A) RESIDENTIAL (R2B) ZONE

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 lot | 12 m |
| | | – corner lot | 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 a dwelling unit greater than 1 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 1 storey | | 7.5 m |
| | Minimum depth to any portion of a dwelling unit having a height greater than 1 storey | | 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

provided however and notwithstanding the above,

- (i) the exterior wall of the second and third storey of any building shall be set back a minimum distance from the interior side lot line of 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, 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

**(4398-99) (226) PART OF LOT 25, CONCESSION 2
PLAN OF SUBDIVISION (18T-98008)**

- (a) Notwithstanding the provisions of Section 26.4.1 (Permitted Uses) of Zoning By-law No. 2585, the use of the lands zoned "R2-DT", as identified on Schedule "A-1" attached to and forming part of By-law No. 4398-99, shall be limited to the following:
- (i) linked dwelling
 - (ii) semi-detached dwelling
- (b) Notwithstanding the provisions of Section 26.4.2.1.7.1.2 (Side Yard - Interior - Linked) of Zoning By-law No. 2585, the lands zoned "R2-DT", as identified on Schedule "A-1" attached to and forming part of By-law No. 4398-99, shall be developed in accordance with the following provisions:
- (i) With an integral garage or carport the minimum interior side yard shall be 1.2 m on each side
 - (ii) Without an integral garage or carport the minimum interior side yard shall be 1.2 m one side, and 3.0 m on the other side
- (c) For the purposes 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 26.1 of By-law 2585, then the definitions hereinafter set forth shall take precedence).

- (i) **DWELLING, SEMI-DETACHED** means a building other than a converted dwelling, located on a lot or lots, containing two dwelling units, each attached to the adjacent unit below grade only.
- (ii) **DWELLING, LINK** means a building containing a minimum of three dwelling units on a lot or lots, with each dwelling unit having frontage on a public street and each attached to the adjacent unit below grade only.

(5955-07) (227) **1600 CHARLES STREET**
Repealed by By-law 5955-07

(4412-99) (228) **601 PALACE STREET**

- (a) Notwithstanding the permitted uses of Section 19(1)(b) of By-law No. 2585, for the land identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law No. 4412-99, the subject property shall be used only for the following uses:

- business or professional office
- constructor's or tradesman's shop
- dry-cleaning establishment
- parking lot
- public use
- retail outlet or wholesale outlet accessory to a permitted use
- service shop

(6775-13)

(4426-99) (229) **PART OF LOT 26, CONCESSION 1**

- (a) Notwithstanding the permitted uses of Section 18A of By-law No. 2585, the additional use of a hotel shall be permitted on the lands identified as the 'Subject Property' as shown on Schedule A-1 annexed to By-law No. 4426-99.
- (b) Section 18A(2)(b)(xi) of By-law No. 2585 shall not apply to the lands identified as the 'Subject Property' as shown on Schedule A-1 annexed to By-law No. 4426-99.

(4427-99) (230) **NORTHWEST CORNER OF DUNDAS STREET WEST AND MCQUAY BOULEVARD**
920 DUNDAS STREET WEST

- (a) Notwithstanding the zone provisions of Section 15(2)(b)(iv), (v) and (vili) of By-law No. 2585, the following shall apply:
- (i) **LOT COVERAGE**
Maximum for all buildings 25% of the lot area
 - (ii) **FRONT YARD**
Minimum Depth 8.0 m
 - (iii) **EXTERIOR SIDE YARD**
Minimum Width 6.0 m

(4451-99) (231) **PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION**
PLAN OF SUBDIVISION (18T-92019) REVISED

RESIDENTIAL (R3A) ZONE

- (a) No person 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

(ii) ZONE PROVISIONS

(a)	LOT FRONTAGE Minimum	– interior lot	9.0 m
		– corner lot	12.5 m
(b)	LOT DEPTH Minimum		30 m
(c)	LOT AREA Minimum		270 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 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 1 storey	7.5 m
		Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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 ² the minimum depth shall be	15 m
(g)	INTERIOR SIDE YARD		0.0 m
		provided however and notwithstanding the above,	
		(i) on the side where the dwelling units are attached below grade the minimum interior side yard setback shall be	0.5 m
		(ii) on the side where the end wall of the dwelling unit is unattached, the minimum interior side yard setback shall be	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)	HEIGHT OF BUILDINGS Maximum		8.5 m

(j)	LANDSCAPED OPEN SPACE	
	Minimum	40%

RESIDENTIAL (R3C) ZONE

- (b) 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	15 m
		– corner	18.5 m
(b)	LOT DEPTH		
	Minimum		30 m
(c)	LOT AREA		
	Minimum lot area for a common pair of semi-detached units shall be		450 m ²
(d)	LOT COVERAGE		
	Maximum for 1 storey dwelling units		45%
	Maximum for 2 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 1 storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than 1 storey		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		
	In the case of a common wall semi-detached, the minimum interior side yard 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
(i)	LANDSCAPED OPEN SPACE Minimum	40% of the lot area
(j)	HEIGHT OF BUILDING Maximum	8.5 m

RESIDENTIAL (R4B) ZONE

- (c) 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 lot – corner lot	6.0 m 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 or third 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

MULTIPLE UNIT RESIDENTIAL (R5A-6) ZONE

(5955-07)

(d) **Repealed by By-law 5955-07**(6091-08)
(6962-15)(ii) **ZONE PROVISIONS – BLOCK TOWNHOUSE DWELLING AND
STACKED DWELLING
Repealed by By-law 6962-15**

COMMERCIAL (C3-R) - MIXED USE ZONE CATEGORY

(e) No person shall use any lot, or erect or alter or use any building or structure in any 'C3-R' Zone except in accordance with the following uses and zone provisions.

(i) USES PERMITTED

(a) Residential Uses

- apartment dwelling house the first storey of which is used for common access or amenity space to the apartment dwelling and for permitted non-residential uses and where there are no non-residential uses located above the second floor.

(b) Non-Residential Uses

- artist or photographic studio
- bake shop or confectionary shop
- bank and financial institution
- barber shop or beauty parlour
- business or commercial school
- business or professional office
- clinic
- community centre
- crisis centre
- day nursery
- dress maker or tailor shop
- dry cleaner distribution outlet
- eating establishment
- health club

(j) DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

- (i) The minimum distance between an apartment dwelling and a separate building shall be 15 m

provided however and notwithstanding the above, the distance may be reduced to 7.5 m between the end walls of apartment dwellings provided neither wall contains a bedroom, living room or dining room window.

The minimum distance between commercial buildings shall be 3.0 m

(k) INTERNAL ROADWAY

- (i) The minimum distance from an internal roadway to the nearest end wall containing no habitable room windows 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

20% of the lot area

(m) PARKING

Parking shall be in accordance with the provisions of Section 6 of By-law No. 2585. Notwithstanding Section 6, Subsection 13 of the said By-law, the following provisions shall apply:

- (i) parking may be located in any yard provided that no parking space shall be located closer than 3.0 m from a property line.
- (ii) the minimum distance between a parking area and the exterior wall of an apartment dwelling shall be 2.0 m

- (f) 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 set forth and those referred to in Section 2 of By-law No. 2585, then the definitions hereinafter set forth shall take precedence).

(i) **STREET TOWNHOUSE DWELLING** means one of a group of not more than eight dwelling houses but no less than three dwelling houses attached to each other by a common party wall dividing the dwelling houses vertically, each of which dwelling houses,

- (a) has separate front and rear entrances or separate front and side entrances; and
- (b) contains a private garage.

- (ii) **BLOCK TOWNHOUSE DWELLING** means a building or group of buildings on a lot or lots, each containing a minimum of three and a maximum of seven dwelling units, wherein each dwelling unit is separated from the adjacent dwelling unit by a vertical party or common wall, and with each dwelling unit having its own entrance to the outside and a driveway, private garage, carport, or parking area, and sharing common access to a public street but shall not include a street townhouse dwelling.
- (iii) **STACKED DWELLING** 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 horizontal common wall and a private entrance from outside.
- (iv) **HOME FOR THE AGED** means a home as defined by the Home for the Aged and Rest Homes Act as amended, or replaced, and may include as an accessory use a retirement home.
- (v) **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.
- (vi) **COMMON WALL SEMI-DETACHED DWELLING** 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.

(4480-99) (232) 403 BEECH STREET WEST

- (a) Notwithstanding the permitted uses of Section 19(1)(b) of By-law No. 2585, for the land identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law No. 4480-99, the subject property shall be used only for the following uses:

- catalogue store
- contractor's or tradesman's shop
- dry cleaning establishment
- parking lot
- public use
- retail outlet or wholesale outlet accessory to a permitted use
- retail store
- service shop
- warehouse

(6775-13)

(4548-00) (233) 517 BROCK STREET NORTH

- (a) Notwithstanding the non-residential uses permitted in Section 16A(1)(b) of By-law No. 2585, 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 No. 4548-00:

- beauty salon

(4567-00) (234) 1014 HUTCHISON AVENUE

- (a) Notwithstanding the permitted uses of Section 10 of By-law No. 2585, a converted dwelling house containing a maximum of two (2) 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 No. 4567-00.

- (4570-00) (235) **924 BROCK STREET NORTH**
- (a) Notwithstanding the non-residential uses permitted in Section 16A(1)(b) of By-law No. 2585, 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 No. 4570-00:
- beauty salon including aesthetics, facials and massage therapy
- (4571-00) (236) **965 DUNDAS STREET WEST**
- (a) Notwithstanding the non-residential uses permitted in Section 15(1)(b) of By-law No. 2585, 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 No. 4571-00:
- (6264-09) • clinic
- (6264-09) • commercial school
- (6264-09) • day nursery
- (6264-09) • dry cleaners establishment
- (6264-09) • clinic
- (6264-09) • private school
- (6264-09) • training facility
- (b) Notwithstanding Section 15(2)(iv) of By-law No. 2585, a maximum coverage of 25% of the lot area shall be permitted on the Subject Property as shown on Schedule A-1 annexed to By-law No. 4571-00.
- (c) Notwithstanding Section 6(13)(a)(i) of By-law No. 2585, a minimum of 5.0 parking spaces per 93 m² of gross leasable area shall be provided on the Subject Property as shown on Schedule A-1 annexed to By-law No. 4571-00.
- (4589-00) (237) **928 – 932 BROCK STREET NORTH**
Repealed by By-law 5329-03
- (a) Notwithstanding the non-residential uses permitted in Section 16A(1)(b) of By-law No. 2585, 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 No. 5329-03.
- gas bar, wherein the zone provisions in the "GB" Zone as contained in Sections 17B and 17D of By-law No. 2585 shall apply to the permitted gas bar, save and except Section 17D(1), wherein the minimum distance between any portion of the canopy and the exterior lot line shall be 1.5 m;
 - retail store up to a maximum gross floor area of 30 m².
- (4609-00) (238) **SOUTHEAST CORNER OF CONSUMERS DRIVE & HIGHWAY 401 RAMPS**
(6264-09) **PART OF LOT 26, CONCESSION 1**
Repealed by By-law 6264-09
- (4648-00) (239) **920 CHAMPLAIN COURT**
(6378-10) **Repealed by By-law 6378-10**
-

(4660-00) (240) 828 BROCK STREET NORTH

- (a) 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 No. 4660-00 except in accordance with the following uses and zone provisions:

"C2-S-CN" – SPECIAL PURPOSE COMMERCIAL - COMMERCIAL NODE**(i) USES PERMITTED**

building or a portion of a building used to provide direct service to the public which shall include:

- accounting office
- bank
- barber shop
- beauty salon
- drugless practitioner office
- dry cleaner's distribution station
- law office
- medical office
- real estate office
- school of dance, art or music
- shoe repair
- tailor shop
- travel agency
- trust company or similar financial institution

(ii) ZONE PROVISIONS

- | | | |
|--------|---|---------------------|
| (i) | LOT COVERAGE
Maximum for all buildings | 40% of the lot area |
| (ii) | MAXIMUM FLOOR AREA | 150 m ² |
| (iii) | MINIMUM FRONTAGE | 15 m |
| (iv) | FRONT YARD
Minimum Depth | 6.0 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. | |
| (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 No. 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.

(4707-00) (241) 505, 507, 509, 511, 513 AND 753 COCHRANE STREET

- (a) Notwithstanding the permitted uses of Section 10(1)(a) of By-law No. 2585 in any R3 Zone category and the definition of “converted dwelling house” contained in Section 2 of By-law No. 2585, a converted dwelling house containing a maximum of three self-contained dwelling units shall be permitted on the lands identified as the Subject Property.
- (b) The zone provisions for a converted dwelling house in By-law No. 2585 shall apply to the lands in paragraph (a) above.
- (2) Section 6(4) Dwelling Units Below Grade of By-law No. 2585, as amended, shall not apply to the subject property identified on Schedule A-1 annexed to By-law No. 4707-00.
- (3) Section 6(13)(h) of By-law No. 2585, as amended, shall not apply to the subject property identified on Schedule A-1 annexed to By-law No. 4707-00.

**(4716-00) (242) EAST SIDE OF GARDEN STREET, NORTH OF CONSUMERS DRIVE
PART OF LOT 25, CONCESSION 1
Subject land rezoned. See Section 12A, R5A-7****(4725-00) (243) PART OF LOT 26, CONCESSION 1 – PAISLEY COURT**

- (a) No person shall use any lot or erect or alter or use any building or structure in any "H-C2-S" Zone on Schedule "A-1" annexed to By-law No. 4725-00 except in accordance with the following uses and zone provisions:
 - Apiary
 - Aviary
 - berry or bush crop
 - parking lot
 - public use in accordance with Section 6(16) of Zoning By-law No. 2585
- (b) A by-law shall not be enacted to delete the “H” symbol until such time as the Municipality and Region of Durham are in receipt of a traffic analysis demonstrating that the proposed use will not have an unacceptable impact on existing traffic conditions.

(c) Notwithstanding the permitted uses in a C2-S Zone under section 16A(1) of By-law No. 2585, the subject property shall be used only for the following uses:

- business, professional or corporate offices;
- community field offices;
- eating establishments provided such facilities do not include a “drive through” service to order pick-up food or beverages from a vehicle.
- financial institutions;
- motels or hotels

(d) The zone provisions for a C2-S Zone shall apply to the subject property.

(4756-01)

**(244) PART OF LOTS 29 AND 30, BROKEN FRONT CONCESSION
PLAN OF SUBDIVISION (18T-99027)**

(A) RESIDENTIAL (R2A) ZONE

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 ²

(d)	LOT COVERAGE	
	Maximum for 1 storey dwelling unit	40%
	Maximum for dwelling unit greater than 1 storey	33%

(i) Notwithstanding the lot coverage provisions the following may be permitted

(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.

(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 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 1 storey 7.5 m
- Minimum to any 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 1.0 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
- (iv) 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

(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 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) RESIDENTIAL (R2B) ZONE

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 1 storey dwelling units		45%
	Maximum for a dwelling unit greater than 1 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 1 storey		7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than 1 storey		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
	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 1.5m 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 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) RESIDENTIAL (R2C) ZONE

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 – corner	10.5 m 14 m
(b)	LOT DEPTH Minimum		30 m
(c)	LOT AREA Minimum		315 m ²
(d)	LOT COVERAGE		
	Maximum for 1 storey dwelling units		45%
	Maximum for a dwelling unit greater than 1 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 1 storey	7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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
	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, 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

(D) RESIDENTIAL (R3A) ZONE

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

(ii) 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 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 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 1 storey	7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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	0.0 m
	provided however and notwithstanding the above;	
	(i) On the side where the dwelling units are attached below grade the minimum interior side yard setback shall be	0.5 m
	(ii) On the side where the end wall of the dwelling unit is unattached, the minimum interior side yard setback shall be	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) HEIGHT OF BUILDINGS Maximum	8.5 m
(j)	LANDSCAPED OPEN SPACE Minimum	40%

(E) RESIDENTIAL (R4B) ZONE

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

(5955-07) (F) **OPEN SPACE ZONE – EXCEPTION 1 (OS-1)**
Repealed by By-law 5955-07

(5955-07) (G) **INSTITUTIONAL – EXCEPTION 1 (I-1)**
Repealed by By-law 5955-07

(4806-01) (245) 362 ROSEDALE DRIVE

- (a) Notwithstanding the permitted uses found in Section 10(1)(a) of By-law No. 2585, as amended, one 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 No. 4806-01.
- (b) Notwithstanding the parking area requirements of Section 6(13)(a)(i) of By-law No. 2585, as amended, a minimum of 1.5 parking spaces shall be provided for each dwelling unit within the existing structure.

(4863-01) (5909-07) (246) 1200 BROCK STREET SOUTH

- (a) Notwithstanding the permitted uses found in Section 10(1)(b) of By-law No. 2585, as amended, the following uses shall be permitted on the lands identified as the "Subject Property" shown on Schedule A-1 annexed to By-law No. 4863-01.
- art studio, gallery and/or custom framing shop
 - barber shop
 - beauty salon and/or bakeshop
 - bed and breakfast
 - business or professional office
 - health spa
 - school of dance, art or music
 - single dwelling unit provided no commercial uses are situated on the same floor as the dwelling unit
 - tailor's shop
 - veterinary office

(4911-01) (247) 800 BROCK STREET NORTH

- (a) Notwithstanding Section 16A(b) of Zoning By-law No. 2585, as amended, the additional use of an eight bay coin operated car wash shall be permitted on the subject property as shown on Schedule A-1 attached to By-law No. 4911-01.
- (b) Section 6 General Provisions and Section 17C Car Wash Zone and 17D Zone provisions shall apply to the subject property except as provided below:
- | | | |
|-------|---|-------|
| (i) | FRONT YARD
Minimum | 11 m |
| (ii) | INTERIOR SIDE YARD AT C.P.R.
Minimum | 0.5 m |
| (iii) | INTERIOR SIDE YARD – OTHER
Minimum | 2.0 m |

**(5024-02) (248) PART OF LOT 23, CONCESSION 1
280 HOPKINS STREET**

- (a) Notwithstanding the uses permitted in Section 20(1) of By-law No. 2585, any uses permitted in the "M1A" Select Industrial Zone, Section 18A(1)(b) non-residential uses shall be permitted, subject to the zone provisions contained in Section 20(2) of By-law No. 2585, for the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law No. 5024-02.

- (5092-02) (249) **PART OF LOT 23, CONCESSION 1
601 DUNLOP STREET WEST**
- (a) Notwithstanding the uses permitted in Section 9(1)(a) of By-law No. 2585, as amended, a semi-detached dwelling unit shall be permitted on the lands identified as the subject property shown on Schedule A-1 attached to and forming part of By-law No. 5092-02 provided one of the pair of dwelling units does not exceed 80m² and does not contain more than one bedroom.
- (5272-03) (250) **PART OF LOTS 15 AND 16, 6th DOUBLE RANGE PLAN H-50032
604 BROCK STREET SOUTH**
- (a) Notwithstanding the uses permitted in Section 26.4.1 of By-law No. 2585, the additional uses of a business and/or professional office and a veterinary clinic shall be permitted for the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law No. 5272-03:
- (b) Notwithstanding anything to the contrary, the gross floor area of the permitted uses noted in paragraph (a) above shall not exceed 132.7 m².
- (5294-03)
(5955-07) (251) **1419 BYRON STREET SOUTH
Repealed by By-law 5955-07**
- (5343-03) (252) **PART LOT 1, PLAN 186, NOW PART 1 ON REFERENCE PLAN 40R-8430
901 BROCK STREET SOUTH**
- (6775-13) (i) Notwithstanding the uses permitted in Section 9(1) of By-law No. 2585, the additional uses of a personal service establishment and professional office shall be permitted on the lands identified as the "Subject Property" on Schedule A-1 attached to and forming part of By-law No. 5343-03:
- (ii) PARKING
- (a) Notwithstanding the provisions of Section 6(13)(a) of By-law No. 2585, as amended, the parking requirements contained in Section 26.2.4.2 of By-law No. 2585 shall apply.
- (b) Notwithstanding anything to the contrary in By-law No. 2585, as amended, the parking spaces for any use permitted in paragraph (i) above shall have a minimum width of 2.75 m and a minimum length of 5.5 m.
- (5414-04) (253) **NORTHWEST CORNER OF VICTORIA STREET WEST AND MONTECORTE
STREET
700 VICTORIA STREET WEST**
- (a) Notwithstanding the uses permitted in Section 17B(1) GB-CW Zone By-law No. 2585, 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 No. 5414-04.
- retail store not exceeding 203 m² shall be permitted within the kiosk.
- (b) Notwithstanding the zone provisions in Section 17B(2), the following provisions shall apply:
- | | |
|-------------------------------|-------|
| FRONT YARD
Minimum | 3.0 m |
| EXTERIOR SIDE YARD
Minimum | 3.0 m |
-

- (c) Notwithstanding the zone provisions in Section 17 D (6), the following provision 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 3.0 m.

(5424-04)
(5877-07)

**(254) PART 1 ON PLAN 40R-23300
736 DUNDAS STREET WEST
H Provision Removed by By-law Amendment 5877-07**

- (a) No person shall use any lot or erect or alter or use any building or structure in any “H-C2-S” Zone on Schedule A-1 annexed to By-law No. 5424-04 except in accordance with the following uses:
- Apiary
 - Aviary
 - berry or bush crop
 - parking lot
 - public use in accordance with Section 6(16) of Zoning By-law No. 2585
- (b) A by-law shall not be enacted to delete the “H” symbol until such time as the Town has been satisfied with regard to:
- confirmation of the capacity of the existing storm sewer service connection for the subject property; and
 - a Stormwater Management Report on controlling post development flow to match pre-development flow (1997 analysis) of the capacity of the existing storm sewer service connection whichever condition is the more stringent.
- (c) Notwithstanding the permitted uses in a C2-S Zone under Section 16A(1)(b) of By-law No. 2585, the following uses shall be deleted from the subject property.
- automobile sales establishment
 - boat and recreational vehicle sales establishment
 - drive through restaurant or eating establishment
 - farm implement dealer
 - motor vehicle rental
- (d) Notwithstanding the permitted uses in a C2-S Zone under Section 16A(1)(b) of By-law No. 2585, the following uses shall be added to the subject property, namely:
- business or professional office
 - clinic
- (e) The zone provisions found in Section 16A and Section 6, general provisions of By-law No. 2585, as amended, shall apply to the subject property.

(5425-04)

(255) 1415 BYRON STREET SOUTH

- (a) No person shall use any lot or erect or alter or use any building or structure in any R4-2 Zone as shown on Schedule A-1 annexed to By-law No. 5425-04 except in accordance with the following uses and provisions:
- (i) **USES PERMITTED**
- converted dwelling house containing a maximum of three self contained dwelling units.
-

(ii) ZONE PROVISIONS

The zone provisions for a converted dwelling house in Section 7(6) of By-law No. 2585 shall apply to the lands identified on Schedule A-1 annexed to By-law No. 5425-04.

**(5470-04)
(5955-07) (256) 500, 502 & 504 DUNDAS STREET WEST**
Repealed by By-law 5955-07

**(5472-04)
(7575-19) (258) 101 VICTORIA STREET WEST**
Repealed by By-law 7575-19

(5504-04) (259) 701 DUNDAS STREET EAST

(a) Notwithstanding the permitted use provisions in Section 16A(1)(b), only the following uses shall be permitted:

- audio visual centre
- automobile parts store
- automobile sales establishment
- business or professional office
- catalogue store
- equipment sales and rental – light
- family restaurant that shall not include a drive thru
- home improvement centre
- major electrical supply centre
- motor vehicle rental
- personal service establishment
- pet grooming
- place of entertainment
- plumbing supply centre
- pool supply centre
- public garage
- public use in accordance with the provisions of Section 6(16) of By-law 2585
- retail nursery
- sporting goods store
- veterinary clinic
- video or computer rental establishment

(6775-13)

(b) Notwithstanding the zone provisions found in Section 16A(2) and Section 6 of By-law No. 2585, the following zone provisions shall apply to the subject property:

MINIMUM FRONTAGE	23 m
PLANTING STRIP MINIMUM WIDTH	1.0 m

(5534-04) (260) 1522 BROCK STREET SOUTH

(a) Notwithstanding the permitted uses of Section 11A of By-law No. 2585, as amended, for the land identified as "Subject Property" as shown on Schedule A-1 annexed to By-law 5534-04, a converted dwelling house containing up to four dwelling units shall be permitted on the subject property.

(b) PARKING

Parking for a four unit residential building shall be in accordance with the provisions of Section 6(13)(a)(i) of By-law No. 2585.

(5646-05) (261) **PART OF LOT 29, BROKEN FRONT CONCESSION SOUTHWEST CORNER OF**
 (5955-07) **VICTORIA STREET AND GORDON STREET**
Repealed by By-law 5955-07

(5750-06) (262) **PART OF LOT 28, CONCESSION 2**
PLAN OF SUBDIVISION SW-2004-01

(A) Notwithstanding the permitted uses of Section 9(1)(a) of By-law No. 2585 as amended, for the lands identified as 'Subject Property' as shown on Schedule A-1 annexed to By-law 5750-06, a semi-detached dwelling shall be permitted in accordance with the provisions of an R3B* Zone.

(B) RESIDENTIAL (R3B*) ZONE

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	18 m
		– interior	
		– corner	21.5 m
	provided however and notwithstanding the above, the minimum frontage for an interior lot for one of a pair of semi-detached units shall be		7.5 m
	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		
	Minimum lot area for a common pair of semi-detached units shall be		540 m ²
	Minimum lot area for one of a pair of semi-detached units shall be		225 m ²
(d)	LOT COVERAGE		
	Maximum for 1 storey dwelling units		45%
	Maximum for 2 and 3 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 1 storey	7.5 m
	Minimum depth to any portion of a dwelling unit having a height greater than 1 storey	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	
	In the case of a semi-detached dwelling with a common wall dividing the units, the minimum interior side yard 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 side yard setback distance shall be	
	(i) the exterior wall on the side where the unit is attached below grade	0.5m
	(ii) the exterior wall of the first storey on the side where the unit is unattached	1.0 m
	(iii) the exterior wall of the second storey on the side where the unit is unattached	1.0 m
	(iv) the exterior wall of the third storey on the side where the unit is unattached	1.5 m
	(v) 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

(C) Notwithstanding the permitted uses in a M1 Zone under Section 19(l)(b) of By-law No. 2585, the following uses only shall be permitted on the lands identified as a crosshatching on Schedule “A-1” attached to and forming part of this By-law:

- architectural hardware supply store
- brew your own wine and/or beer outlet
- builders supply outlet
- business and professional office
- commercial/technical school
- computer sales/service outlet
- daycare nursery
- electrical supply store
- heating and plumbing supply centre
- home décor centre
- no outside storage shall be permitted with any of the above uses
- photographic studio
- place of worship
- print shop
- private clubs or fraternal organization
- public use
- rent-all shop (light equipment) school of dance, art, martial arts or music
- self service storage units with one residential unit for a caretaker or watchman
- service shop
- service shop for electronics
- window sales and supply outlet

(6775-13)

(D) Notwithstanding the zone provisions in a M1 Zone under Section 19(2) of By-law No. 2585, the following zone provisions are replaced with the following:

(v) INTERIOR SIDE YARD

Minimum depth for the easterly interior side yard abutting
Industrial zoned lands 1.0 m

(viii) HEIGHT OF BUILDING

Maximum 2 storeys

(xi) PROPERTY ABUTTING RESIDENTIAL ZONE

where the side lot line abuts a Residential Zone, planting strips adjoining such abutting lot line, or portion thereof, shall be provided within the “M1” Zone, in accordance with the requirements for planting strips set out in Section 6(15) of By-law No. 2585 and shall have a minimum width of 5.0 m

(E) All of the other zone provisions found in Section 19(2) and Section 6, General Provisions of By-law No. 2585, as amended, shall apply to the M1 Zoned lands.

(5755-06)

(263) 922 BROCK STREET NORTH

(a) Notwithstanding the permitted uses of Section 16A (1) (b) of By-law No. 2585, as amended, for the land identified as “Subject Property” as shown on Schedule A-1 annexed to By-law No. 5755-06, the following additional use shall be permitted:

- business and/or professional office

(b) All other provisions of By-law 2585 shall apply.

(5766-06) (264) 1122 BROCK STREET SOUTH

(a) Notwithstanding the permitted uses of Section 10(1)(a) of By-law No. 2585, as amended, for the land identified as the "Subject Property" as shown on Schedule A-1 annexed to By-law No. 5766-06, the following additional use shall be permitted:

- Business and/or Professional Office, contained in the main building, which may include as an accessory use only, a showroom for exterior design products. No manufacturing of any products shall be permitted in any of the buildings or structures.

(b) All other provisions of this By-law shall apply.

(5791-06) (265) 1145 BROCK STREET SOUTH
(5955-07) Repealed by By-law 5955-07**(5823-06) (266) PART OF LOT 27, CONCESSION 2**
PLAN OF SUBDIVISION SW-2005-07**(A) RESIDENTIAL 'R3C*' ZONE**

No person shall use any lot or erect or alter or use 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	15 m
		– corner	18.5 m
(b)	LOT DEPTH Minimum		30 m
(c)	LOT AREA		
	Minimum lot area for a common pair of semi-detached units shall be		450 m ²
	Minimum lot area for one of a pair of semi-detached units shall be		225 m ²
(d)	LOT COVERAGE		
	Maximum for 1 storey dwelling units		45%
	Maximum for 2 and 3 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 1 storey 7.5 m
- Minimum depth to any portion of a dwelling unit having a height greater than 1 storey 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**
- 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
- (k) **PARKING**
- Parking shall be in accordance with the provisions of Section 6 of By-law No. 2585

(B) RESIDENTIAL 'R4B*' ZONE

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 or 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
(k)	PARKING Parking shall be in accordance with the provisions of Section 6 of By-law No. 2585.	

(5839-06) (267) 1742 BROCK STREET SOUTH

(A) **H-CR-HDA3 – HOLDING – COMMERCIAL RESIDENTIAL – HARBOUR
DEVELOPMENT AREA 3**

- (i) No person shall use any lot or erect or alter or use any building or structure in any 'H-CR-HDA3' Zone as shown on Schedule A-1 annexed to By-law No. 5839-06 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 that the lands to be affected by the said by-law have completed the following:
- Provide the Planning Department with a remediation program regarding soil contamination on the subject property, including possible contamination in the Front Street West road allowance;
 - Once on-site clean-up has occurred, a Record of Site Condition should be provided to the Planning Department, ensuring that the site has been decommissioned;
 - Provide a stormwater management plan, specifically addressing a private stormwater drainage system and downstream drainage improvements, if necessary on Front Street West; and,
 - A Site Plan indicating the location and improvement of on-site parking, access points and loading spaces. Improvements on site relate directly to the paving of the parking areas to improve the site to suit the surrounding urban area.
- (iii) In the event that Council deems it appropriate to delete the "H" symbol prefixed to the aforementioned "H-CR-HDA3" Zone designation, the uses and zone provisions of Section 3 and 4 of this By-law shall apply to the lands designated "CR-HDA3"

3. USES PERMITTED

No person shall within any "CR-HDA3" Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following "CR-HDA3" uses, namely:

(a) **RESIDENTIAL USES**

- block townhouses and apartments not exceeding a density of 55 units per net hectare

(b) **NON-RESIDENTIAL USES**

- bait shop
 - boat chandlery, but shall not include the sale or storage of boats
 - fishing equipment and supplies
 - restaurant
 - sailing school
 - scuba diving shop
-

4. ZONE PROVISIONS

No person shall within any "CR-HDA3" Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) BLOCK TOWNHOUSES AND APARTMENTS

In accordance with the provisions of Section 26.8.2 hereof, save and except the height provision which shall not exceed two storeys.

(b) NON-RESIDENTIAL USES

In accordance with the provisions of Section 26.13.2 hereof, save and except the height provision which shall not exceed two storeys.

(c) All other provisions of By-law No. 2585, as amended, shall apply.

**(5856-06) (268) PART OF LOT 23, CONCESSION 1
40R11320, PART 4 TO 13 IRREGULAR**

(A) Notwithstanding the permitted uses in Section 17C(1) of By-law No. 2585, as amended, the following uses shall be permitted.

- car wash
- Lubritorium

(B) Notwithstanding the zone provisions found in Section 17C(2) of By-law No. 2585, as amended, the following provisions shall apply:

(i)	LOT DEPTH		
	Minimum	– Interior Lot	39 m
(ii)	FRONT YARD		
	Minimum		12 m
(iii)	INTERIOR SIDE YARD		
	Minimum		6.5 m
(iv)	REAR YARD		
	Minimum		0.0 m

(C) Section 6, General Provisions and Section 17D of By-law No. 2585, as amended, shall apply to the subject property.

(5861-06) (269) 175-195 CONSUMERS DRIVE

(a) Notwithstanding the provisions of Section 16A of By-law No. 2585, as amended, for the land identified as "Subject Properties" as shown on Schedule A-1 attached to and forming part of By-law No. 5861-06, the following additional use shall be permitted:

- retail convenience store

(b) All other provisions of By-law No. 2585, as amended, shall apply.

**(5863-06) (270) PART OF LOT 26, CONCESSION 2
S / E CORNER OF BROCK STREET AND ROSSLAND ROAD**

- (a) No person shall use any lot or erect or alter or use any building or structure in any zone marked "R4A" as shown on Schedule "A-1" annexed to By-law No. 5863-06 except in accordance with the following uses and zone provisions:

(i) USES PERMITTED

- block townhouse dwellings

(ii) ZONE PROVISIONS

- | | | |
|-----|--|--|
| (a) | BLOCK FRONTAGE
Minimum | 100 m |
| (b) | BLOCK AREA
Minimum | 2.50 ha |
| (c) | MAXIMUM NUMBER OF DWELLING UNITS
within the Block Area | 101 dwelling units |
| (d) | LOT COVERAGE
Maximum for all buildings | 33 % of block area |
| (e) | YARDS

The minimum depth from a public road allowance or 0.3 m reserve to the nearest portion of a building or accessory shall be

The maximum distance to a public road allowance or 0.3 m reserve to the nearest portion of a building shall be

except in the case of an end wall of a block townhouse dwelling unit, having no habitable windows, the minimum setback shall be

except where adjacent to an Institutional zone the minimum set back to an end wall of a block townhouse dwelling unit shall be

The minimum yard depth between any wall, other than an end wall, containing a habitable room window and a lot line shall be

The minimum yard depth between an end wall of a block townhouse dwelling unit and an Open Space "OS" zone shall be

The minimum depth from an internal roadway to the nearest portion of a structure shall be

except in the case of a single car garage, integral to the dwelling unit, the minimum set back shall be

except in the case of a two car garage, integral to the dwelling unit, the minimum set back shall be

except in the case of an end wall adjacent to an internal roadway, the minimum depth shall be |

4.5 m

6.0 m

3.0 m

1.25 m

7.5 m

2.0 m

4.5 m

5.5 m

2.25 m

3.0 m |

- (f) DISTANCE BETWEEN BUILDINGS
- (i) The minimum distance separation between walls other than end walls containing habitable room windows shall be 15 m
 - (ii) In the case of two end walls the minimum distance shall be 3.0 m
 - (iii) In the case of two walls, other than end walls, containing habitable room windows that are facing each other, the minimum distance shall be 15 m
- (g) INTERNAL ROADWAY WIDTH
Minimum 8.5 m
- (h) LANDSCAPED OPEN SPACE
Minimum 35 % of the lot area
- (j) HEIGHT OF BUILDINGS
Maximum 11 m
- (k) LOT AREA
Minimum per dwelling unit 150 m²/unit
- (l) PARKING
- A minimum of two parking spaces per unit shall be provided, wherein one space shall be provided in a related attached garage.
- On-street visitor parking spaces 38 spaces minimum including 3 designated parking spaces
- (m) 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 30 m². For a block townhouse dwelling unit fronting onto Brock Street and Rossland Road, the minimum privacy area shall be 13 m². The minimum for such exclusive use areas shall be calculated in any yard except a yard adjacent to a public road allowance, a 0.3 m reserve and may be provided on the ground or on the roof of the first storey.
- (n) ACCESSORY BUILDINGS AND STRUCTURES
- Notwithstanding Section 6(2)(b), 6(2)(c), and 6(23) of By-law 2585, no accessory building shall be permitted on any block townhouse zone except for fences, retaining walls, garden trellises and a water meter building.
- (o) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS
- Section 6 (23) (c) of By-law No. 2585 as amended, shall not apply to the subject property.

- (p) **WATER METER BUILDING**
- (i) Building Height
Maximum 2 storeys
 - (ii) The minimum distance between a wall of a water meter building and an adjacent public road allowance shall be 5.0 m
 - (iii) The minimum distance between a wall of a water meter building and a block townhouse dwelling unit shall be 7.0 m

For the purpose of Section 25 (270) the following definitions will apply where in conflict with any other definition under Section 2.

BLOCK AREA means the area of the lands zoned R4A - Block Townhouse Dwelling.

WATER METER BUILDING means a building or structure that is for the purpose of housing water meters for a block townhouse development.

EXCLUSIVE USE AREA means an outdoor recreational space on the ground or on the roof of the first floor that is for the exclusive use of the residents of the unit to which it abuts or the unit on which such space is located upon.

(5910-07) (271) 108 ANNES STREET

- (a) Notwithstanding the permitted uses of Section 9 of By-law No. 2585, as amended, a converted dwelling house containing a maximum of two (2) 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 No. 5910-07.

**(5969-07)
(6841-14) (272) PART OF LOT 24, BROKEN FRONT CONCESSION
609 VICTORIA STREET EAST
Repealed by By-law 6841-14**

**(6148-09) (273) M1A-LS-N-1: Prestige Industrial – Lynde Shores (Business Park) Node –
Exception 1
PART OF LOT 29, CONCESSION 1, NORTHEAST CORNER OF VICTORIA STREET WEST
AND MONTECORTE STREET**

(1) DEFINED AREA

Notwithstanding the provisions of Section 25, Subsection (205) of By-law No. 2585, the lands located at the north-east corner of Victoria Street West and Montecorte Street and zoned M1A-LS-N-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 No. 2585.

(2) USES PERMITTED

No person shall within any M1A-LS-N-1 Zone use any lot or erect or alter or use any building or structure for any purpose except one or more of the following uses:

(6775-13)

- all uses permitted in the M1A-LS-N Zone
- personal service establishment

(6775-13)

Permitted ancillary uses such as bank or financial institution, personal service establishment, restaurant and retail store shall be situated only on the ground floor of an office building complex, to a maximum of 10% of the gross floor area provided that such ancillary uses shall not exceed a maximum of 4,000 m² of gross floor area.

(3) ZONE PROVISIONS

No person shall within any M1A-LS-N-1 Zone use any lot or erect or alter or use any building or structure except in accordance with the following provisions:

(a) FRONT YARD DEPTH

- | | | |
|-------|---|-------|
| (i) | Minimum depth to building elevations up to 3 storeys in height shall be | 3.0 m |
| (ii) | Minimum depth to building elevations greater than 3 storeys, and up to 4 storeys in height shall be | 4.5 m |
| (iii) | Minimum depth to building elevations greater than 4 storeys, and up to 6 storeys in height shall be | 5.0 m |
| (iv) | Minimum depth to building elevations greater than 6 storeys, and up to 8 storeys in height shall be | 9.0 m |
| (v) | Minimum depth to building elevations greater than 8 storeys in height shall be | 14 m |
| (vi) | Notwithstanding the front yard depth provisions of this By-law or any other provisions of By-law No. 2585 to the contrary, any ornamental structure such as a colonnade or canopy may project into the minimum front yard a maximum distance of | 1.5 m |

(b) EXTERIOR SIDE YARD

- | | | |
|-------|---|-------|
| (i) | Minimum depth to building elevations up to 3 storeys in height shall be | 3.0 m |
| (ii) | Minimum depth to building elevations greater than 3 storeys, and up to 4 storeys in height shall be | 4.5 m |
| (iii) | Minimum depth to building elevations greater than 4 storeys, and up to 6 storeys in height shall be | 5.0 m |
| (iv) | Minimum depth to building elevations greater than 6 storeys, and up to 8 storeys in height shall be | 9.0 m |
| (v) | Minimum depth to building elevations greater than 8 storeys in height shall be | 14 m |

(8137-24)	(vi)	Notwithstanding subsection (3)(b)(v) above, where a building is situated within 20 m of the Victoria Street West street line and has an elevation exceeding 8 storeys then the minimum exterior side yard depth shall be	7.0 m
	(vii)	Notwithstanding the exterior side yard provisions of this By-law or any other provisions of By-law No. 2585 to the contrary, any ornamental structure such as a colonnade or a canopy may project into the minimum exterior side yard a maximum distance of	1.5 m
	(c)	INTERIOR SIDE YARD Minimum width	6.0 m
	(d)	REAR YARD DEPTH Minimum	6.5 m
	(e)	BUILDING HEIGHT Minimum Maximum	3 storeys 20 storeys
	(f)	GROSS FLOOR AREA Minimum Maximum	1,800 m ² 45,000 m ²

(8100-24) (4) **Temporary Use
Northeast Corner of Victoria Street West and Montecorte Street**

Notwithstanding the uses permitted in Subsection 25 (273) (2), the temporary use of a residential sales office shall be granted for the land generally situated at the northeast corner of Victoria Street West and Montecorte Street shown as the Subject Land in the attached Key Map to this By-law Amendment.

The temporary use of a residential sales office shall cease to be in effect as of June 24, 2027.

(8137-24) (5) **Holding Provisions**

- (a) No person shall use any lot or erect, alter or use any building or structure in any H-M1A-LS-N-1 Zone except in accordance with the following uses:
- (i) Uses existing at the date of the passing of this By-law amendment.
 - (ii) A residential sales office, notwithstanding any zone provisions to the contrary.
- (b) The "H" Holding symbol prefixed to the M1A-LS-N-1 Zone may be removed from all or a portion of the lands but shall not be removed, in whole or in part, by amendment to this By-law until the following matters are fulfilled to the satisfaction of the Town of Whitby and the Durham District School Board:

That an adequate and acceptable school site has been identified and protected for to the satisfaction of the Durham District School Board.

(6378-10) (274) 920 CHAMPLAIN COURT**(1) USES PERMITTED****(a) Select Industrial – Automobile Dealership Complex Zone (M1A-AC)**

No person shall within any M1A-AC Zone shown as Site A on Appendix A to this By-law 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 dealership complex
- automobile sales dealership
- boat and recreational vehicle sales establishment

(b) Flood Zone (F)

No person shall within any F Zone shown as Site B on Appendix A to this By-law 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 F Zone
- automobile dealership complex with accessory sales
- automobile sales dealership with accessory sales
- boat and recreational vehicle sales and service establishment with accessory uses
- office in conjunction with a warehouse

Provided further that within the F Zone no building shall be erected or used except within the area identified as “Building Envelope” on Appendix A to this By-law.

(2) ZONE PROVISIONS**(a) Select Industrial – Automobile Dealership Complex Zone (M1A-AC)**

The zone provisions applicable to the uses permitted in the M1A-AC Zone shown as Site A on Appendix A to this By-law shall be the zone provisions of Section 18A Select Industrial Zone (M1A) to By-law No. 2585.

(b) Flood Zone (F)

The zone provisions applicable to the uses permitted in the F Zone shown as Site B on Appendix A to this By-law shall be zone provisions of Section 23 Flood Zone (F) to By-law No. 2585.

(3) DEFINITIONS

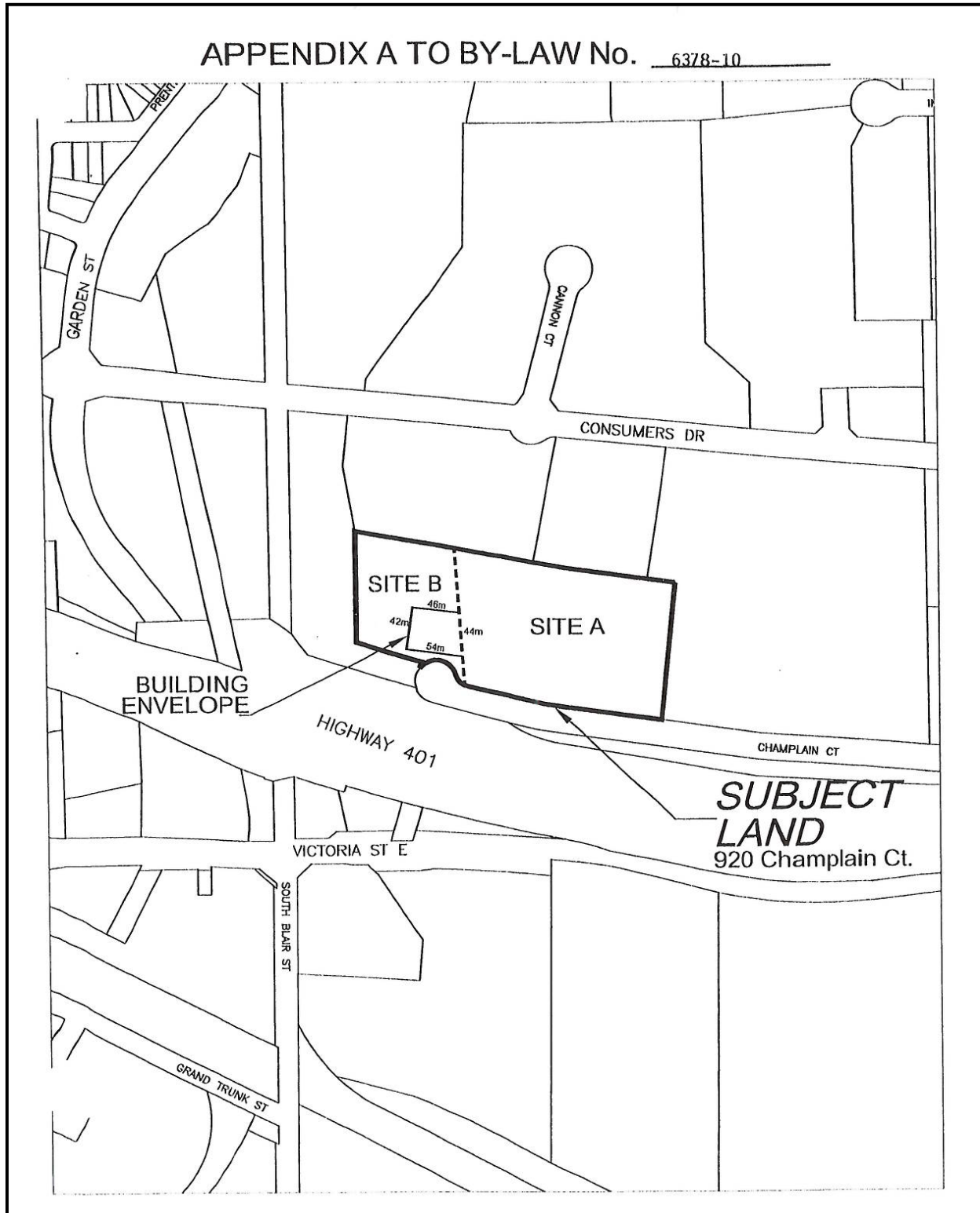
For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law No. 2585, the following definitions shall apply:

ACCESSORY when used to describe a use, building or structure means a use, building or structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

AUTOMOBILE DEALERSHIP COMPLEX means a complex composed of a minimum three building sites on a lot for the development and use of new or used automobile or motor vehicle sales establishments and each dealership shall have a minimum lot area of 0.8 hectares and / or three contiguous lots served by a common internal roadway and where each lot has a minimum lot area of 0.8 hectares.

AUTOMOBILE SALES DEALERSHIP means a building or part of a building where new automobiles and motor vehicles are kept for sale, including the servicing of Same.

APPENDIX A TO BY-LAW No. 6378-10



(8137-24)

(275) MX-LS-1 – Mixed Use – Lynde Shores – Exception 1
Lands north of Victoria Street West, west of Jim Flaherty Street.

1. Defined Area

The lands located north of Victoria Street West, on the west side of Jim Flaherty Street and zoned MX-LS-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 #2585.

2. Uses Permitted

No person shall within any MX-LS-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:

(a) Residential Uses

- apartment building
- mixed use building
- retirement home

(b) Non-Residential Uses

- animal care establishment
- art gallery
- bakeshop or confectionary shop
- clinic
- commercial school
- day care establishment
- eating establishment
- eating establishment, takeout
- financial institution
- food store
- office
- parking lot
- personal service establishment
- retail store
- school
- school, private
- studio

Each lot zoned MX-LS-1 must have a mix of residential and non-residential uses, and the uses may be integrated in the same building.

3. Zone Provisions

No person shall within any MX-LS-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 #2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, 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 whole of the land zoned MX-LS-1 shall be considered to be one lot

- (b) Determination of Lot Lines
- Notwithstanding any other provisions of By-law #2585, the lot line abutting Jim Flaherty Street shall be deemed the front lot line and the lot line farthest from and opposite the front lot line shall be deemed the rear lot line. The north lot line abutting the proposed new public street shall be deemed the exterior side lot line. All other lot lines shall be deemed interior side lot lines.
- (c) Landscaped Open Space
Minimum 25%
- (d) Front Yard
Minimum Depth 9.0m
- (e) Rear Yard
Minimum Depth 7.5 m
- (f) Interior Side Yard
Minimum Width 7.5 m
- (g) Exterior Side Yard
Minimum Width 3.0 m
- (h) Height of Buildings
- (i) The maximum height of Building A-1 situated closest to the proposed new public street to the north of the Subject Land shall be 33 storeys;
- (ii) The maximum height of Building A-2 situated south of Building A-1 shall be 38 storeys;
- (iii) The maximum height of any podium related to Buildings A-1 and A-2 shall be 6 storeys.
- (i) Roof Top Appurtenances
- The maximum height of any roof top appurtenance such as an elevator penthouse, mechanical room, stair tower, roof top access room, amenity space and any architectural features shall not exceed 8 metres.
- (j) Distance Between Point Towers
Minimum 25.0m
- (k) Floor Plate Area
Maximum Floor Plate Area of a Point Tower 900m²
- (l) Projections
- (i) Any ornamental or architectural structures such as a canopy or a colonnade, and any outdoor deck or patio related to a non-residential use may project to within 5.0m of the front lot line, 0.3m of the exterior side lot line and 0.0m of a visibility triangle.

(m) Non-Residential Provisions

- (i) The minimum gross leasable area devoted to non-residential uses shall be 500m² excluding patios related to non-residential uses.
- (ii) The minimum top of floor slab to top of floor slab height of the first storey for all non-residential uses shall be 4.5m.
- (iii) No drive-through facilities are permitted.

(n) Parking and Loading Requirements

- (i) There shall be no minimum parking space requirements for both residential and non-residential uses.

Where parking spaces are provided, all relevant parking provisions continue to apply.

- (ii) Tandem parking spaces shall be permitted and be counted as two parking spaces only where used by an owner or tenant of one dwelling unit
- (iii) The parking space dimensions for angled or perpendicular parking spaces shall be as per the Table below:

Type of Space	Min. Length	Min. Width	Min. Height
Angled and/or Perpendicular Parking Space	5.6m	2.6m	2.0m

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

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.8m	3.4m	2.4m

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

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

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

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law 2585, the following definitions shall apply:

- (a) **Animal Care Establishment** means a building or part of a building where pets and domestic animals are groomed and or cared for during the day and may include ancillary retail sales of grooming products, but shall not include the breeding of animals, a kennel or the boarding of animals, or a veterinary clinic.
 - (b) **Day Care Establishment** means:
 - (i) Premises where more than 5 children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act; or,
 - (ii) Premises in which temporary care is provided or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.
 - (c) **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.
 - (d) **Food Store** means a building or part of a building having a gross leasable area of less than 2,000 square metres wherein various food, foodstuffs, groceries and other products used within the household are sold and may include specialty floor areas stores such as, but not limited in kind to health food, a vegetable market, or other specialty goods.
 - (e) **Landscaped Open Space** means open unobstructed space on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping or other common outdoor recreational activity space and includes any surfaced walk, patio and open space areas or other common outdoor recreational activity areas or similar landscaped space situated above grade such as on a podium or roof of a building, but does not include any driveway or ramp whether surfaced or not, nor any curb, retaining wall, parking area, private balcony or private terrace.
 - (f) **Mixed Use Building** means a building containing residential uses and at least one other non-residential use.
 - (g) **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.
 - (h) **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.
-

5. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned MX-LS-1 by this By-law amendment:

- 6(2) Accessory Uses
 - 6(9) Height Exceptions
 - 6(18) Sight Triangles
 - 6(23) Yard Encroachments Permitted
 - 7 General Provisions for Residential Uses
-

SECTION 26 DOWNTOWN SECONDARY PLAN**(3070-91)**

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26.1 DEFINITIONS

26.1.1 Notwithstanding Section 2 of By-law No. 2585, as amended, the following definitions apply to all Downtown (DT) Zones. Where a word or term is not herein defined, the definitions of Section 2, as amended, shall apply.

(6311-10)
(8142-24)

ACCESSORY APARTMENT
Repealed by By-law Amendment 8142-24

(5994-07)

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.

ACCESSORY USE means a use of a building, structure, or lot which is normally incidental to, and subordinate to the principal use of the building, structure, or lot, but shall not include a dwelling unit.

(8142-24)

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.

AUTOMOBILE SERVICE STATION means a building or structure or portion thereof from which is offered for sale to the general public, gasoline and/or other motor vehicle fuels, oil, grease and accessories for motor vehicles, or where motor vehicles may be oiled or greased or where minor repairs essential to the actual operation of motor vehicles are executed or performed but shall not include a car wash or public garage.

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, jewelry, 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.

BED AND BREAKFAST ESTABLISHMENT Repealed by By-law 6775-13

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.

CRISIS CENTRE means building or portion thereof containing business and professional offices wherein counseling 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.

(6926-14)

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 an immediate emergency basis for their well-being, and in which counseling 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 foster home, a Long Term Care Home, a home for the aged, or a retirement home.

DAY NURSERY means a "day nursery" as defined by the Day Nurseries Act as amended or replaced.

DOWNTOWN ZONE means any one or more of the zones classified in this By-law with a classification which concludes with the suffix "-DT".

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.

DWELLING, DUPLEX means a building other than a converted dwelling, located on a lot, divided horizontally to contain two dwelling units, each of which has a private entrance from outside or a private entrance from a common internal hallway or stairway.

DWELLING, LINK means a building containing a minimum of three dwelling units on a lot or lots, with each dwelling unit having frontage on a public street and each separated from the adjacent unit above grade or below grade.

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).

DWELLING, SEMI-DETACHED means a building other than a converted dwelling, located on a lot or lots, divided vertically by a party or common wall to contain two dwelling units.

DWELLING, SEMI-DETACHED DUPLEX means a building other than a converted dwelling, located on a lot or lots, containing two duplex dwellings as defined in Section 26.1, divided vertically by a party or common wall.

DWELLING, TRIPLEX means a building other than a converted dwelling, located on a lot, divided horizontally to contain three dwelling units.

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 No. 3070-91.

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.

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,

(3346-93)
(6926-14)

GROUP HOME means a dwelling unit operated as a single housekeeping unit accommodating, or having the facilities to accommodate, up to ten residents (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 counseling 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 Home, a home for the aged, or a retirement home.

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.

HOME FOR THE AGED means a home as defined by the Homes for the Aged and Rest Homes Act as amended, or replaced, and may include as an accessory use a retirement home.

HOSPITAL means a hospital as defined by the Public Hospitals Act or the Mental Hospitals Act, as amended or replaced.

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.

INTEGRAL CARPORT means a carport as defined in Section 26.1, which shall have one or more walls common with the main building on the lot, and is not an accessory building or structure as defined in Section 26.1.

INTEGRAL PRIVATE GARAGE means a private garage as defined in Section 26.1, which shall have one or more walls common with the main building on the lot, and is not an accessory building or structure as defined in Section 26.1.

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.

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, veranda, 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 Dundas Street or Brock Street shall be deemed to be the front lot line.

OFFICIAL PLAN means the Official Plan of the Town of Whitby Planning Area.

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.

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 AMENITY SPACE Repealed by By-law 7979-23.

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, road works, 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, 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 No. 1878-85 as amended or replaced.

SCHOOL means a school or any permanent improvements both as defined by the Education Act as amended or replaced.

SCHOOL, PRIVATE means a private school or any permanent improvements both as defined by the Education Act 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 or more than two-thirds of the floor area of the storey next to and below it.

TELECOMMUNICATION SERVICES means a service industry other than a public service for the provision of telephone and other telecommunication services to the public and may include satellite communication services, telephone communication services, telephoto services, teletype services, tickertape services, broadband services, and similar communication services.

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.

26.2 GENERAL PROVISIONS

The provisions of By-law No. 2585, as amended, shall not apply to lands shown on Schedule "A-1" annexed to By-law No. 3070-91 except as otherwise provided in Sections 26.1 and 26.2.

26.2.1 APPLICATION

- 26.2.1.1 The provisions of Section 26 shall apply to all lands within the Town of Whitby which are subject to a Downtown (DT) Zone.
- 26.2.1.2 Except as otherwise provided for in Section 26.2, the provisions of Section 6, as amended, shall apply to all lands subject to a Downtown Zone, where such provisions are consistent with the provisions contained herein.
- 26.2.1.3 Sections 6(4), 6(9), 6(11), 6(12), and 6(23)(e), as amended, shall not apply to any lands subject to a Downtown (DT) Zone.
- 26.2.1.4 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.

26.2.2 HOLDING (H) ZONE SYMBOL

- 26.2.2.1 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".
- 26.2.2.2 Prior to removal of the "H", the following uses shall be permitted:
 - 26.2.2.2.1 Uses existing at the date of final passing of By-law No. 3070-91.
 - 26.2.2.2.2 Public services
- 26.2.2.3 A By-law shall not be enacted to remove the "H" until such time as it has been demonstrated, to the satisfaction of the Town of Whitby and the Regional Municipality of Durham, that sanitary sewer, municipal water, and storm water servicing facilities and/or capacities are available to service the proposed development.

(6926-14) **26.2.3 TEMPORARY USE (T) ZONE SYMBOL**
Repealed by By-law 6926-14

(6926-14) **26.2.4 PARKING REGULATIONS**
Repealed by By-law 6926-14

(6926-14) **26.2.5 LOADING SPACE REGULATIONS**
Repealed by By-law 6926-14

26.2.6 PUBLIC SERVICE

Notwithstanding Section 6(16), as amended, the following provisions shall apply to public services within a Downtown (DT) Zone:

- 26.2.6.1 Public services as defined herein shall be permitted in all DT Zones.
 - 26.2.6.2 Any main or accessory building or structure shall comply with the provisions of the Zone in which it is located.
-

- 26.2.6.3 Any above ground public service carried on in a Residential Downtown Zone, shall be enclosed in a building or structure which is designed and maintained in keeping with the residential character of the Zone.
- 26.2.6.4 No open storage of goods, materials and equipment shall be permitted except in accordance with the provisions of the applicable Zone.

26.2.7 HEIGHT EXCEPTIONS

Notwithstanding Section 6(9), as amended, the following provisions shall apply within a Downtown (DT) Zone:

- 26.2.7.1 A church spire, belfry, flagpole, chimney, water tank, stair tower, elevator shaft, skylight, mechanical penthouse (or other heating, cooling or ventilating equipment, fence, wall, or structure enclosing such elements), or a radio tower or television tower or antennae shall be permitted which exceeds the maximum permitted building height in the applicable Zone by not more than 5.0 m.
- 26.2.7.2 The aggregate horizontal area of such elements shall not exceed 30% of the area of the roof.
- 26.2.7.3 The aggregate horizontal frontage of such elements shall not exceed 30% of the width of the wall of the main building facing any street line.
- 26.2.7.4 Such elements shall be setback 4.0 m from any building wall facing a front or exterior side yard.

26.2.8 STORAGE OR PARKING OF MOTOR HOMES, TRAVEL TRAILERS, SNOWMOBILES, BOATS, TRAILERS, AND OTHER PERSONAL USE RECREATIONAL VEHICLES Repealed by By-law 6926-14

26.2.9 SIGHT TRIANGLES

- 26.2.9.1 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.
- 26.2.9.2 Buildings, structures, walls, fences or hedges shall be prohibited within a required sight triangle.
- 26.2.9.3 Sight triangles shall not be required within a C3-DT Zone.

26.2.10 LANDSCAPED OPEN SPACE

- 26.2.10.1 Within an R1-DT, R2-DT, and R3-DT Zone, the required landscaped open space shall only be provided at ground level.
 - 26.2.10.2 Within an R4-DT, R5-DT or R6-DT Zone, the required landscaped open space for block townhouse, street townhouse, converted, semi-detached duplex, fourplex, stacked dwellings, and boarding or lodging houses shall only be provided at ground level.
 - 26.2.10.3 Within an R4-DT, R5-DT or R6-DT Zone, a maximum of fifty percent of the required landscaped open space for apartment dwellings may be provided above ground level.
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(6311-10)
(8142-24)

26.2.11. ACCESSORY APARTMENT
Repealed by By-law Amendment 8142-24

26.2.11. 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), 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 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) Additional dwelling units are not permitted in a building or structure in any, Environmental Protection, Natural Heritage System, or Hazard Land designation as per the Town of Whitby Official Plan.
 - (e) Additional dwelling units are not permitted in a building or structure 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.
 - (f) 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.
 - (g) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
 - (h) 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.
-

- (i) 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
Maximum Gross Floor Area:	75.0 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.

- (j) 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.

- (k) Driveways:

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).

26.3 RESIDENTIAL TYPE 1 – DOWNTOWN ZONE (R1-DT)

26.3.1 PERMITTED USES

No person shall within any R1-DT 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:

- 26.3.1.1 Single-detached dwelling
- 26.3.1.2 **Repealed by By-law 6775-13**
- 26.3.1.3 Accessory uses, buildings and structures
- 26.3.1.4 Public service
- 26.3.1.5 Public park

26.3.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 7, as amended, any use, building, or structure in an R1-DT Zone shall be established in accordance with the following provisions:

26.3.2.1 SINGLE DETACHED DWELLING

26.3.2.1.1	Lot Area (minimum)	450 m ²
26.3.2.1.2	Lot Frontage (minimum)	15 m
26.3.2.1.3	Lot Depth (minimum)	30 m
26.3.2.1.4	Lot Coverage (maximum)	35%
26.3.2.1.5	Front Yard (minimum)	Established Front Building Line or 6.0m, whichever is the lesser.
26.3.2.1.6	Rear Yard (minimum)	7.5 m
26.3.2.1.7	Side Yard (minimum)	
26.3.2.1.7.1	Interior	
26.3.2.1.7.1.1	With an integral garage or carport	1.2 m on each side
26.3.2.1.7.1.2	Without an integral garage or carport	1.2 m on one side, and 3.0 m on the other side
26.3.2.1.7.2	Exterior	3.0 m
26.3.2.1.8	Building Height (maximum)	3 storeys
26.3.2.1.9	Floor Space Index (maximum)	0.45
26.3.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
26.3.2.1.11	Landscaped Open Space (minimum)	30%

26.3.2.2 Repealed by By-law 6775-13**26.3.2.3 ACCESSORY USES, BUILDINGS AND STRUCTURES**

26.3.2.3.1 In accordance with Section 6(2), as amended.

26.3.2.4 PUBLIC SERVICE

26.3.2.4.1 In accordance with Section 26.2.6.

26.3.2.5 PUBLIC PARK

26.3.2.5.1 In accordance with Section 26.11.2.

26.3.3 EXCEPTIONS

The following Zones apply to specific lands within an R1-DT Zone.

26.3.3.1 EXCEPTION 1 (R1-DT-1) 300 HIGH STREET

Notwithstanding any provisions of this By-law to the contrary, any lot within an R1-DT-1 Zone may be used for all of the uses in the R1-DT-1 Zone, plus the following use:

26.3.3.1.1 Apartment dwelling house

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R1-DT-1 Zone, shall be established in accordance with the following provisions:

26.3.3.1.2	Lot Frontage (minimum)	55 m
26.3.3.1.3	Lot Coverage (maximum)	14%
26.3.3.1.4	Front Yard (minimum)	33 m
26.3.3.1.5	Rear Yard (minimum)	22 m
26.3.3.1.6	Side Yard (minimum)	
26.3.3.1.6.1	Interior	18 m
26.3.3.1.7	Landscaped Open Space (minimum)	30%
26.3.3.1.8	Building Height (maximum)	4 storeys
26.3.3.1.9	A maximum of one building containing twenty-four apartment dwelling units shall be permitted on the lot.	
26.3.3.1.10	Notwithstanding Section 6(23)(c), an unenclosed porch, balcony, steps, and patios, covered or uncovered may project into a required yard a maximum distance of 6.1 m.	

All other provisions of this By-law shall apply.

26.3.3.2 EXCEPTION 2 (R1-DT-2) 107 & 109 HIGH STREET

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R1-DT-2 Zone, shall be established in accordance with the following provisions:

26.3.3.2.1 Lot Area (minimum) 349 m²

All other provisions of this By-law shall apply.

26.3.3.3 EXCEPTION 3 (R1-DT-3)

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R1-DT-3 Zone, shall be established in accordance with the following provisions:

26.3.3.3.1 Front Yard (minimum) 10 m

All other provisions of this By-law shall apply.

26.4 RESIDENTIAL TYPE 2 - DOWNTOWN ZONE (R2-DT)

26.4.1 PERMITTED USES

No person shall within any R2-DT 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:

- 26.4.1.1 Single-detached dwelling
- 26.4.1.2 Semi-detached dwelling
- 26.4.1.3 Duplex dwelling
- 26.4.1.4 Linked dwelling
- 26.4.1.5 Existing triplex dwelling
- 26.4.1.6 Existing semi-detached duplex dwelling
- 26.4.1.7 Existing converted dwelling
- 26.4.1.8 **Repealed by By-law 6775-13**
- 26.4.1.9 Accessory uses, buildings and structures
- 26.4.1.10 Public service
- 26.4.1.11 Public park

26.4.2 ZONE PROVISIONS

Notwithstanding Section 7, as amended, any use, building, or structure in an R2-DT Zone shall be established in accordance with the following provisions:

26.4.2.1 ALL DWELLING UNITS EXCEPT EXISTING TRIPLEXES, EXISTING SEMI-DETACHED DUPLEXES, AND EXISTING CONVERTED DWELLINGS

26.4.2.1.1	Lot Area (minimum)	
26.4.2.1.1.1	Single detached	360 m ²
26.4.2.1.1.2	Semi-detached and Linked	275 m ²
26.4.2.1.1.3	Duplex	450 m ²
26.4.2.1.2	Lot Frontage (minimum)	
26.4.2.1.2.1	Single detached	12 m
26.4.2.1.2.2	Semi-detached and Linked	9.0 m/unit
26.4.2.1.2.3	Duplex	15 m
26.4.2.1.3	Lot Depth (minimum)	30 m
26.4.2.1.4	Lot Coverage (maximum)	40%

26.4.2.1.5	Front Yard (minimum)	Established Front Building Line or 6.0m, whichever is the lesser
26.4.2.1.6	Rear Yard (minimum)	7.5 m
26.4.2.1.7	Side Yard (minimum)	
26.4.2.1.7.1	Interior	
26.4.2.1.7.1.1	Single-detached, semi-detached	
26.4.2.1.7.1.1.1	With an integral garage or carport	1.2 m each side
26.4.2.1.7.1.1.2	Without an integral garage or carport	1.2 m one side and 3.0 m the other side
26.4.2.1.7.1.2	Linked	0.6 m on one side, and 1.2 m on the other side
26.4.2.1.7.1.3	Duplex	3.0 m
26.4.2.1.7.2	Exterior	3.0 m
26.4.2.1.7.3	Common Walls	
26.4.2.1.7.3.1	Semi-detached, link	0.0 m
26.4.2.1.8	Building Height (maximum)	3 storeys
26.4.2.1.9	Floor Space Index (maximum)	
26.4.2.1.9.1	Single-detached and duplex	0.40
26.4.2.1.9.2	Semi-detached and linked	0.50
26.4.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
26.4.2.1.11	Landscaped Open Space (minimum)	30%
26.4.2.2	EXISTING TRIPLEX, EXISTING SEMI-DETACHED DUPLEX AND EXISTING CONVERTED DWELLING	
26.4.2.2.1	In accordance with the provisions of Section 26.5.2	
26.4.2.3	Repealed by By-law 6775-13	
26.4.2.4	ACCESSORY USES, BUILDINGS AND STRUCTURES	
26.4.2.4.1	In accordance with Section 6(2), as amended.	
26.4.2.5	PUBLIC SERVICE	
26.4.2.5.1	In accordance with Section 26.2.6	
26.4.2.6	PUBLIC PARK	
26.4.2.6.1	In accordance with Section 26.11.2	

26.4.3 EXCEPTIONS

The following Zones apply to specific lands within an R2-DT Zone.

(3070-91)
(5438-04)

26.4.3.1 EXCEPTION1 (R2-DT-1) 617 & 619 BROCK STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot within an H-R2-DT-1 Zone may be used for all of the uses permitted in the R2-DT Zone, plus the following uses:

26.4.3.1.1 Clinic and Office

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an H-R2-DT-1 Zone, shall be established in accordance with the following provisions:

617 BROCK STREET SOUTH

26.4.3.1.2	Front Yard (minimum)	3.0 m
26.4.3.1.3	Rear Yard (minimum)	19 m
26.4.3.1.4	Side Yard	
26.4.3.1.4.1	Interior Side Yard (minimum)	1.5 m
26.4.3.1.4.2	Exterior Side Yard (minimum)	1.2 m
26.4.3.1.5	Lot Coverage (maximum)	20%
26.4.3.1.6	Landscaped Open Space (minimum)	10%
26.4.3.1.7	Building Height (maximum)	2 storeys

(6926-14)

26.4.3.1.8 Parking (minimum)
Repealed by By-law 6926-14

619 BROCK STREET SOUTH

26.4.3.1.9	Front Yard (minimum)	3.0 m
26.4.3.1.10	Rear Yard (minimum)	19 m
26.4.3.1.11	Side Yard	
26.4.3.1.11.1	Interior Side Yard (minimum)	1.5 m
26.4.3.1.11.2	Exterior Side Yard (minimum)	1.2 m
26.4.3.1.12	Lot Coverage (maximum)	25%
26.4.3.1.13	Landscaped Open Space	10%
26.4.3.1.14	Building Height (maximum)	2 Storeys

(6926-14)

26.4.3.1.15 Parking (minimum)
Repealed by By-law 6926-14

(3070-91)

26.4.3.2 EXCEPTION 2 (R2-DT-2) 501 BROCK STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot within an R2-DT-2 Zone may be used for all of the uses in the R2-DT Zone, plus the following uses:

26.4.3.2.1 Office

26.4.3.2.2 Apartment dwelling unit

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R2-DT-2 Zone, shall be established in accordance with the following provisions:

26.4.3.2.3 A maximum of two office tenants shall be permitted on the ground floor.

26.4.3.2.4 A maximum of one apartment dwelling unit shall be permitted.

26.4.3.2.5 The apartment dwelling unit shall only be located on the second floor.

26.4.3.2.6 Lot Frontage (minimum) 19 m

26.4.3.2.7 Lot Depth (minimum) 40 m

26.4.3.2.8 Gross Leasable Area of the office use (maximum) 35%

26.4.3.2.9 Gross Floor Area of the Apartment dwelling unit (minimum) 110 m²/unit

26.4.3.2.10 Front Yard (minimum) 0.75 m

26.4.3.2.11 Rear Yard (minimum) 22 m

26.4.3.2.12 Side Yard (minimum)

26.4.3.2.12.1 Interior 0.3 m

26.4.3.2.12.2 Exterior 3.0 m

26.4.3.2.13 Landscaped Open Space (minimum) 10%

26.4.3.2.14 Parking

26.4.3.2.14.1 Office 5.0 spaces/100m² of gross leasable area located on the ground floor. 2.5 spaces/ 100 m² of gross floor area located on the second storey.

26.4.3.2.14.2 Apartment dwelling unit 1.5 spaces/unit All other provisions of this By-law shall apply.

(3070-91)**26.4.3.3 EXCEPTION 3 (R2-DT-3) 500 BROCK STREET SOUTH**

Notwithstanding any provisions of this By-law to the contrary, any lot within an R2-DT-3 Zone may be used for all of the uses permitted in the R2-DT Zone, plus the following uses:

26.4.3.3.1 Office

26.4.3.3.2 Apartment dwelling unit

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R2-DT-3 Zone, shall be established in accordance with the following provisions:

26.4.3.3.3 A maximum of two office tenants shall be permitted.

26.4.3.3.4 The office use shall only be located on the ground floor.

26.4.3.3.5 A maximum of three apartment dwelling units shall be permitted.

26.4.3.3.6 The apartment dwelling units shall only be located on the second floor.

26.4.3.3.7 Lot Frontage (minimum) 24 m

26.4.3.3.8 Lot Depth (minimum) 38 m

26.4.3.3.9 Gross Leasable Area of the office use (maximum) 35%

26.4.3.3.10 Front Yard (minimum) 0.0 m

26.4.3.3.11 Rear Yard (minimum) 10 m

26.4.3.3.12 Side Yard (minimum)

26.4.3.3.12.1 Interior 2.0 m

26.4.3.3.12.2 Exterior 2.4 m

26.4.3.3.13 Landscaped Open Space (minimum) 20%

26.4.3.3.14 Parking

26.4.3.3.14.1 Office 2.5 spaces/100m² of gross floor area

26.4.3.3.14.2 Apartment dwelling units 1.5 spaces/unit

All other provisions of this By-law shall apply.

(3602-95)**26.4.3.4 EXCEPTION 4 (R2-DT-4) 203 & 205 CHESTNUT STREET EAST**

Notwithstanding any provisions of this By-law, to the contrary, any lot within an R2-DT-4 Zone may be used for all of the uses permitted in the R2-DT Zone plus the following use:

26.4.3.4.1 Triplex Dwelling

26.4.3.4.2 Notwithstanding any provision of this By-law, to the contrary, any use, building or structure within an R2-DT-4 Zone, shall be established in accordance with the provisions of Section 26.5.2.

(4428-99)

26.4.3.5 EXCEPTION 5 (R2-DT-5) 511 & 515 BROCK STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R2-DT-5 Zone may be used for all the uses within an R2-DT-5 Zone, plus the following 'Commercial' uses:

(6775-13)

26.4.3.5.1 office excluding a real estate office.

26.4.3.5.2 Beauty salon and spa on lands identified by Assessment Roll No. 030-022-004.

Notwithstanding any provision of this By-law, to the contrary, any use, building or structure within an R2-DT-5 Zone shall be established in accordance with the following provisions:

(6775-13)

26.4.3.5.3 The total office and/or personal service establishment use floor area shall not exceed 350 m².

(6775-13)

26.4.3.5.4 No more than two office/personal service establishment use tenants shall be permitted in a building.

26.4.3.5.5 Parking shall be provided at 5 spaces/100 m² of ground floor area and 2.5 space/100 m² for the second floor.

26.4.3.5.6 No parking shall be permitted in a front yard.

26.4.3.5.7 Front Yard (minimum) 4.0 m

26.4.3.5.8 Rear Yard (minimum) 12 m

26.4.3.5.9 Lot Coverage (maximum) 20%

26.4.3.5.10 Landscaped Open Space (minimum) 10%

26.4.3.5.11 Side Yard (minimum) 1.0 m

26.4.3.5.12 Building Height (maximum) 2 ½ stories

(5647-05)

26.4.3.6 EXCEPTION 6(H-R2-DT-6) 601 BROCK STREET SOUTH

(i) No person shall use any lot or erect or alter any building or structure in an 'H-R2-DT-6' Zone as shown on Schedule 'A-1' annexed to this By-law except in accordance with the following uses:

- All of the uses permitted within an R2-DT Zone
- Office not exceeding a combined total of 183 m² within an existing building

(ii) A by-law shall not be enacted to delete the 'H' Holding symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that storm water servicing facilities and/or capacities are available to service any future development on the subject land.

(iii) In the event Council deems it appropriate to delete the 'H' - Holding Symbol, Section 26 of By-law No. 2585 shall be amended by adding the following subsection which shall apply to the land identified as Schedule 'A-1' annexed to this By-law:

26.4.3.6 EXCEPTION 6 (R2-DT-6) 601 BROCK STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R2-DT-6 Zone may be used for all of the uses within an R2-DT Zone, plus the following use:

26.4.3.6.1 Office

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R2-DT-6 Zone shall be established in accordance with the following provisions:

26.4.3.6.2 Front Yard (minimum) 3.0 m

26.4.3.6.3 Lot Coverage (maximum) 50%

26.4.3.6.4 Parking (minimum)
Repealed by By-law 6926-14

26.4.3.6.5 No parking shall be permitted in the front yard or exterior side yard.

(5818-06)

26.4.3.7 EXCEPTION 7 (R2-DT-7) 411 KENT STREET

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R2-DT-7 Zone may be used for all of the uses permitted in the R2-DT Zone plus the following use:

26.4.3.7.1 Apartment dwelling unit

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R2-DT-7 Zone, shall be established in accordance with the following provisions:

26.4.3.7.2 Parking

26.4.3.7.2.1 Apartment dwelling unit 1 space/unit

All other provisions of this By-law shall apply.

(6202-09)

26.4.3.8 EXCEPTION 8 (R2-DT-8) 707 BROCK STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R2-DT-8 Zone may be used for all the uses within an R2-DT Zone plus the following uses:

26.4.3.8.1 Office

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R2-DT-8 Zone shall be established in accordance with the following provisions:

26.4.3.8.2 Landscaped Open Space (minimum) 20%

26.4.3.8.3 Gross Floor Area (maximum) 307m²

(7160-16)

26.4.3.9 EXCEPTION 9 (R2-DT-9) 409 PERRY STREET**26.4.3.9.1 Permitted Uses**

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R2-DT-9 Zone may be used for all of the permitted uses within an R2-DT Zone plus the following additional use:

26.4.3.9.1.1 triplex dwelling

26.4.3.9.2 Zone Provisions

26.4.3.9.2.1 Notwithstanding any provisions of this By-law to the contrary, any triplex dwelling situated within an R2-DT-9 Zone shall be established in accordance with the zone provisions of subsection 26.5.2.1 related to a triplex dwelling.

26.4.3.9.2.2 Notwithstanding subsection 26.4.3.9.2.1 above, the northerly interior side yard shall be a minimum of 2.85m.

(7435-18 LPAT)**26.4.3.10 Exception 10 (R2-DT-10) Part of Lot 25, Concession 1 Plan of Subdivision SW-2016-05****1. Defined Area**

The lands located south of Dundas Street East between Reynolds Street and Garden Street and zoned R2-DT-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 # 2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any single detached dwelling situated within an R2-DT-10 Zone shall be established in accordance with the following provisions:

- | | | |
|-----|----------------------------------|--------------------|
| (a) | Lot Area
Minimum | 315 m ² |
| (b) | Lot Frontage
Minimum | 10.0 m |
| (c) | Building Height
Maximum | 2 storeys |
| (d) | Landscaped Open Space
Minimum | 30% |

Provided further and notwithstanding any provisions of Section 6 General Provisions and Section 6A 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.

(e) Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R2-DT-10 by this By-law:

6(2)(h) Satellite Dish
6(7) Frontage on Public Street
26.4.2.1.9 Floor Space Index

(7969-23)

26.4.3.11 Exception 11 (R2-DT-11) 305 St. John Street West**1. DEFINED AREA**

The lands located on the south side of St. John Street West and east of King Street and zoned R2-DT-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 #2585.

2. USES PERMITTED

Notwithstanding the uses permitted in the R2-DT Zone, in any R2-DT-11 Zone, the following additional use shall also be permitted:

- One dwelling unit situated within the existing accessory structure.

26.5 RESIDENTIAL TYPE 3 - DOWNTOWN ZONE (R3-DT)

26.5.1 PERMITTED USES

No person shall within any R3-DT 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:

- 26.5.1.1 Semi-detached dwelling
- 26.5.1.2 Linked dwelling
- 26.5.1.3 Duplex dwelling
- 26.5.1.4 Triplex dwelling
- 26.5.1.5 Semi-detached duplex dwelling
- 26.5.1.6 Fourplex dwelling
- 26.5.1.7 Converted dwelling
- 26.5.1.8 Street townhouse dwelling
- 26.5.1.9 Existing single detached dwelling
- 26.5.1.10 Day nursery
- 26.5.1.11 Bed and breakfast establishment
- (6775-13) 26.5.1.12 **Repealed by By-law 6775-13**
- (3346-93) 26.5.1.13 **Repealed by By-law 3346-93**
- 26.5.1.14 Crisis residence
- 26.5.1.15 Boarding or lodging house
- 26.5.1.16 Retirement home
- 26.5.1.17 Accessory uses, buildings and structures
- 26.5.1.18 Public service
- 26.5.1.19 Public park

26.5.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 7, as amended, any use, building, or structure in an R3-DT Zone shall be established in accordance with the following provisions:

26.5.2.1 ALL DWELLING UNITS, BOARDING OR LODGING HOUSE, AND RETIREMENT HOME

- 26.5.2.1.1 Lot Area (minimum)

- 26.5.2.1.1.1 Semi-detached 275 m²/unit

26.5.2.1.1.2	Linked	275 m ²
26.5.2.1.1.3	Duplex	550 m ²
26.5.2.1.1.4	Triplex	650 m ²
26.5.2.1.1.5	Semi-detached duplex	275 m ² /unit
26.5.2.1.1.6	Fourplex	275 m ² /unit
26.5.2.1.1.7	Converted	275 m ²
26.5.2.1.1.8	Street townhouse	275 m ² /unit
26.5.2.1.1.9	Boarding or lodging house, and retirement home	450 m ²
26.5.2.1.2	Lot Frontage (minimum)	
26.5.2.1.2.1	Semi-detached	9.0 m/unit
26.5.2.1.2.2	Linked	9.0 m
26.5.2.1.2.3	Duplex	15 m
26.5.2.1.2.4	Triplex	18 m
26.5.2.1.2.5	Semi-detached duplex	30 m
26.5.2.1.2.6	Fourplex	30 m
26.5.2.1.2.7	Converted	9.0 m
26.5.2.1.2.8	Street townhouse	
26.5.2.1.2.8.1	Interior Lot	
26.5.2.1.2.8.1.1	Interior Unit	6.0 m/unit
26.5.2.1.2.8.1.2	End Unit	7.2 m/unit
26.5.2.1.2.8.2	Corner Lot	7.5 m/unit
26.5.2.1.2.9	Boarding or lodging house, and retirement home	12 m
26.5.2.1.3	Lot Depth (minimum)	30 m
26.5.2.1.4	Lot Coverage (maximum)	40%
26.5.2.1.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
26.5.2.1.6	Rear Yard (minimum)	7.5 m
26.5.2.1.7	Side Yard (minimum)	
26.5.2.1.7.1	Interior	

	26.5.2.1.7.1.1	Semi-detached and converted dwelling, boarding and lodging house and retirement home	
	26.5.2.1.7.1.1.1	With an integral garage or carport	1.2 m
	26.5.2.1.7.1.1.2	Without an integral garage or carport	3.0 m
	26.5.2.1.7.1.2	Linked	0.6 m
	26.5.2.1.7.1.3	Duplex, triplex, semi-detached duplex, and fourplex	3.0 m
	26.5.2.1.7.1.4	Street townhouse	1.2 m
	26.5.2.1.7.2	Exterior	4.5 m
	26.5.2.1.7.3	Common Walls	
	26.5.2.1.7.3.1	Semi-detached, semi-detached duplex, fourplex, link, and street townhouse	0.0 m
	26.5.2.1.8	Building Height (maximum)	3 storeys
	26.5.2.1.9	Floor Space Index (maximum)	
	26.5.2.1.9.1	Semi-detached, linked, converted and triplex	0.50
	26.5.2.1.9.2	Duplex, semi-detached duplex and fourplex	0.40
	26.5.2.1.9.3	Street townhouse	0.60
	26.5.2.1.9.4	Boarding or lodging house, and retirement home	0.40
(6926-14)	26.5.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
	26.5.2.1.11	Landscaped Open Space (minimum)	30%
	26.5.2.1.12	Gross Floor Area (minimum)	
	26.5.2.1.12.1	Boarding or lodging house, and retirement home	15 m ² / bed
	26.5.2.1.13	Number of Attached Dwelling Units (maximum)	
	26.5.2.1.13.1	Street townhouse	7 units
	26.5.2.2	DAY NURSERY	
	26.5.2.2.1	Lot Area (minimum)	550 m ²
	26.5.2.2.2	Lot Frontage (minimum)	15 m
	26.5.2.2.3	Lot Depth (minimum)	30 m
	26.5.2.2.4	Lot Coverage (maximum)	40%

	26.5.2.2.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
	26.5.2.2.6	Rear Yard (minimum)	7.5 m
	26.5.2.2.7	Side Yard (minimum)	
	26.5.2.2.7.1	Interior	3.0 m
	26.5.2.2.7.2	Exterior	4.5 m
	26.5.2.2.8	Building Height (maximum)	3 storeys
	26.5.2.2.9	Floor Space Index (maximum)	0.40
(6926-14)	26.5.2.2.10	Parking (minimum) Repealed by By-law 6926-14	
	26.5.2.2.11	Landscaped Open Space (minimum)	30%
	26.5.2.2.12	The lot shall have frontage on an arterial or collector road.	
	26.5.2.3	BED AND BREAKFAST ESTABLISHMENT	
	26.5.2.3.1	A bed and breakfast establishment shall be conducted entirely within a dwelling unit.	
	26.5.2.3.2	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.	
	26.5.2.3.3	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.	
	26.5.2.3.4	A bed and breakfast establishment shall be secondary to the use of the dwelling unit as a principal residence.	
	26.5.2.3.5	There shall be a maximum of two guest bedrooms in any bed and breakfast establishment, and such guest bedrooms shall not occupy more than 25% of the gross floor area of the dwelling unit.	
	26.5.2.3.6	There shall be no exterior alteration to the dwelling unit to permit the bed and breakfast establishment.	
	26.5.2.3.7	A bed and breakfast establishment shall not create or become a nuisance.	
	26.5.2.3.8	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 guests.	
	26.5.2.3.9	One parking space additional to the parking space or spaces required for the dwelling unit, shall be provided for each guest bedroom, and may include tandem parking spaces or a parking space in an existing driveway.	
	26.5.2.3.10	The lot shall have frontage on a collector or arterial road.	
(6775-13)	26.5.2.4	Repealed by By-law 6775-13	

26.5.2.5 CRISIS RESIDENCE

26.5.2.5.1	Lot Area (minimum)	550 m ²
26.5.2.5.2	Lot Frontage (minimum)	15 m
26.5.2.5.3	Lot Depth (minimum)	30 m
26.5.2.5.4	Lot Coverage (maximum)	40%
26.5.2.5.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
26.5.2.5.6	Rear Yard (minimum)	7.5 m
26.5.2.5.7	Side Yard (minimum)	
26.5.2.5.7.1	Interior	3.0 m
26.5.2.5.7.2	Exterior	4.5 m
26.5.2.5.8	Building Height (maximum)	3 storeys
26.5.2.5.9	Floor Space Index (maximum)	0.40
(6926-14) 26.5.2.5.10	Parking (minimum) Repealed by By-law 6926-14	
26.5.2.5.11	Landscaped Open Space (minimum)	30%
26.5.2.5.12	The lot containing the crisis residence shall have frontage on a collector or arterial road.	

26.5.2.6 ACCESSORY USES BUILDINGS AND STRUCTURES

26.5.2.6.1 In accordance with Section 6(2), as amended.

26.5.2.7 PUBLIC SERVICE

26.5.2.7.1 In accordance with Section 26.2.6.

26.5.2.8 PUBLIC PARK

26.5.2.8.1 In accordance with Section 26.11.2.

26.5.3 EXCEPTIONS

The following Zones apply to specific lands with in an R3-DT Zone.

26.6 RESIDENTIAL TYPE 4 – DOWNTOWN ZONE (R4-DT)

26.6.1 PERMITTED USES

No person shall within any R4-DT 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:

26.6.1.1 Block townhouse dwelling

26.6.1.2 Street townhouse dwelling

26.6.1.3 Apartment dwelling

26.6.1.4 Converted dwelling

26.6.1.5 Triplex dwelling

26.6.1.6 Semi-detached duplex dwelling

26.6.1.7 Fourplex dwelling

26.6.1.8 Stacked dwelling

26.6.1.9 Boarding or lodging house

26.6.1.10 Retirement home

26.6.1.11 Day nursery

(6775-13) 26.6.1.12 **Repealed by By-law 6775-13**

(3346-93) 26.6.1.13 **Repealed by By-law 3346-93**

26.6.1.14 Crisis residence

26.6.1.15 Accessory uses, building and structures

26.6.1.16 Public service

26.6.1.17 Public park

26.6.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 7, as amended, any use, building, or structure in an R4-DT Zone shall be established in accordance with the following provisions:

26.6.2.1 BLOCK AND STREET TOWNHOUSE, AND STACKED DWELLINGS

26.6.2.1.1 Lot Area (minimum) 135 m²/unit

26.6.2.1.2 Lot Frontage (minimum)

26.6.2.1.2.1 Block townhouse and stacked dwelling 30 m

26.6.2.1.2.2 Street townhouse

	26.6.2.1.2.2.1	Interior Lot	
	26.6.2.1.2.2.1.1	Interior Unit	6.0 m/unit
	26.6.2.1.2.2.1.2	End Unit	7.2 m/unit
	26.6.2.1.2.2.2	Corner Lot	7.5 m/unit
	26.6.2.1.3	Lot Depth (minimum)	
	26.6.2.1.3.1	Block townhouse and street townhouse	30 m
	26.6.2.1.3.2	Stacked dwelling	36 m
	26.6.2.1.4	Lot Coverage (maximum)	40%
	26.6.2.1.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
	26.6.2.1.6	Rear Yard (minimum)	7.5 m
	26.6.2.1.7	Side Yard (minimum)	
	26.6.2.1.7.1	Interior	
	26.6.2.1.7.1.1	Street townhouse	1.2 m
	26.6.2.1.7.1.2	Block townhouse and stacked dwelling	3.0 m
	26.6.2.1.7.2	Exterior	4.5 m
	26.6.2.1.8	Building Height (maximum)	3 storeys
	26.6.2.1.9	Floor Space Index (maximum)	0.60
(6926-14)	26.6.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
	26.6.2.1.11	Landscaped Open Space (minimum)	30%
	26.6.2.1.12	Separation Distances for Buildings on the Same Lot	
	26.6.2.1.12.1	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
	26.6.2.1.12.2	For buildings with a maximum height greater than two storeys:	

26.6.2.1.12.2.1	For each storey above two storeys, an additional building separation distance of 0.3m shall be provided where the wall is a blank wall.	
26.6.2.1.12.2.2	For each storey above two storeys, an additional building separation distance of 0.5m shall be provided where the wall contains a window of a living room or habitable room.	
26.6.2.1.12.3	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.	
26.6.2.1.13	Private Amenity Space	
26.6.2.1.13.1	Block townhouse – A private unenclosed amenity space of 7.5 m times the width of the dwelling unit, or 50% of the gross floor area of the dwelling unit, whichever is the greater.	
26.6.2.1.13.2	Stacked dwelling	20 m ² /unit
26.6.2.1.14	Number of Attached Dwelling Units (maximum)	
26.6.2.1.14.1	Block townhouse and street townhouse	7 units

26.6.2.2 APARTMENT DWELLING

26.6.2.2.1	Lot Area (minimum)	135 m ² /unit
26.6.2.2.2	Lot Frontage (minimum)	30 m
26.6.2.2.3	Lot Depth (minimum)	40 m
26.6.2.2.4	Lot Coverage (maximum)	35%
26.6.2.2.5	Front Yard (minimum)	7.5 m
26.6.2.2.6	Rear Yard (minimum)	10 m
26.6.2.2.7	Side Yard (minimum)	
26.6.2.2.7.1	Interior	4.5 m
26.6.2.2.7.2	Exterior	7.5 m
26.6.2.2.8	Building Height (maximum)	3 storeys
26.6.2.2.9	Floor Space Index (maximum)	1.0
(6926-14) 26.6.2.2.10	Parking (minimum) Repealed by By-law 6926-14	
26.6.2.2.11	Landscaped Open Space (minimum)	30%
26.6.2.2.12	Separation Distances for Buildings on the Same Lot for Apartment Dwellings	

26.6.2.2.12.1 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

26.6.2.2.12.2 For buildings with a maximum height greater than two storeys:

26.6.2.2.12.2.1 For each storey above two storeys, an additional building separation distance of 0.5m per storey shall be provided where the wall contains a blank wall.

26.6.2.2.12.2.2 For each storey above two storeys, an additional building separation distance of 1.0m per storey shall be provided where the wall contains a window of a living room or habitable room

26.6.2.2.12.3 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.

26.6.2.2.12.4 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 3.0 m plus the distance specified herein.

26.6.2.2.12.5 Private Amenity Space 9.0 m²/unit

26.6.2.3 TRIPLEX, SEMI-DETACHED DUPLEX, FOURPLEX, CONVERTED DWELLING, BOARDING OR LODGING HOUSE, AND RETIREMENT HOME

26.6.2.3.1 Lot Area (minimum)

26.6.2.3.1.1 Triplex 650 m²

26.6.2.3.1.2 Converted dwelling 275 m²

26.6.2.3.1.3 Semi-detached duplex and fourplex 185 m²/unit

26.6.2.3.1.4 Boarding or lodging house and retirement home 450 m²

26.6.2.3.2 Lot Frontage (minimum)

26.6.2.3.2.1 Triplex 18 m

26.6.2.3.2.2 Converted dwelling 9.0 m

26.6.2.3.2.3 Semi-detached duplex and fourplex 30 m

26.6.2.3.2.4 Boarding or lodging house, and retirement home 12 m

26.6.2.3.3 Lot Depth (minimum) 30 m

26.6.2.3.4 Lot Coverage (maximum) 40%

	26.6.2.3.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
	26.6.2.3.6	Rear Yard (minimum)	7.5 m
	26.6.2.3.7	Side Yard (minimum)	
	26.6.2.3.7.1	Interior	
	26.6.2.3.7.1.1	Converted dwelling	
	26.6.2.3.7.1.1.1	With an integral garage or carport	1.2 m
	26.6.2.3.7.1.1.2	Without an integral garage or carport	3.0 m
	26.6.2.3.7.1.2	Triplex, semi-detached duplex, boarding or lodging house and retirement home	3.0 m
	26.6.2.3.7.2	Exterior	4.5 m
	26.6.2.3.8	Building Height (maximum)	3 storeys
	26.6.2.3.9	Floor Space Index (maximum)	
	26.6.2.3.9.1	Triplex and converted dwelling	0.50
	26.6.2.3.9.2	Semi-detached duplex, fourplex, boarding or lodging house, and retirement home	0.40
(6926-14)	26.6.2.3.10	Parking (minimum) Repealed by By-law 6926-14	
	26.6.2.3.11	Landscaped Open Space (minimum)	30%
	26.6.2.3.12	Gross Floor Area (minimum)	
	26.6.2.3.12.1	Boarding or lodging house and retirement home	15 m ² /bed
	26.6.2.4	DAY NURSERY	
	26.6.2.4.1	Lot Area (minimum)	550 m ²
	26.6.2.4.2	Lot Frontage (minimum)	15 m
	26.6.2.4.3	Lot Depth (minimum)	30m
	26.6.2.4.4	Lot Coverage (maximum)	40%
	26.6.2.4.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
	26.6.2.4.6	Rear Yard (minimum)	7.5 m
	26.6.2.4.7	Side Yard (minimum)	
	26.6.2.4.7.1	Interior	3.0 m

	26.6.2.4.7.2	Exterior	4.5 m
	26.6.2.4.8	Building Height (maximum)	3 storeys
	26.6.2.4.9	Floor Space Index (maximum)	0.40
(6926-14)	26.6.2.4.10	Parking (minimum) Repealed by By-law 6926-14	
	26.6.2.4.11	Landscaped Open Space (minimum)	30%
(6775-13)	26.6.2.5	Repealed by By-law 6775-13	
	26.6.2.6	CRISIS RESIDENCE	
	26.6.2.6.1	Lot Area (minimum)	550 m ²
	26.6.2.6.2	Lot Frontage (minimum)	15 m
	26.6.2.6.3	Lot Depth (minimum)	30 m
	26.6.2.6.4	Lot Coverage (maximum)	40%
	26.6.2.6.5	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
	26.6.2.6.6	Rear Yard (minimum)	7.5 m
	26.6.2.6.7	Side Yard (minimum)	
	26.6.2.6.7.1	Interior	3.0 m
	26.6.2.6.7.2	Exterior	4.5 m
	26.6.2.6.8	Building Height (maximum)	3 storeys
	26.6.2.6.9	Floor Space Index (maximum)	0.40
(6926-14)	26.6.2.6.10	Parking (minimum) Repealed by By-law 6926-14	
	26.6.2.6.11	Landscaped Open Space (minimum)	30%
	26.6.2.6.12	The lot containing the crisis residence shall have frontage on a collector or arterial road.	
	26.6.2.7	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	26.6.2.7.1	In accordance with Section 6(2), as amended.	
	26.6.2.8	PUBLIC SERVICE	
	26.6.2.8.1	In accordance with Section 26.2.6.	

26.6.2.9 PUBLIC PARK

26.6.2.9.1 In accordance with Section 26.11.2

26.6.3 EXCEPTIONS

The following zones apply to specific lands within a R4-DT Zone.

(3070-91)**26.6.3.1 EXCEPTION 1 (R4-DT-1)**

Notwithstanding any provision of this By-law to the contrary, any lot within an R4-DT-1 Zone may be used for all of the uses within an R4-DT Zone, plus the following use:

26.6.3.1.1 Community centre of a non-profit organization.

All other provisions of this By-law shall apply.

(5552-04)**26.6.3.2 EXCEPTION 2 (R4-DT-2) 400 DUNDAS STREET EAST**

Notwithstanding any provision of this By-law to the contrary, any lot located within an R4-DT-2 Zone may be used for the following use:

26.6.3.2.1 Triplex dwelling

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R4-DT-2 Zone, shall be established in accordance with the following provisions:

26.6.3.2.2	Lot Area (minimum)	600 m ²
26.6.3.2.3	Lot Frontage (minimum)	15 m
26.6.3.2.4	Lot Depth (minimum)	40 m
26.6.3.2.5	Lot Coverage (maximum)	40%
26.6.3.2.6	Front Yard (minimum)	Established Front Building Line or 6.0 m, whichever is the lesser
26.6.3.2.7	Interior Side Yard (minimum)	2.5 m
26.6.3.2.8	Landscaped Open Space (minimum)	20%
26.6.3.2.9	Gross Floor Area (minimum)	119 m ²

All other provisions of this By-law shall apply.

(6691-13)**26.6.3.3 EXCEPTION 3 (R4-DT-3) 508 BROCK STREET SOUTH**

Notwithstanding any provision of this By-law to the contrary, any lot located within an R4-DT-3 Zone may be used only for the following uses:

26.6.3.3.1 all uses permitted in the R4-DT Zone

(6775-13)

26.6.3.3.2 office

26.6.3.3.3 office

(6775-13)

26.6.3.3.4 personal service establishment

- (6775-13)** 26.6.3.3.5 Notwithstanding the permitted uses listed above, any office or personal service establishment use shall only be permitted in the building existing at the date of the passing of this By-law.

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R4-DT-3 Zone, shall be established in accordance with the following provisions:

- (6775-13)** 26.6.3.3.6 The maximum gross floor area devoted to office, or personal service establishment uses shall not exceed 213 m², and such uses shall not be permitted in the basement.

26.7 RESIDENTIAL TYPE 5 – DOWNTOWN ZONE (R5-DT)

26.7.1 PERMITTED USES

No person shall within any R5-DT 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:

- 26.7.1.1 Block townhouse dwelling
- 26.7.1.2 Street townhouse dwelling
- 26.7.1.3 Stacked dwelling
- 26.7.1.4 Apartment dwelling
- 26.7.1.5 Converted dwelling
- 26.7.1.6 Boarding or lodging house
- 26.7.1.7 Retirement home
- 26.7.1.8 Day nursery

(6775-13)

26.7.1.9 **Repealed by By-law 6775-13**

(3346-93)

26.7.1.10 **Repealed by By-law 3346-93**

- 26.7.1.11 Crisis residence
- 26.7.1.12 Accessory uses, building and structures
- 26.7.1.13 Public service
- 26.7.1.14 Public park

26.7.2 ZONE PROVISIONS

Notwithstanding Section 7, as amended, any use, building, or structure in an R5-DT Zone shall be established in accordance with the following provisions:

26.7.2.1 BLOCK AND STREET TOWNHOUSE, AND STACKED DWELLING

- | | | |
|------------------|--------------------------------------|--------------------------|
| 26.7.2.1.1 | Lot Area (minimum) | 135 m ² /unit |
| 26.7.2.1.2 | Lot Frontage (minimum) | |
| 26.7.2.1.2.1 | Block townhouse and stacked dwelling | 30 m |
| 26.7.2.1.2.2 | Street townhouse | |
| 26.7.2.1.2.2.1 | Interior Lot | |
| 26.7.2.1.2.2.1.1 | Interior Unit | 6.0 m/unit |
| 26.7.2.1.2.2.1.2 | End Unit | 7.2 m/unit |
| 26.7.2.1.2.2.2 | Corner Lot | 7.5 m/unit |

	26.7.2.1.3	Lot Depth (minimum)	
	26.7.2.1.3.1	Block townhouse and street townhouse	30 m
	26.7.2.1.3.2	Stacked dwelling	36 m
	26.7.2.1.4	Lot Coverage (maximum)	40%
	26.7.2.1.5	Front Yard (minimum)	
	26.7.2.1.5.1	Dundas Street and Brock Street	4.5 m
	26.7.2.1.5.2	All other areas	Established Front Building Line or 6.0 m, whichever is the lesser.
	26.7.2.1.6	Rear Yard (minimum)	7.5 m
	26.7.2.1.7	Side Yard (minimum)	
	26.7.2.1.7.1	Interior	
	26.7.2.1.7.1.1	Street townhouse	1.2 m
	26.7.2.1.7.1.2	Block townhouse and stacked dwelling	3.0 m
	26.7.2.1.7.2	Exterior	4.5 m
	26.7.2.1.8	Building Height (maximum)	4 storeys
	26.7.2.1.9	Floor Space Index (maximum)	0.65
(6926-14)	26.7.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
	26.7.2.1.11	Landscaped Open Space (minimum)	30%
	26.7.2.1.12	Separation Distances for Buildings on the Same Lot	
	26.7.2.1.12.1	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
		Habitable Room	13.5 m
		Blank Wall	7.5 m
	26.7.2.1.12.2	For buildings with a maximum height greater than two storeys:	
	26.7.2.1.12.2.1	For each storey above two storeys, an additional building separation distance of 0.3m shall be provided where the wall is a blank wall.	
	26.7.2.1.12.2.2	For each storey above two storeys, an additional building separation distance of 0.5m shall be provided where the wall contains a window of a living room or habitable room.	

26.7.2.1.12.3	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.	
26.7.2.1.12.4	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 3.0 m plus the distance specified herein.	
26.7.2.1.13	Private Amenity Space	
26.7.2.1.13.1	Block townhouse	A private unenclosed amenity space of 7.5 m times the width of the dwelling unit, or 50% of the gross floor area of the dwelling unit, whichever is the greater.
26.7.2.1.13.2	Stacked dwelling	20 m ² /unit
26.7.2.1.14	Number of Attached Dwelling Units (maximum)	
26.7.2.1.14.1	Block townhouse and street townhouse	7 units
26.7.2.1.15	Street townhouse dwellings shall be prohibited on any lot fronting on an arterial road.	

26.7.2.2 APARTMENT DWELLING

26.7.2.2.1	Lot Area (minimum)	135 m ² /unit
26.7.2.2.2	Lot Frontage (minimum)	30 m
26.7.2.2.3	Lot Depth (minimum)	40 m
26.7.2.2.4	Lot Coverage (maximum)	35%
26.7.2.2.5	Front Yard (minimum)	7.5 m
26.7.2.2.6	Rear Yard (minimum)	10 m
26.7.2.2.7	Side Yard (minimum)	
26.7.2.2.7.1	Interior	7.5 m
26.7.2.2.7.2	Exterior	10 m
26.7.2.2.8	Building Height (maximum)	4 storeys
26.7.2.2.9	Floor Space Index (maximum)	1.0
(6926-14) 26.7.2.2.10	Parking (minimum) Repealed by By-law 6926-14	
26.7.2.2.11	Landscaped Open Space (minimum)	30%
26.7.2.2.12	Separation Distances for Buildings on the Same Lot	

26.7.2.2.12.1 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

26.7.2.2.12.2 For buildings with a maximum height greater than two storeys:

26.7.2.2.12.2.1 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.

26.7.2.2.12.2.2 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

26.7.2.2.12.3 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.

26.7.2.2.12.4 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 3.0 m plus the distance specified herein.

26.7.2.2.13 Private Amenity Space 9.0 m²/unit

26.7.2.3 CONVERTED DWELLING, BOARDING OR LODGING HOUSE, AND RETIREMENT HOME

26.7.2.3.1 Lot Area (minimum)

26.7.2.3.1.1 Converted dwelling 275 m²

26.7.2.3.1.2 Boarding or lodging house, and retirement home 450 m²

26.7.2.3.2 Lot Frontage (minimum)

26.7.2.3.2.1 Converted dwelling 9.0 m

26.7.2.3.2.2 Boarding or lodging house, and retirement home 12 m

26.7.2.3.3 Lot Depth (minimum) 30 m

26.7.2.3.4 Lot Coverage (maximum) 40%

26.7.2.3.5 Front Yard (minimum) Established Front Building Line or 6.0m whichever is the lesser

26.7.2.3.6 Rear Yard (minimum) 7.5 m

26.7.2.3.7 Side Yard (minimum)

	26.7.2.3.7.1	Interior	
	26.7.2.3.7.1.1	With an integral garage or carport	1.2 m
	26.7.2.3.7.1.2	Without an integral garage or carport	3.0 m
	26.7.2.3.7.2	Exterior	4.5 m
	26.7.2.3.8	Building Height (maximum)	3 storey
	26.7.2.3.9	Floor Space Index (maximum)	0.60
(6926-14)	26.7.2.3.10	Parking (minimum) Repealed by By-law 6926-14	
	26.7.2.3.11	Landscaped Open Space (minimum)	30%
	26.7.2.3.12	Gross Floor Area (minimum)	
	26.7.2.3.12.1	Boarding or lodging house, and retirement home	15 m ² /bed
	26.7.2.4	DAY NURSERY	
	26.7.2.4.1	Lot Area (minimum)	550 m ²
	26.7.2.4.2	Lot Frontage (minimum)	15 m
	26.7.2.4.3	Lot Depth (minimum)	30 m
	26.7.2.4.4	Lot Coverage (maximum)	40%
	26.7.2.4.5	Front Yard (minimum)	Established Front Building Line, or 6.0m, whichever is the lesser
	26.7.2.4.6	Rear Yard (minimum)	7.5 m
	26.7.2.4.7	Side Yard (minimum)	
	26.7.2.4.7.1	Interior	3.0 m
	26.7.2.4.7.2	Exterior	4.5 m
	26.7.2.4.8	Building Height (maximum)	3 storeys
	26.7.2.4.9	Floor Space Index (maximum)	0.40
(6926-14)	26.7.2.4.10	Parking (minimum) Repealed by By-law 6926-14	
	26.7.2.4.11	Landscaped Open Space (minimum)	30%
(6775-13)	26.7.2.5	Repealed by By-law 6775-13	
	26.7.2.6	CRISIS RESIDENCE	
	26.7.2.6.1	Lot Area (minimum)	550 m ²

	26.7.2.6.2	Lot Frontage (minimum)	15 m
	26.7.2.6.3	Lot Depth (minimum)	30 m
	26.7.2.6.4	Lot Coverage (maximum)	40%
	26.7.2.6.5	Front Yard (minimum)	Established Front Building Line or 6.0m, whichever is the lesser
	26.7.2.6.6	Rear Yard (minimum)	7.5 m
	26.7.2.6.7	Side Yard (minimum)	
	26.7.2.6.7.1	Interior	3.0 m
	26.7.2.6.7.2	Exterior	4.5 m
	26.7.2.6.8	Building Height (maximum)	3 storeys
	26.7.2.6.9	Floor Space Index (maximum)	0.40
(6926-14)	26.7.2.6.10	Parking (minimum) Repealed by By-law 6926-14	
	26.7.2.6.11	Landscaped Open Space (minimum)	30%
	26.7.2.7	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	26.7.2.7.1	In accordance with Section 6(2), as amended.	
	26.7.2.8	PUBLIC SERVICE	
	26.7.2.8.1	In accordance with Section 26.2.6.	
	26.7.2.9	PUBLIC PARK	
	26.7.2.9.1	In accordance with Section 26.11.2.	
	26.7.3	EXCEPTIONS	
	The following Zones apply to specific lands within an R5-DT Zone.		
(3070-91)	26.7.3.1	EXCEPTION 1 (R5-DT-1) 576 MARY STREET EAST	
	Notwithstanding any provision of this By-law to the contrary, any use, building, or structure within an R5-DT-1 Zone shall be established in accordance with the following provisions:		
	26.7.3.1.1	Side Yard (minimum)	
	26.7.3.1.1.1	East	1.75 m
	26.7.3.1.1.2	West	9.8 m
	26.7.3.1.2	The required parking spaces shall not be located within 1.43 m from any side lot line.	
	All other provisions of this By-law shall apply.		

(3808-96)
(5955-07)

26.7.3.2 EXCEPTION 2 (R5-DT-2) GARDEN STREET

Notwithstanding any provisions of this By-law, to the contrary, any building or structure within an R5-DT-2 Zone shall be established in accordance with the following provisions:

- | | | |
|-----|------------------------|--------------------------|
| (a) | Lot Area (minimum) | 132 m ² /unit |
| (b) | Lot Frontage (minimum) | 75 m |

All other provisions of this By-law shall apply.

(5470-04)
(5955-07)

26.7.3.3 EXCEPTION 3 (R5-DT-3) 500 & 504 DUNDAS STREET WEST

Notwithstanding the permitted uses found in Section 26.7.1 of By-law No. 2585, as amended, the following additional uses shall only be permitted within an existing building constructed on or prior to July 12, 2004 on the lands so marked "H-R5-DT-3" as identified as the Subject Property on Schedule A-1 to By-law No. 5470-04.

- | | |
|------------|--------------|
| 26.7.3.3.1 | office |
| 26.7.3.3.2 | hair stylist |
| 26.7.3.3.3 | barber shop |
| 26.7.3.3.4 | tailor shop |

(5520-04)

26.7.3.4 EXCEPTION 4 (R5-DT-4) 542 MARY STREET EAST

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R5-DT-4 Zone may be used for all of the uses within an R5-DT zone, plus the following uses:

- | | |
|------------|---|
| 26.7.3.4.1 | A Professional Call Centre within a residential building containing one dwelling unit |
| 26.7.3.4.2 | Two dwelling units at such time the Professional Call Centre ceases to exist. |

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an R5-DT-4 Zone shall be established in accordance with the following provisions:

- | | | |
|------------|---|-------|
| 26.7.3.4.3 | Gross Floor Area - Professional Call Centre (maximum) | 115 m |
| 26.7.3.4.4 | Parking (minimum) - Professional Call Centre | |

In accordance with the provisions of Section 26.2 of By-law 2585 and By-law 4982-02

- | | | |
|------------|---|------------------------------|
| 26.7.3.4.5 | Parking (minimum) | 1.5 spaces per dwelling unit |
| 26.7.3.4.6 | That all required parking for a Professional Call Centre and dwelling units, save and except one designated handicap parking space, shall only be located in the rear yard on the subject property. | |

(7435-18 LPAT)

26.7.3.5

Exception 5 (R5-DT-5)
Part of Lot 25, Concession 1
Plan of Subdivision SW-2016-05

1. Defined Area

The lands located south of Dundas Street East between Reynolds Street and Garden Street and zoned R5-DT-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 # 2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any street townhouse dwelling situated within an R5-DT-5 Zone shall be established in accordance with the following provisions:

- | | | |
|-----|---|---------------------|
| (a) | Lot Frontage
Minimum | |
| | – Interior | 6.0 m |
| | – Interior where no common wall exists | 7.0 m |
| | – Corner | 7.5 m |
| (b) | Lot Depth
Minimum | 26.5 m |
| (c) | 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. | |
| (d) | Front Yard
Minimum Depth | 5.0 m |
| (e) | Exterior Side Yard
Minimum Width | 4.0 m |
| (f) | Landscaped Open Space
Minimum | 30% of the lot area |

Provided further and notwithstanding any provisions of Section 6 General Provisions and Section 6A 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.

(g) 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 2.0 metres from the visibility triangle with the exception that window sills, belt courses, steps, cornices, eaves, and eave troughs may project to within 1.0 metre of the lot line of the lot that forms one of the sides of the visibility triangle.

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

Notwithstanding any provisions of subsection 6(23) 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 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 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.

(i) Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R5-DT-5 by this By-law:

6(2)(h) Satellite Dish

6(7) Frontage on Public Street

26.7.2.1.9 Floor Space Index

26.7.2.1.14 Number of Attached Dwelling Units

(7435-18 LPAT) 26.7.3.6 Exception 6 (R5-DT-6) Part of Lot 25, Concession 1 Plan of Subdivision SW-2016-05

1. Defined Area

The lands located south of Dundas Street East between Reynolds Street and Garden Street and zoned R5-DT-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 # 2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any block townhouse dwelling situated in an R5-DT-6 Zone shall be established in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R5-DT-6 by this By-law shall be considered to be one lot.

(b) Lot Coverage
Maximum 50%

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

(c) Front Yard
Minimum Depth 4.0 m

(d) Exterior Side Yard
Minimum Width 3.0 m

Notwithstanding provision (d) above, the minimum setback to an accessory structure used to house utility devices related to the principal uses on the lot shall be 1.0 m

(e) Separation Distance Between Buildings

(i) The minimum separation distance above finished grade between 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 and/or driveway shall be 1.8 m

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

Notwithstanding any provisions of subsection 6(23) 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 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.
- (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) Decks, porches, steps and 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.

(h) Setback to a Visibility Triangle
Minimum 2.0 m

(i) 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 use 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) Accessory Structure – Detached Private Garage

Notwithstanding any provisions of subsection 6(2) Accessory Uses to the contrary, the following provisions shall apply to any detached private garage:

(i) Set Back to Street Line

A detached private garage shall be located no closer than 4.0 m to any street line.

(ii) Lot Coverage

The maximum lot coverage of any private garage incidental and exclusively devoted to an individual block townhouse dwelling unit shall be 45 m².

(k) Visitor Parallel Parking Space Dimensions

Notwithstanding any provisions of subsection 6A 1.3 (a) Parking Space Dimensions to the contrary, the minimum length of a parallel parking space situated between two private driveways, where each private driveway leads to a private garage, shall be

6.0 m

(l) Zoning Provisions that Do Not Apply

The following subsections of By-law # 2585 shall not apply to the lands zoned R5-DT-6 by this By-law:

6(2)(h) Satellite Dish

6 (7) Frontage on Public Street

6(18) Sight Triangle

26.7.2.1.9 Floor Space Index

26.7.2.1.12 Separation Distances for Buildings on the Same Lot

26.7.2.1.13 Private Amenity Space

26.7.2.1.14 Number of Attached Dwelling Units

26.8 RESIDENTIAL TYPE 6 - DOWNTOWN ZONE (R6-DT)

26.8.1 PERMITTED USES

No person shall within any R6-DT 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:

26.8.1.1 Block townhouse dwelling

26.8.1.2 Street townhouse dwelling

26.8.1.3 Stacked dwelling

26.8.1.4 Apartment dwelling

26.8.1.5 Converted dwelling

26.8.1.6 Boarding or lodging house

26.8.1.7 Retirement home

26.8.1.8 Day nursery

(6775-13) 26.8.1.9 **Repealed by By-law 6775-13**

(3346-93) 26.8.1.10 **Repealed by By-law 3346-93**

26.8.1.11 Crisis residence

26.8.1.12 Accessory uses, building and structures

26.8.1.13 Public service

26.8.1.14 Public park

26.8.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 7, as amended, any use, building, or structure in an R6-DT Zone shall be established in accordance with the following provisions:

26.8.2.1 BLOCK AND STREET TOWNHOUSE, AND STACKED DWELLINGS

26.8.2.1.1 Lot Area (minimum)

26.8.2.1.1.1 Block and street townhouse 135 m²/unit

26.8.2.1.1.2 Stacked dwelling 90 m²/ unit

26.8.2.1.2 Lot Frontage (minimum)

26.8.2.1.2.1 Block townhouse and stacked dwelling 30 m

26.8.2.1.2.2 Street townhouse

26.8.2.1.2.2.1 Interior Lot

26.8.2.1.2.2.1.1 Interior Unit 6.0 m/unit

	26.8.2.1.2.2.1.2	End Unit	7.2 m/unit
	26.8.2.1.2.2.2	Corner Lot	7.5 m/unit
	26.8.2.1.3	Lot Depth (minimum)	
	26.8.2.1.3.1	Block townhouse and street townhouse	30 m
	26.8.2.1.3.2	Stacked dwelling	36 m
	26.8.2.1.4	Lot Coverage (maximum)	40%
	26.8.2.1.5	Front Yard (minimum)	
	26.8.2.1.5.1	Brock Street and Dundas Street	4.5 m
	26.8.2.1.5.2	All other areas	Established Front Building Line, or 6.0 m, whichever is the lesser
	26.8.2.1.6	Rear Yard (minimum)	7.5 m
	26.8.2.1.7	Side Yard (minimum)	
	26.8.2.1.7.1	Interior	
	26.8.2.1.7.1.1	Street townhouse and stacked	1.2 m
	26.8.2.1.7.1.2	Block townhouse and stacked dwelling	3.0 m
	26.8.2.1.7.2	Exterior	4.5 m
	26.8.2.1.8	Building Height (maximum)	4 storeys
	26.8.2.1.9	Floor Space Index (maximum)	
	26.8.2.1.9.1	Block and street townhouse	0.65
	26.8.2.1.9.2	Stacked dwelling	1.0
(6926-14)	26.8.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
	26.8.2.1.11	Landscaped Open Space (minimum)	30%
	26.8.2.1.12	Separation Distances for Buildings on the Same Lot	
	26.8.2.1.12.1	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

26.8.2.1.12.2	For buildings with a maximum height greater than two storeys:	
26.8.2.1.12.2.1	For each storey above two storeys, an additional building separation distance of 0.3m shall be provided where the wall is a blank wall.	
26.8.2.1.12.2.2	For each storey above two storeys, an additional building separation distance of 0.5m shall be provided where the wall contains a window of a living room or habitable room.	
26.8.2.1.12.3	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.	
26.8.2.1.12.4	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 3.0 m plus the distance specified herein.	
26.8.2.1.13	Private Amenity Space	
26.8.2.1.13.1	Block townhouse	A private unenclosed amenity space of 7.5 m times the width of the unit, or 50% of the gross floor area of the dwelling unit, whichever is the greater.
26.8.2.1.13.2	Stacked dwelling	20 m ² /unit
26.8.2.1.14	Number of Attached Dwelling Units (maximum)	
26.8.2.1.14.1	Block townhouse and street townhouse	7 units
26.8.2.2	APARTMENT DWELLING	
26.8.2.2.1	Lot Area (minimum)	59 m ² /unit
26.8.2.2.2	Lot Frontage (minimum)	30 m
26.8.2.2.3	Lot Depth (minimum)	40 m
26.8.2.2.4	Lot Coverage (maximum)	40%
26.8.2.2.5	Front Yard (minimum)	
26.8.2.2.5.1	Dundas Street and Brock Street	4.5 m
26.8.2.2.5.2	All other areas	Established Front Building Line, or 6.0m, whichever is the lesser
26.8.2.2.6	Rear Yard (minimum)	10 m
26.8.2.2.7	Side Yard (minimum)	
26.8.2.2.7.1	Interior	3.0 m
26.8.2.2.7.2	Exterior	4.5 m
26.8.2.2.8	Building Height (maximum)	6 storeys

(6926-14)	26.8.2.2.9	Floor Space Index (maximum)	1.75																
	26.8.2.2.10	Parking (minimum) Repealed by By-law 6926-14																	
	26.8.2.2.11	Landscaped Open Space (minimum)	30%																
	26.8.2.2.12	Separation Distances for Buildings on the Same Lot																	
	26.8.2.2.12.1	For buildings with a maximum height of two storeys:																	
		<table><tr><th>Wall containing a Window of a</th><th>Living Room</th><th>Habitable Room</th><th>Blank Wall</th></tr><tr><td>Living Room</td><td>15 m</td><td>13.5 m</td><td>7.5 m</td></tr><tr><td>Habitable Room</td><td>13.5 m</td><td>9.0 m</td><td>4.5 m</td></tr><tr><td>Blank Wall</td><td>7.5 m</td><td>4.5 m</td><td>1.5 m</td></tr></table>	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	
	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															
	26.8.2.2.12.2	For buildings with a maximum height greater than two storeys:																	
	26.8.2.2.12.2.1	For each storey above two storeys, an additional building separation distance of 0.5m per storey shall be provided where the wall contains a blank wall.																	
	26.8.2.2.12.2.2	For each storey above two storeys, an additional building separation distance of 1.0m per storey shall be provided where the wall contains a window of a living room or habitable room																	
	26.8.2.2.12.3	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.																	
	26.8.2.2.12.4	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 3.0 m plus the distance specified herein.																	
	26.8.2.2.13	Private Amenity Space	9.0 m ² /unit																
	26.8.2.3	CONVERTED DWELLING, BOARDING OR LODGING HOUSE, AND RETIREMENT HOME																	
	26.8.2.3.1	Lot Area (minimum)																	
26.8.2.3.1.1	Converted dwelling	275 m ²																	
26.8.2.3.1.2	Boarding or lodging house, and retirement home	450 m ²																	
26.8.2.3.2	Lot Frontage (minimum)																		
26.8.2.3.2.1	Converted dwelling	9.0 m																	
26.8.2.3.2.2	Boarding or lodging house, and retirement home	12 m																	
26.8.2.3.3	Lot Depth (minimum)	30 m																	
26.8.2.3.4	Lot Coverage (maximum)	40%																	

	26.8.2.3.5	Front Yard (minimum)	Established Front Building Line, or 6.0m, whichever is the lesser
	26.8.2.3.6	Rear Yard (minimum)	7.5 m
	26.8.2.3.7	Side Yard (minimum)	
	26.8.2.3.7.1	Interior	
	26.8.2.3.7.1.1	With an integral garage or carport	1.2 m
	26.8.2.3.7.1.2	Without an integral garage or carport	3.0 m
	26.8.2.3.7.2	Exterior	4.5 m
	26.8.2.3.8	Building Height (maximum)	3 storeys
	26.8.2.3.9	Floor Space Index (maximum)	0.60
(6926-14)	26.8.2.3.10	Parking (minimum) Repealed by By-law 6926-14	
	26.8.2.3.11	Landscaped Open Space (minimum)	30%
	26.8.2.3.12	Gross Floor Area (minimum)	
	26.8.2.3.12.1	Boarding or lodging house, and retirement home	15 m ² /bed
	26.8.2.4	DAY NURSERY	
	26.8.2.4.1	Lot Area (minimum)	550 m ²
	26.8.2.4.2	Lot Frontage (minimum)	15 m
	26.8.2.4.3	Lot Depth (minimum)	30 m
	26.8.2.4.4	Lot Coverage (maximum)	40%
	26.8.2.4.5	Front Yard (minimum)	Established Front Building Line, or 6.0m, whichever is the lesser
	26.8.2.4.6	Rear Yard (minimum)	7.5 m
	26.8.2.4.7	Side Yard (minimum)	
	26.8.2.4.7.1	Interior	3.0 m
	26.8.2.4.7.2	Exterior	4.5 m
	26.8.2.4.8	Building Height (maximum)	3 storeys
	26.8.2.4.9	Floor Space Index (maximum)	0.40
(6926-14)	26.8.2.4.10	Parking (minimum) Repealed by By-law 6926-14	

	26.8.2.4.11	Landscaped Open Space (minimum)	30%
(6775-13)	26.8.2.5	Repealed by By-law 6775-13	
	26.8.2.6	CRISIS RESIDENCE	
	26.8.2.6.1	Lot Area (minimum)	550 m ²
	26.8.2.6.2	Lot Frontage (minimum)	15 m
	26.8.2.6.3	Lot Depth (minimum)	30 m
	26.8.2.6.4	Lot Coverage (maximum)	40%
	26.8.2.6.5	Front Yard (minimum)	Established Front Building Line, or 6.0m, whichever is the lesser
	26.8.2.6.6	Rear Yard (minimum)	7.5 m
	26.8.2.6.7	Side Yard (minimum)	
	26.8.2.6.7.1	Interior	3.0 m
	26.8.2.6.7.2	Exterior	4.5 m
	26.8.2.6.8	Building Height (maximum)	3 storeys
	26.8.2.6.9	Floor Space Index (maximum)	0.40
(6926-14)	26.8.2.6.10	Parking (minimum) Repealed by By-law 6926-14	
	26.8.2.6.11	Landscaped Open Space (minimum)	30%
	26.8.2.7	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	26.8.2.7.1	In accordance with Section 6(2), as amended.	
	26.8.2.8	PUBLIC USES	
	26.8.2.8.1	In accordance with Section 26.2.6.	
	26.8.2.9	PUBLIC PARK	
	26.8.2.9.1	In accordance with Section 26.11.2.	
	26.8.3	EXCEPTIONS	
	The following Zones apply to specific lands within a R6-DT Zone.		
(3070-91)	26.8.3.1	EXCEPTION 1 (R6-DT-1)	
	Notwithstanding any provision of this By-law to the contrary, any use, building, or structure within an R6-DT-1 Zone, shall be established in accordance with the following provisions:		
	26.8.3.1.1	Building Height (maximum)	

26.8.3.1.1.1 Apartment dwelling 5 storeys

All other provisions of this By-law shall apply.

(3070-91)

26.8.3.2 EXCEPTION 2 (R6-DT-2) 308 & 310 MARY STREET EAST

Notwithstanding any provision of this By-law to the contrary, any lot within an R6-DT-2 Zone shall only be used for the following uses:

26.8.3.2.1 One single-detached dwelling

26.8.3.2.2 Apartment dwelling

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-2 Zone, shall be established in accordance with the following provisions:

26.8.3.2.3 Lot Frontage (minimum) 60 m

26.8.3.2.4 Lot Area (minimum) 7,100 m²

26.8.3.2.5 Lot Coverage (maximum) 35%

26.8.3.2.6 Front Yard (minimum) 7.5 m

26.8.3.2.7 Rear Yard (minimum) 7.5 m

26.8.3.2.8 Side Yard (minimum)

26.8.3.2.8.1 Interior 7.5 m

26.8.3.2.8.2 Exterior 7.5 m

26.8.3.2.9 Landscaped Open Space (minimum) 35%

26.8.3.2.10 Building Height (maximum) 6 storeys

26.8.3.2.11 Number of Dwelling Units (maximum) 125

26.8.3.2.12 Parking (minimum) 1.2 spaces/unit for a non-profit apartment building, of which 25% of parking to be provided as visitor parking.

26.8.3.2.13 Parking areas shall not be located within 3.0 m of any street or side lot line.

26.8.3.2.14 The single-detached dwelling shall only be used as a caretakers' residence, or a common amenity space.

All other provisions of this By-law shall apply.

(3070-91)

26.8.3.3 EXCEPTION 3 (R6-DT-3)

Notwithstanding any provision of this By-law to the contrary, any use, building, or structure within an R6-DT-3 Zone, shall be established in accordance with the following provisions:

26.8.3.3.1 Building Height (maximum)

26.8.3.3.1.1	Apartment, block and street townhouse, and stacked dwelling	4 storeys
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All other provisions of this By-law shall apply.

(3070-91)

26.8.3.4 EXCEPTION 4 (R6-DT-4) 208 BYRON STREET SOUTH

Notwithstanding any provisions of this By-law to the contrary, any lot within an R6-DT-4 Zone may be used for all of the uses permitted in the R6-DT Zone, plus the following use:

26.8.3.4.1	An interior design and consulting business, including a showroom and retailing area in conjunction with a single-detached dwelling.
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Notwithstanding any provision of this By-law to the contrary, any use, building, or structure within an R6-DT-4 Zone, shall be established in accordance with the following provisions:

26.8.3.4.2	Lot Frontage (minimum)	24.5 m
26.8.3.4.3	Lot Depth (minimum)	41 m
26.8.3.4.4	Lot Coverage (maximum)	25%
26.8.3.4.5	Gross Floor Area (maximum)	39 m ²
26.8.3.4.6	Front Yard (minimum)	4.5 m
26.8.3.4.7	Rear Yard (minimum)	17 m
26.8.3.4.8	Building Height (maximum)	8.0 m

All other provisions of this By-law shall apply.

(3070-91)

26.8.3.5 EXCEPTION 5 (R6-DT-5) 850 GREEN STREET

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-5 Zone, shall be established in accordance with the following provisions:

26.8.3.5.1	Lot Area (minimum)	3,700 m ²
26.8.3.5.2	Number of Dwelling Units (maximum)	81
26.8.3.5.3	Building Height (maximum)	5 storeys
26.8.3.5.4	Parking (minimum)	1 space/4 dwelling units or fraction thereof

No parking space shall be located within 3.0 m of any front or exterior side lot line.

All other provisions of this By-law shall apply.

(3070-91)**26.8.3.6 EXCEPTION 6 (R6-DT-6) 620 DUNDAS STREET EAST**

Notwithstanding any provisions of this By-law to the contrary, any lot located within an R6-DT-6 Zone may be used for all of the uses within an R6-DT Zone, plus the following use:

26.8.3.6.1 Gas bar

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-6 Zone, shall be established in accordance with the following provisions:

26.8.3.6.2	Lot Frontage (minimum)	20 m
26.8.3.6.3	Lot Depth (minimum)	23 m
26.8.3.6.4	Front Yard (minimum)	9.0 m
26.8.3.6.5	Side Yard (minimum)	
26.8.3.6.5.1	Exterior	7.0 m
26.8.3.6.6	Gross Floor Area of the kiosk (maximum)	84 m ²
26.8.3.6.7	The minimum distance between an interior side or rear lot line and the closest point of an adjacent driveway measured along the property lines shall be	1.5 m.
26.8.3.6.8	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.

All other provisions of this By-law, including Sections 17B and 17C, shall apply.

(3070-91)**26.8.3.7 EXCEPTION 7 (R6-DT-7) 121 ASH STREET**

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-7 Zone, shall be established in accordance with the following provisions:

26.8.3.7.1	Lot Frontage (minimum)	80 m
26.8.3.7.2	Lot Coverage (maximum)	30%
26.8.3.7.3	Front Yard (minimum)	4.5 m
26.8.3.7.4	Side Yard (minimum)	
26.8.3.7.4.1	Interior	7.5 m
26.8.3.7.5	Rear Yard (minimum)	7.5 m
26.8.3.7.6	Landscaped Open Space (minimum)	50%
26.8.3.7.7	Building Height (maximum)	9.0 m

(3241-93)

26.8.3.7.8	Number of Dwelling Units (maximum)	70
26.8.3.7.9	Parking (minimum)	1.5 spaces/unit provided in an underground parking structure

(3207-92) 26.8.3.8 EXCEPTION 8 (R6-DT-8)

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-8 Zone shall be established in accordance with the following provisions:

26.8.3.8.1 Building Height (maximum) 3 storeys

**(4046-97) 26.8.3.9 EXCEPTION 9 (R6-DT-9)
127 PERRY STREET**

Notwithstanding any provisions of this By-law to the contrary, any lot located within an H-R6-DT-9 Zone may be used for all the uses within an H-R6-DT Zone, plus the following uses:

26.8.3.9.1 artist or photographic studio

26.8.3.9.2 office of a public agency

26.8.3.9.3 office

(6775-13) 26.8.3.9.4 personal service establishment

26.8.3.9.5 photocopy shop

**(4869-01) 26.8.3.10 EXCEPTION 10 (R6-DT-10)
(7573-19) 500 DUNDAS STREET EAST
Repealed by By-law 7573-19****(4868-01) 26.8.3.11 EXCEPTION 11 (R6-DT-11) 215 COLBOURNE STREET EAST**

Notwithstanding any provisions of this By-law, to the contrary, any lot located within an H-R6-DT-11 Zone may be used for all of the uses within an H-R6-DT Zone, plus the following uses:

(i) farmers market.

(4883-01) 26.8.3.12 EXCEPTION 12 (R6-DT-12) 202 ATHOL STREET

Notwithstanding the permitted uses found in Section 26.8.1 (Permitted Uses) of By-law No. 2585, as amended, the following additional use shall only be permitted within an existing building constructed on or prior to July 9, 2001 on the lands so marked "H-R6-DT-12" as identified as the Subject Property on Schedule A-1 to By-law No. 4883-01.

(i) offices

(5146-02) 26.8.3.13 EXCEPTION 13 (R6-DT-13) 540 DUNDAS STREET EAST

Notwithstanding the permitted uses found in Section 26.8.1 (Permitted Uses) of By-law No. 2585, as amended, the following additional uses shall only be permitted within an existing building constructed on or prior to November 11, 2002 on the lands so marked "H-R6-DT-13" as identified as the Subject Property on Schedule A-1 to By-law No. 5146-02.

(i) offices

(6775-13) (ii) personal service establishment

(iii) a maximum of two residential apartment units

26.8.3.13.1. All other provisions of this By-law shall apply.

(5469-04) 26.8.3.14 EXCEPTION 14 (R6-DT-14) 501 DUNDAS STREET WEST

Notwithstanding the permitted uses found in Section 26.8.1 of By-law No. 2585, as amended, the following additional uses shall be permitted within an existing building constructed on or prior to July 12, 2004 on the lands so marked "H-R6-DT-14" as identified as the Subject Property on Schedule A-1 to By-law No. 5469-04.

- 26.8.3.14.1 offices
- 26.8.3.14.2 hair stylist
- 26.8.3.14.3 barber shop
- 26.8.3.14.4 spa/beauty salon
- 26.8.3.14.5 tailor shop
- 26.8.3.14.6 That the permitted uses be limited to a maximum gross leasable floor area of 280m².

(5552-04) 26.8.3.15 EXCEPTION 15 (R6-DT-15) 400 DUNDAS STREET EAST

Notwithstanding any provision of this By-law to the contrary, any lot located within an R6-DT-15 Zone may be used for the following uses:

- 26.8.3.15.1 apartment dwellings in conjunction with one or more of the following non-residential uses:
- 26.8.3.15.2 office
- 26.8.3.15.3 offices of a public agency
- 26.8.3.15.4 personal service establishment
- 26.8.3.15.5 retail shop

(6775-13)

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an R6-DT-15 Zone, shall be established in accordance with the following provisions:

- 26.8.3.15.6 Lot Area (minimum) 1,200 m²
- 26.8.3.15.7 Lot Frontage (minimum) 30 m
- 26.8.3.15.8 Lot Depth (minimum) 40 m
- 26.8.3.15.9 Lot Coverage (maximum) 40%
- 26.8.3.15.10 Front Yard (minimum) 0.0 m
- 26.8.3.15.11 Rear Yard (minimum) 0.0 m
- 26.8.3.15.12 Building Height (minimum) 2 storeys or 7.0 m
(maximum) 8 storeys
- 26.8.3.15.13 Landscaped Open Space (minimum) 10%
- 26.8.3.15.14 Gross Floor Area (minimum) 826 m²

All other provisions of this By-law shall apply.

(6849-14)

**26.8.3.16 EXCEPTION 16 (H-R6-DT-16)
153 PERRY STREET**

Notwithstanding any provisions of this By-law to the contrary, any lot located within an H-R6-DT-16 Zone may be used for all the permitted uses within an H-R6-DT Zone, plus the following additional uses:

26.8.3.16.1 office

26.8.3.16.2 personal service establishment

Notwithstanding any zone provisions of this By-law to the contrary, any use, building or structure within an H-R6-DT-16 Zone, shall be established in accordance with the following provisions:

26.8.3.16.3 Any office or personal service establishment shall only be permitted in the existing building constructed on or prior to March 31, 2014.

26.8.3.16.4 The maximum gross floor area devoted to office, and/or personal service establishment uses shall not exceed 200m², and such uses shall not be permitted in the basement.

(7492-19 LPAT Order)

**26.8.3.17 EXCEPTION 17 (H-R6-DT-17)
228 BROCK STREET NORTH**

Notwithstanding any provisions of this By-law to the contrary, any lot located within an H-R6-DT-17 Zone may be used for all the permitted uses within an H-R6-DT Zone, plus the following additional uses:

26.8.3.17.1 office

26.8.3.17.2 personal service establishment

26.8.3.17.3 retail store

Provided further and notwithstanding the foregoing, the additional uses listed above shall only be permitted in the building existing on the site as of June 21, 2017.

Notwithstanding any zone provisions of this By-law to the contrary, any use, building or structure within an H-R6-DT-17 Zone, shall be established in accordance with the following provisions:

26.8.3.17.4 Gross Floor Area Restriction

The maximum gross floor area devoted to office, personal service establishment and retail store uses shall not exceed 140m², and such uses shall not be permitted in the basement.

26.8.3.17.5 Apartment Building Height
Maximum

4 storeys

26.8.3.17.6 Number of Parking Spaces

The minimum number of parking spaces required for the additional non-residential uses permitted in the H-R6-DT-17 Zone shall be calculated as follows:

- Office, personal service establishment or retail 1 parking space per 30m² of gross floor store area on the first storey and 1 parking space per 50m² for any gross floor area situated above the first storey.

Provided further and notwithstanding the foregoing, the minimum number of parking spaces required shall be 4 parking spaces.

26.8.3.17.7 Location of Parking Spaces

All parking spaces provided shall be located only in the interior side yard or exterior side yard and there shall be no minimum distance setback from a street line.

(7453-18)

26.8.3.18 EXCEPTION 18 (H-R6-DT-18) 147 PERRY STREET

Notwithstanding any provisions of this By-law to the contrary, any lot located within an H-R6-DT-18 Zone may be used for all the permitted uses within an H-R6-DT Zone, plus the following additional uses:

26.8.3.18.1 office

26.8.3.18.2 personal service establishment

Notwithstanding any zone provisions of this By-law to the contrary, any use, building or structure within an H-R6-DT-18 Zone, shall be established in accordance with the following provisions:

26.8.3.18.3 Any office or personal service establishment shall only be permitted in the existing building constructed prior to September 17, 2018.

26.8.3.18.4 The maximum gross floor area devoted to office, and/or personal service establishment uses shall not exceed 140 m², and such uses shall not be permitted in the basement.

(7595-20)

26.8.3.19 EXCEPTION 19 (R6-DT-19) 400 & 414 MARY STREET EAST & HICKORY STREET NORTH

1. Defined Area

The land located on the north side of Mary Street East, east of Hickory Street North and zoned R6-DT-19 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 #2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any stacked townhouse dwelling situated within an R6-DT-19 Zone shall be established in accordance with the following provisions:

26.8.3.19.1 Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R. S. O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R6-DT-19 by this By-law shall be considered to be one lot.

26.8.3.19.2 Lot Line Determination

The lot line abutting Hickory Street North shall be deemed the front lot line and the lot line furthest from and opposite the front lot line (Pine Street) shall be deemed the rear lot line. The lot line abutting Mary Street East shall be deemed the exterior side lot line and all other lot lines shall be deemed interior side lot lines.

26.8.3.19.3	Front Yard Minimum	3.0 m
26.8.3.19.4	Interior Side Yard Minimum	1.2 m
	Provided however, that the minimum width to the most northerly lot line shall be	0.9 m
26.8.3.19.5	Exterior Side Yard Minimum	3.0 m
26.8.3.19.6	Landscaped Open Space Minimum	15 %
26.8.3.19.7	Separation Distance of Buildings on the Same Lot	
	The minimum separation distance between stacked townhouse dwellings on the same lot shall be	12 m
26.8.3.19.8	Setback to Aisle or Driveway	
	(i) The minimum separation distance from the end wall of a main building to an aisle or driveway shall be	1.8 m
26.8.3.19.9	Decks, Porches, Steps, Patios and Balconies	
	(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 1.2 m from a street line, lot line, aisle and driveway.	
	(ii) Steps are permitted to project provided they are set back a minimum distance of 0.3 m from a street line, aisle and driveway.	
26.8.3.19.10	Private Garage Dimensions	
	The minimum internal dimension for a private garage that serves a single vehicle shall be 6.2 m in length and 2.75 m in width from foundation wall to foundation wall.	

3. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R6-DT-19:

26.2.9	Sight Triangles
26.8.2.1.9	Floor Space Index
26.8.2.1.12	Separation Distance for Buildings on the Same Lot
26.8.2.1.13	Private Amenity Space

(7573-19)

26.8.3.20 EXCEPTION 20 (R6-DT-20) 500 DUNDAS STREET EAST

1. Defined Area

The land located on the north side of Dundas Street East, east of Pine Street and zoned R6-DT-20 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 # 2585.

2. Uses Permitted

Notwithstanding any provisions of this By-law to the contrary any lot within a R6-DT-20 Zone may be used for all of the uses permitted in the R6-DT Zone, plus the following uses:

26.8.3.20.1 office within the building existing at the date of passing this By-law amendment.

3. Zone Provisions

Notwithstanding any provisions of the By-law to the contrary, any apartment building situated within an R6-DT-20 Zone shall be established in accordance with the following provisions:

26.8.3.20.2 Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R. S. O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R6-DT-20 by this By-law shall be considered to be one lot.

26.8.3.20.3 Lot Line Determination

The lot line abutting Dundas Street East shall be deemed the front lot line and the lot line opposite Dundas Street East shall be deemed the rear lot line. The lot line abutting Pine Street shall be deemed the exterior lot line and the easterly lot line shall be deemed the interior side lot line.

26.8.3.20.4 Lot Area (minimum) 50 m²/unit

26.8.3.20.5 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.

26.8.3.20.6 Floor Space Index (maximum) 2.0

26.8.3.20.7 Decks, Porches, Steps and Patios

(i) Decks, porches, steps and patios are permitted to project to within 0.0 m from a street line.

26.8.3.20.8 Underground Parking Structure

Any parking structure situated below finished grade may be located to within 0.0 m of 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 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.

26.8.3.20.9 Location of Parking

A surface parking area may be permitted in the exterior side yard provided that such parking area is set back a minimum distance of 1.5m from a street line.

26.8.3.20.10 Driveway and/or Aisle Width

The minimum width for a driveway or aisle serving a loading area shall be 6.0 m

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law # 2585, the following definitions shall apply:

- (a) **Height of Building** means the vertical distance measured from the ground floor elevation at the main entrance of the building to the highest point of the roof surface excluding roof top appurtenances such as any decorative structures, roof mechanicals, roof parapets or mechanical penthouses.
- (b) **Roof** means the overhead structural component of a building or a part of a building supported by walls or columns and which functions primarily to shelter the interior of the building from the effects of weather and the infiltration of water.

5. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R6-DT-20 by this By-law amendment:

- 26.2.7 Height Exceptions
- 26.2.9 Sight Triangles
- 26.2.10.3 Landscaped Open Space
- 26.8.2.2.13 Private Amenity Space

(7696-20)

26.8.3.21 EXCEPTION 21: R6-DT-21 721 & 723 DUNDAS STREET WEST

1. Defined Area

The lands located at the southeast corner of Dundas Street West and Annes Street and zoned R6-DT-21 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 #2585.

2. Used Permitted

Notwithstanding any provisions of this By-law to the contrary, any lot within a R6-DT-21 Zone may be used for one or more of the following uses:

- 26.8.3.21.1 all uses permitted in the R6-DT Zone
- 26.8.3.21.2 back to back townhouse dwelling

3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any back-to-back townhouse dwelling situated within an R6-DT-21 Zone shall be established in accordance with the following provisions:

26.8.3.21.3 Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R. S. O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R6-DT-21 by this By-law shall be considered to be one lot.

26.8.3.21.4 Lot Density

Minimum	65 units per net hectare
Maximum	200 units per net hectare

26.8.3.21.5 Lot Frontage

Minimum	30 m
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26.8.3.21.6 Lot Coverage

Maximum	55%
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Notwithstanding the maximum lot coverage provision above, a deck, porch, step, patio or balcony shall not be included in the calculation of maximum lot coverage.

26.8.3.21.7 Front Yard

Minimum	3.0 m
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26.8.3.21.8 Rear Yard

Minimum	7.0 m
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26.8.3.21.9 Interior Side Yard

Minimum	3.0 m
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26.8.3.21.10 Exterior Side Yard

Minimum	4.5 m
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26.8.3.21.11 Building Height

Maximum	4 storeys
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26.8.3.21.12 Roof Top Appurtenances

The maximum height of any roof top appurtenance such as an elevator penthouse, mechanical room, stair tower, roof top access room, amenity space and any architectural features shall not exceed 6 metres.

26.8.3.21.13 Landscaped Open Space

Minimum	20%
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26.8.3.21.14 Private Amenity Space

Minimum	9 m ² /unit
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26.8.3.21.15 Setback to Aisle or Driveway

(i) The minimum separation distance from the end wall of a main building to an aisle or driveway shall be	1.5 m
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26.8.3.21.16 Decks, Porches, Steps, Patios and Balconies

- (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 2.0m from a street line, lot line, aisle and driveway.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.3 m from a street line, aisle and driveway.

26.8.3.21.17 Setback to a Visibility Triangle
Minimum 0.6 m

26.8.3.21.18 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. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #2585, the following definitions shall apply:

- (a) **“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.
- (b) **“Dwelling Unit, Back To Back Townhouse”** means a dwelling unit in a back to back townhouse dwelling.

5. Zone Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned R6-DT-21 by this By-law:

- 6(2)(h) Satellite Dish
- 6(18) Sight Triangles
- 26.2.7 Height Exceptions
- 26.2.9 Sight Triangles

(7979-23)

26.8.3.22 EXCEPTION 22 (R6-DT-22) 100 GARDEN STREET & 604 DUNDAS STREET EAST

1. Defined Area

The lands located south of Mary Street East and west of Garden Street and zoned R6-DT-22 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any stacked townhouse dwelling situated within an R6-DT-22 Zone shall be established in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-22 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Mary Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard
Minimum Depth 2.7 m

(d) Interior Side Yard
Minimum Width 3.0 m

Except in the case of a setback to the F zone, where the minimum width shall be 1.5 m

(e) 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, 1.5m from the end wall of any building and 1.0 m from any other lot line.

(f) 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 provide they are set back a minimum distance of 0.6 m from a street line or internal roadway.

(g) 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 4.8 m.

(iii) The minimum setback to a street line shall be 2.7m.

- (h) Private Amenity Space Minimum 8.0 m²/unit
- (i) Parking Requirements
 - (i) The minimum number of parking spaces for a stacked townhouse dwelling with an integral private garage and related driveway shall be:
 - Resident 2 spaces/unit
 - Visitor 0.25 spaces/unit
 - (ii) The minimum number of parking spaces for a stacked townhouse dwelling without an integral private garage and related driveway shall be:
 - Resident 1.75 spaces/unit
 - Visitor 0.25 spaces/unit

3. Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R6-DT-22 by this By-law amendment:

- 6 (2) (h) Satellite Dish
- 26.8.2.1.9 Floor Space Index
- 26.8.2.1.12 Separation Distances for Buildings on the Same Lot

(7979-23)

26.8.3.23 EXCEPTION 23 (R6-DT-23) 100 GARDEN STREET & 604 DUNDAS STREET EAST

1. Defined Area

The lands located north of Dundas Street East and west of Garden Street and zoned R6-DT-23 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law # 2585.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any use, building, or structure in an R6-DT-23 Zone shall be established in accordance with the provisions of subsection 26.8.2 except that the following provisions shall apply to stacked townhouse dwellings and an apartment building.

Stacked Townhouse Dwelling

- (a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-23 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Dundas Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard
Minimum Depth 3.0 m(d) Interior Side Yard
Minimum Width 3.0 m

Except in the case of a setback to the F zone, where the minimum width shall be 1.5 m

(e) 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.

(f) 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 provide they are set back a minimum distance of 0.6 m from a street line or internal roadway.

(g) 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 4.8 m.

(h) Private Amenity Space
Minimum 8.0 m²/unit

(i) Parking Requirements

(i) The minimum number of parking spaces for a stacked townhouse dwelling with an integral private garage and related drive way shall be:

- Resident 2 spaces/unit
- Visitor 0.25 spaces/unit

(ii) The minimum number of parking spaces for a stacked townhouse dwelling without an integral private garage and related driveway shall be:

- Resident 1.75 spaces/unit
- Visitor 0.25 spaces/unit

Apartment Building

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P. 13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision or conveyance with respect to any portion of the said land, the land zoned R6-DT-23 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Dundas Street East shall be deemed the front lot line and the opposite lot line shall be deemed the rear lot line. All other lot lines shall be deemed interior lot lines.

(c) Front Yard

Minimum Depth 3.0 m

(d) Interior Side Yard

Minimum Width 3.0 m

(e) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access, activity room and any architectural features shall not exceed 6 metres.

(f) 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 4.8 m.

(g) Private Amenity Space

Minimum 5.0 m²/unit

(h) Parking Requirements

(i) Minimum Number of Parking Spaces

- Resident 1.0 space/unit
- Visitor 0.15 spaces/unit

(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	5.8 m	3.4 m	2.4 m

3. Zoning Provisions That Do Not Apply

The following provisions of By-law # 2585 shall not apply to the lands zoned R6-DT-23 by this By-law amendment:

- 6 (2) (h) Satellite Dish
- 26.2.7 Height Exceptions
- 26.8.2.1.9.2 Floor Space Index
- 26.8.2.1.12 Separation Distances for Buildings on the Same Lot

(8211-25)

26.8.3.24 EXCEPTION 24 (R6-DT-24) 301, 315 & 317 COLBORNE STREET EAST 304 & 320 DUNLOP STREET EAST 205 AND 207 ATHOL STREET

1. Defined Area

The land located east of Athol Street and south of Colborne Street East and zoned R6-DT-24 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Uses Permitted

No person shall within any R6-DT-24 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Residential Uses

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

(b) Non-Residential Uses

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

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

3. Zone Provisions

No person shall within any R6-DT-24 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned R6-DT-24 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

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

(c) Height of Building
Maximum

6 storeys

(d) Determination of First Storey

Notwithstanding the definition of Storey and First Storey in Subsection 26.1 of By-Law #2585, any dwelling unit with two floor levels or less situated at or within 0.6 metres above finished grade level and any non-residential floor space situated at or within 0.6 metres above finished grade level shall be deemed to be only one storey of building height.

(e) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room, amenity space and any architectural features shall not exceed 6 metres.

(f) Building Setbacks
Minimum

(i)	Front Yard (Athol Street)	1.2m
(ii)	Rear Yard	2.0m
(iii)	Exterior Side Yard (Colborne Street)	1.0m
(iv)	Exterior Side Yard (Dunlop Street)	2.0m
(v)	Interior Side Yard	3.0m

(g) Projections

Any ornamental or architectural structure such as a canopy or a colonnade and any decks, porches, steps, patios and balconies may project to within 0.3 m of a street line and property line and to within 0.0 m of a visibility triangle.

(h) Non-Residential Provisions

- (i) Non-residential uses shall only be permitted in buildings that are adjacent to Athol Street and Colborne Street East.
- (ii) The minimum gross floor area devoted to non-residential uses shall be 500m² excluding any outdoor deck or patio related to non-residential uses.
- (iii) Non-residential uses shall only be permitted on the first and second storey or on a floor below the first storey of a building.

- (iv) The minimum top of floor slab to top of floor slab height of the first storey for all non-residential uses shall be 3.5m.
- (v) No drive through facilities are permitted.
- (i) Live-Work Dwelling Provisions
 - (i) Live-work dwellings shall only be permitted in buildings that are adjacent to Athol Street and Colborne Street East.
 - (ii) The minimum top of floor slab to top of floor slab height of the first storey of all live-work dwelling units shall be 3.1m.
 - (iii) The non-residential gross floor area component of a live-work dwelling unit shall not be used in determining the minimum required non-residential gross floor area required in provision 3(h)(ii) above.
- (j) Common Amenity Space Minimum 5m²/unit
- (k) Parking and Loading Requirements
 - (i) Number of Resident Parking Spaces
 - Minimum 1.0 space per dwelling unit
 - (ii) Number of Visitor Parking Spaces
 - Minimum 0.15 spaces per dwelling unit
 - (iii) Number of Non-Residential Parking Spaces
 - Minimum 1 space per 30m² of gross floor area
 - (iv) Tandem parking spaces shall be permitted and be counted as two parking spaces only where used by an owner or tenant of one dwelling unit.
 - (v) The parking space dimensions for a perpendicular parking space shall be as per the Table below:

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

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

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

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

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

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

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

4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #2585, the following definitions shall apply:

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

5. Zone Provisions That Do Not Apply

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

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

26.9 INSTITUTIONAL I – DOWNTOWN ZONE (I1-DT)

26.9.1 PERMITTED USES

No person shall within an I1-DT 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:

26.9.1.1 Offices of a public agency

26.9.1.2 Community centre

26.9.1.3 Crisis centre

(3346-93) 26.9.1.4 **Repealed by By-law 3346-93**

26.9.1.5 Homes for the aged

(6926-14) 26.9.1.6 Long Term Care Home

26.9.1.7 Retirement home

26.9.1.8 Day nursery

26.9.1.9 Place of worship

26.9.1.10 Hospital

26.9.1.11 Private club

26.9.1.12 Clinic

26.9.1.13 Library of a public agency

26.9.1.14 Museum of a public agency

26.9.1.15 Theatre of a public agency

26.9.1.16 Artist or photographic studio of a public agency

26.9.1.17 Accessory caretaker's residence

26.9.1.18 Accessory uses, buildings and structures

26.9.1.19 Public service

26.9.1.20 Public park

26.9.2 ZONE PROVISIONS

Notwithstanding Section 14, as amended, any use, building or structure in an I1-DT Zone shall be established in accordance with the following provisions:

26.9.2.1 DAY NURSERY, RETIREMENT HOME

26.9.2.1.1 Lot Area (minimum) 550 m²

26.9.2.1.2 Lot Frontage (minimum) 15 m

	26.9.2.1.3	Lot Depth (minimum)	30 m
	26.9.2.1.4	Lot Coverage (maximum)	40%
	26.9.2.1.5	Front Yard (minimum)	Established Front Building Line
	26.9.2.1.6	Rear Yard (minimum)	7.5 m
	26.9.2.1.7	Side Yard (minimum)	
	26.9.2.1.7.1	Interior	3.0 m
	26.9.2.1.7.2	Exterior	4.5 m
	26.9.2.1.8	Building Height (maximum)	3 storeys
(6926-14)	26.9.2.1.9	Parking (minimum) Repealed by By-law 6926-14	
	26.9.2.1.10	Landscaped Open Space (minimum)	30%
(6926-14)	26.9.2.2	HOMES FOR THE AGED, LONG TERM CARE HOME, AND RETIREMENT HOME	
	26.9.2.2.1	Lot Area (minimum)	30 m ² /bed
	26.9.2.2.2	Lot Frontage (minimum)	15 m
	26.9.2.2.3	Lot Depth (minimum)	30 m
	26.9.2.2.4	Lot Coverage (maximum)	40%
	26.9.2.2.5	Front Yard (minimum)	Established Front Building Line
	26.9.2.2.6	Rear Yard (minimum)	7.5 m
	26.9.2.2.7	Side Yard (minimum)	
	26.9.2.2.7.1	Interior	3.0 m
	26.9.2.2.7.2	Exterior	6.0 m
	26.9.2.2.8	Building Height (maximum)	3 storeys
(6926-14)	26.9.2.2.9	Parking (minimum) Repealed by By-law 6926-14	
	26.9.2.2.10	Landscaped Open Space (minimum)	30%
	26.9.2.2.11	Gross Floor Area (minimum)	30 m ² /bed
	26.9.2.3	ALL OTHER PERMITTED USES	
	26.9.2.3.1	Lot Area (minimum)	Nil
	26.9.2.3.2	Lot Frontage (minimum)	Nil
	26.9.2.3.3	Lot Depth (minimum)	Nil

	26.9.2.3.4	Lot Coverage (maximum)	30%
	26.9.2.3.5	Front Yard (minimum)	Established Front Building Line
	26.9.2.3.6	Rear Yard (minimum)	7.5 m
	26.9.2.3.7	Side Yard (minimum)	
	26.9.2.3.7.1	Interior	1.5 m/storey
	26.9.2.3.7.2	Exterior	4.5 m
	26.9.2.3.8	Building Height (maximum)	3 storeys
(6926-14)	26.9.2.3.9	Parking (minimum) Repealed by By-law 6926-14	
	26.9.2.3.10	Landscaped Open Space (minimum)	20%
	26.9.2.4	ACCESSORY CARETAKERS RESIDENCE	
	26.9.2.4.1	Lot Area (minimum)	59 m ² /unit
(6926-14)	26.9.2.4.2	Parking (minimum) Repealed by By-law 6926-14	
	26.9.2.4.3	Shall only be located in a building containing one or more permitted non-residential uses.	
	26.9.2.4.4	All applicable provisions contained within Section 26.9 shall apply.	
	26.9.2.4.5	Private Amenity Space	20 m ² /unit
	26.9.2.5	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	26.9.2.5.1	In accordance with Section 6(2), as amended.	
	26.9.2.6	PUBLIC SERVICE	
	26.9.2.6.1	In accordance with Section 26.2.6.	
	26.9.2.7	PUBLIC PARK	
	26.9.2.7.1	In accordance with Section 26.11.2.	
(7299-17)	26.9.3	EXCEPTIONS	
	The following zones apply to specific lands within an I1-DT Zone.		
	26.9.3.1	Exception 1 (I1-DT-1) 400 Centre Street South	
		Notwithstanding any provisions of this By-law to the contrary, any lot located within an I1-DT-1 Zone may be used for all the uses permitted in the I1-DT Zone plus the following additional uses:	
	26.9.3.1.1	office	
		Provided further and notwithstanding the foregoing, the additional uses listed above shall only be permitted in the building existing on the site at the date of the passing of this By-law.	

26.10 INSTITUTIONAL 2 - DOWNTOWN ZONE (I2-DT)**26.10.1 PERMITTED USES**

No person shall within an I2-DT 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:

26.10.1.1	School
26.10.1.2	Private school
26.10.1.3	Place of Worship
26.10.1.4	Day nursery
26.10.1.5	Accessory uses, buildings and structures
26.10.1.6	Public service
26.10.1.7	Public park

26.10.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 14, as amended, any use, building or structure in an I2-DT Zone shall be established in accordance with the following provisions:

26.10.2.1 SCHOOL, PRIVATE SCHOOL, AND PLACE OF WORSHIP

26.10.2.1.1	Lot Area (minimum)	500 m ²
26.10.2.1.2	Lot Frontage (minimum)	20 m
26.10.2.1.3	Lot Depth (minimum)	30 m
26.10.2.1.4	Lot Coverage (maximum)	40%
26.10.2.1.5	Front Yard (minimum)	12 m
26.10.2.1.6	Rear Yard (minimum)	15 m
26.10.2.1.7	Side Yard (minimum)	
26.10.2.1.7.1	Interior	
26.10.2.1.7.1.1	Abutting a Residential Zone	12 m
26.10.2.1.7.1.2	Abutting any other Zone category	7.5 m
26.10.2.1.7.2	Exterior	7.5 m
26.10.2.1.8	Building Height (maximum)	3 storeys
26.10.2.1.9	Parking (minimum) Repealed by By-law 6926-14	
26.10.2.1.10	Landscaped Open Space (minimum)	25%

(6926-14)

26.10.2.2 DAY NURSERY (WHERE NOT LOCATED ON THE SAME LOT AS A SCHOOL, PRIVATE SCHOOL, OR PLACE OF WORSHIP)

26.10.2.2.1	Lot Area (minimum)	550 m ²
26.10.2.2.2	Lot Frontage (minimum)	15 m
26.10.2.2.3	Lot Depth (minimum)	30 m
26.10.2.2.4	Lot Coverage (maximum)	40%
26.10.2.2.5	Front Yard (minimum)	Established Front Building Line
26.10.2.2.6	Rear Yard (minimum)	7.5 m
26.10.2.2.7	Side Yard (minimum)	
26.10.2.2.7.1	Interior	3.0 m
26.10.2.2.7.2	Exterior	4.5 m
26.10.2.2.8	Building Height (maximum)	3 storeys
(6926-14) 26.10.2.2.9	Parking (minimum) Repealed by By-law 6926-14	
26.10.2.2.10	Landscaped Open Space (minimum)	30%

26.10.2.3 ACCESSORY USES, BUILDINGS AND STRUCTURES

26.10.2.3.1 In accordance with Section 6(2), as amended.

26.10.2.4 PUBLIC SERVICE

26.10.2.4.1 In accordance with Section 26.2.6.

26.10.2.5 PUBLIC PARK

26.10.2.5.1 In accordance with Section 26.11.2

26.10.3 EXCEPTIONS

The following zones apply to specific lands within an I2-DT Zone.

(3070-91)

26.10.3.1 EXCEPTION 1 (I2-DT-1) 203 COCHRANE STREET

Notwithstanding any provision of this By-law to the contrary, any lot within an I2-DT-1 Zone may be used for all of the uses within an I2-DT Zone, plus the following use:

26.10.3.1.1 Private club of a fraternal organization.

All other provisions of this By-law shall apply.

26.11 OPEN SPACE 1 – DOWNTOWN ZONE (OS1-DT)**26.11.1 PERMITTED USES**

No person shall within an OS1-DT 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:

- 26.11.1.1 Public park
- 26.11.1.2 Private park
- 26.11.1.3 Community centre
- 26.11.1.4 Cenotaph
- 26.11.1.5 Accessory caretakers' residence
- 26.11.1.6 Accessory uses, buildings and structures
- 26.11.1.7 Public service

26.11.2 ZONE PROVISIONS

Notwithstanding Section 13, as amended, any use, building or structure in an OS1-DT Zone shall be established in accordance with the following provisions:

26.11.2.1 PUBLIC PARK, PRIVATE PARK, AND COMMUNITY CENTRE

26.11.2.1.1	Lot Area (minimum)	500 m ²
26.11.2.1.2	Lot Frontage (minimum)	10 m
26.11.2.1.3	Lot Depth (minimum)	Nil
26.11.2.1.4	Lot Coverage (maximum)	25%
26.11.2.1.5	Front Yard (minimum)	
26.11.2.1.5.1	Abutting a Residential Zone	Established Front Building Line or 6.0m, whichever is the lesser
26.11.2.1.5.2	Abutting any other Zone	7.5 m
26.11.2.1.6	Rear Yard (minimum)	7.5 m
26.11.2.1.7	Side Yard (minimum)	
26.11.2.1.7.1	Interior	3.0 m
26.11.2.1.7.2	Exterior	6.0 m
26.11.2.1.8	Building Height (maximum)	3 storeys
26.11.2.1.9	Parking (minimum)	
Repealed by By-law 6926-14		

(6926-14)

26.11.2.1.10 Landscaped Open Space (minimum) 30%

26.11.2.2 ACCESSORY CARETAKERS' RESIDENCE

26.11.2.2.1 Lot Area (minimum) 50 m²

in addition to the minimum
lot area for the principal use.

26.11.2.2.2 Side Yard (minimum) 4.5m for the portion of the
building containing the
residence.

26.11.2.2.3 Gross Floor Area (minimum) 50 m²

26.11.2.3 ACCESSORY USES, BUILDINGS AND STRUCTURES

26.11.2.3.1 In accordance with Section 6(2), as amended.

26.11.2.4 PUBLIC SERVICE

26.11.2.4.1 In accordance with Section 26.2.6.

26.12 CENTRAL COMMERCIAL 3 - DOWNTOWN ZONE (C3-DT)**26.12.1 PERMITTED USES**

No person shall within any C3-DT 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:

26.12.1.1 apartment dwellings, in conjunction with one or more of the non-residential uses permitted by this section, excluding the following uses:

26.12.1.1.1 uses permitted in an Institutional 1 - Downtown Zone (I1-DT)

26.12.1.1.2 public parking lot

26.12.1.1.3 public park

26.12.1.2 artist or photographic studio

26.12.1.3 bakeshop

26.12.1.4 banquet hall

26.12.1.5 clinic

26.12.1.6 crisis centre

26.12.1.7 eating establishment

26.12.1.8 funeral home

26.12.1.9 uses permitted in an Institutional 1 - Downtown Zone (I1-DT)

26.12.1.10 financial institution

26.12.1.11 health club

26.12.1.12 hotel

26.12.1.13 commercial school

26.12.1.14 office

26.12.1.15 offices of a public agency

26.12.1.16 public parking lot

(6775-13)

26.12.1.17 personal service establishment

26.12.1.18 place of entertainment

26.12.1.19 photocopy shop

26.12.1.20 private club

26.12.1.21 retail shop

(6775-13)

26.12.1.22 service shop

	26.12.1.23	taxi establishment
	26.12.1.24	farmers market conducted on a public parking lot
	26.12.1.25	accessory caretaker's residence
	26.12.1.26	accessory uses, buildings and structures
	26.12.1.27	public service
	26.12.1.28	public park
	26.12.1.29	cenotaph
(4005-97)	26.12.1.30	bakeshop or confectionary shop
	26.12.1.31	music or dance studio
	26.12.1.32	pet grooming
	26.12.1.33	video or computer rental establishment

26.12.2 ZONE PROVISIONS

Notwithstanding the provisions of Section 17, as amended, any use, building, or structure in an C3-DT Zone shall be established in accordance with the following provisions:

26.12.2.1 ALL NON-RESIDENTIAL AND INSTITUTIONAL USES

26.12.2.1.1	Lot Area (minimum)	Nil
26.12.2.1.2	Lot Frontage (minimum)	Nil
26.12.2.1.3	Lot Depth (minimum)	Nil
26.12.2.1.4	Lot Coverage (maximum)	100%
26.12.2.1.5	Front Yard	
26.12.2.1.5.1	Dundas Street, between Byron Street and Green/Perry Streets (minimum and maximum)	
26.12.2.1.5.1.1	For first three storeys of building height	0.0 m
26.12.2.1.5.1.2	For fourth and fifth storey of building height	4.0 m
26.12.2.1.5.1.3	For sixth storey of building height	8.0 m
26.12.2.1.5.2	Brock Street, between Colborne Street and Mary Street (minimum and maximum)	
26.12.2.1.5.2.1	For first three storeys of building height	0.0 m
26.12.2.1.5.2.2	For fourth and fifth storey of building height	4.0 m
26.12.2.1.5.2.3	For sixth storey of building height	8.0 m

	26.12.2.1.5.3	All other areas	
	26.12.2.1.5.3.1	Minimum	
	26.12.2.1.5.3.1.1	For first three storeys of building height	0.0 m
	26.12.2.1.5.3.1.2	For fourth and fifth storeys of building height	4.0 m
	26.12.2.1.5.3.1.3	For sixth storey of building height	8.0 m
	26.12.2.1.5.3.2	Maximum	3.0 m, or Established Front Building Line, whichever is the lessor
	26.12.2.1.6	Rear Yard (minimum)	0.0 m
	26.12.2.1.7	Side Yard (minimum)	
	26.12.2.1.7.1	Interior	0.0 m
	26.12.2.1.7.2	Exterior	
	26.12.2.1.7.2.1	Minimum	
	26.12.2.1.7.2.1.1	For first three storeys of building height	0.0 m
	26.12.2.1.7.2.1.2	For fourth and Fifth storey of Building height	4.0 m
	26.12.2.1.7.2.1.3	For sixth storey of building height	8.0 m
	26.12.2.1.7.3	Where a street intersects with Dundas Street or Brock Street, the exterior side yard shall be equal to the front yard along Dundas Street or Brock Street for 60% of the lot depth measured from Dundas Street or Brock Street.	
	26.12.2.1.8	Building Height	
	26.12.2.1.8.1	Minimum	
	26.12.2.1.8.1.1	Dundas Street, between Byron Street and Green/Perry Streets	3 storeys
	26.12.2.1.8.1.2	Brock Street, between Colborne Street and Mary Street	3 storeys
	26.12.2.1.8.1.3	All other areas	2 storeys
	26.12.2.1.8.2	Maximum	6 storeys
	26.12.2.1.9	Floor Space Index (maximum)	4.0
(6926-14)	26.12.2.1.10	Parking (minimum) Repealed by By-law 6926-14	
	26.12.2.1.11	Landscaped Open Space (minimum)	Nil
	26.12.2.1.12	Gross Floor Area (minimum)	

	26.12.2.1.12.1	Group Home	15 m ² /bed
(6926-14)	26.12.2.1.12.2	Homes for the Aged, Long Term Care Home, and Retirement Home	30 m ² /bed
	26.12.2.2	APARTMENT DWELLINGS AND ACCESSORY CARETAKER'S RESIDENCE	
	26.12.2.2.1	Lot Area (minimum)	59 m ² /unit
(6926-14)	26.12.2.2.2	Parking (minimum) Repealed by By-law 6926-14	
	26.12.2.2.3	Shall only be located in a building containing one or more permitted non-residential uses, in accordance with Section 26.12.1.	
	26.12.2.2.4	Shall not be located on the first storey of the building.	
	26.12.2.2.5	All other applicable provisions contained with Section 26.11.2.2 shall apply.	
	26.12.2.2.6	Private Amenity Space (minimum)	
	26.12.2.2.6.1	Apartment dwelling	9.0 m ² /unit
	26.12.2.2.6.2	Accessory caretaker's residence	20 m ² /unit
	26.12.2.3	ACCESSORY USES, BUILDINGS AND STRUCTURES	
	26.12.2.3.1	In accordance with Section 6(2), as amended.	
	26.12.2.4	PUBLIC SERVICE	
	26.12.2.4.1	In accordance with Section 26.2.6.	
	26.12.2.5	PUBLIC PARK	
	26.12.2.5.1	In accordance with Section 26.11.2	
	26.12.3	EXCEPTIONS	
	The following zones apply to specific lands within a C3-DT Zone.		
(3070-91)	26.12.3.1	EXCEPTION 1 (C3-DT-1) VARIOUS SITES	
	Notwithstanding any provision of this By-law to the contrary, any use, building or structure within an C3-DT-1 Zone, shall be established in accordance with the following provisions:		
	26.12.3.1.1	Building Height (maximum)	3 storeys
	All other provisions of this By-law shall apply.		

(3070-91) 26.12.3.2 EXCEPTION 2 (C3-DT-2) VARIOUS SITES

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within a C3-DT-2 Zone, shall be established in accordance with the following provisions:

26.12.3.2.1	Building Height (maximum)	4 storeys
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All other provisions of this By-law shall apply.

(3070-91) 26.12.3.3 EXCEPTION 3 (C3-DT-3) 126 BROCK STREET SOUTH

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-3 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.3.1	One apartment dwelling unit
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Notwithstanding any provision of this By-law to the contrary, any building or structure within a C3-DT-3 Zone erected to accommodate the above-noted use shall be established in accordance with the following provisions:

26.12.3.3.2	Front Yard (minimum)	0.0 m
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26.12.3.3.3	Rear Yard (minimum)	5.8 m
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26.12.3.3.4	Side Yard (minimum)
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26.12.3.3.4.1	Interior	0.0 m
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26.12.3.3.5	Landscaped Open Space (minimum)	25%
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26.12.3.3.6	The patio located on the roof of the one-storey portion of the building shall be considered as part of the landscaped open space.
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26.12.3.3.7	The apartment dwelling shall be permitted on the ground floor.
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26.12.3.3.8	All other provisions of the C3-DT-1 Zone shall apply.
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All other provisions of this By-law shall apply.

(3070-91) 26.12.3.4 EXCEPTION 4 (C3-DT-4) 404 DUNDAS STREET WEST

Notwithstanding any provision of this By-law to the contrary, any building or structure within a C3-DT-4 Zone shall be established in accordance with the following provisions:

26.12.3.4.1	Building Height (maximum)	3 storeys
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26.12.3.4.2	Parking (minimum)	1 parking space/26 m ² of gross floor area, provided that the building gross floor area does not exceed 1,100m ² 1 parking space/ 40.5 m ² of gross floor area, provided that the building gross floor area does not exceed 4,350 m ²
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26.12.3.4.3 The definition of building height shall not prevent the erection of an ornamental atrium structure from projecting above the highest point of the roof surface.

All other provisions of this By-law shall apply.

(3070-91) 26.12.3.5 EXCEPTION 5 (C3-DT-5) 312 COLBORNE STREET WEST

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-5 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.5.1 Group home

All other provisions of this By-law shall apply.

**(3070-91) 26.12.3.6 EXCEPTION 6 (C3-DT-6) 309 DUNDAS STREET WEST
Previous existing automobile service station use right expired**

**(3070-91) 26.12.3.7 EXCEPTION 7 (C3-DT-7) 304 BROCK STREET SOUTH
Previous existing automobile service station use right expired**

(3070-91) 26.12.3.8 EXCEPTION 8 (C3-DT-8) 403 BROCK STREET SOUTH

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-8 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.8.1 Existing gas bar

All other provisions of this By-law shall apply.

(3070-91) 26.12.3.9 EXCEPTION 9 (C3-DT-9) 110 DUNDAS STREET EAST

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-9 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.9.1 One apartment dwelling unit

Notwithstanding any provisions of this By-law to the contrary, the above-noted use within the C3-DT-9 Zone shall be established in accordance with the following provisions:

26.12.3.9.2 Rear Yard (minimum) 3.0 m

26.12.3.9.3 Landscaped Open Space (minimum) 25%

All other provisions of this By-law shall apply.

(3070-91) 26.12.3.10 EXCEPTION 10 (C3-DT-10) 151 BROCK STREET NORTH

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within a C3-DT-10 Zone shall be established in accordance with the following provisions:

26.12.3.10.1 Section 6(7), as amended, shall not apply.

All other provisions of this By-law shall apply.

(3070-91)

26.12.3.11 EXCEPTION 11 (C3-DT-11) 223 BROCK STREET NORTH & 220 PERRY STREET

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-11 Zone may only be used for the following uses:

26.12.3.11.1 Any lot fronting onto the east side of Brock Street North shall be used for any non-residential use permitted in a C3-DT Zone.

26.12.3.11.2 Any lot fronting onto the west side of Perry Street shall be used for an apartment building.

Notwithstanding any provision of this By-law to the contrary, any use, building, or structure located on a lot fronting onto the west side of Perry Street within a C3-DT-11 Zone shall be established in accordance with the following provisions:

26.12.3.11.3 Lot Frontage (minimum) 45 m

26.12.3.11.4 Lot Area (minimum) 2,500 m²

26.12.3.11.5 Lot Coverage (maximum) 38%

26.12.3.11.6 Front Yard (minimum) 7.2 m

26.12.3.11.7 Rear Yard (minimum) 2.0 m

26.12.3.11.8 Side Yard (minimum)

26.12.3.11.8.1 Interior 8.0 m

26.12.3.11.9 Landscaped Open Space (minimum) 35%

26.12.3.11.10 Building Height (maximum) 7 storeys

26.12.3.11.11 Parking

26.12.3.11.11.1 Non-Profit Frail/Elderly dwelling unit 0.25 spaces/unit

(6926-14)

26.12.3.11.11.2 Apartment Building, Seniors 0.25 spaces/unit

26.12.3.11.11.3 All other dwelling units 1.0 spaces/unit

26.12.3.11.12 **"NON-PROFIT FRAIL/ELDERLY DWELLING UNIT"** shall mean a dwelling unit within a building or structure wherein a 24-hour supported independent living service is provided by a social service agency for frail elderly persons.

All other provisions of this By-law shall apply.

(3070-91)

26.12.3.12 EXCEPTION 12 (C3-DT-12) 421 DUNDAS STREET EAST

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-12 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.12.1 Existing veterinary clinic.

26.12.3.12.2 **VETERINARY CLINIC** means a building wherein examination, diagnostic, and prophylactic services of small animals are provided wholly within said building and may include medical and surgical treatment, but shall not include a kennel, or the boarding or breeding of animals.

All other provisions of this By-law shall apply.

(3070-91)

26.12.3.13 EXCEPTION 13 (C3-DT-13) 201 DUNDAS STREET WEST

Notwithstanding any provision of this By-law to the contrary, any lot within a C3-DT-13 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.13.1 Place of amusement

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within a C3-DT-13 Zone shall be established in accordance with the following provisions:

26.12.3.13.2 Gross floor area of the place of amusement (maximum) 18.6 m²

All other provisions of this By-law shall apply.

(4342-99)

26.12.3.14 EXCEPTION 14 (C3-DT-14) 119 ASH STREET

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within a C3-DT-14 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following use:

26.12.3.14.1 The storage and display of horse trailers.

All other provisions of this By-law shall apply.

(5957-07)

26.12.3.15 EXCEPTION 15 (C3-DT-15) 301 BYRON STREET SOUTH

Notwithstanding any provision of this By-law to the contrary, any use, building or structure within a C3-DT-15 Zone may be used for all of the uses permitted in the C3-DT Zone, plus the following additional use:

26.12.3.15.1 Private School

Notwithstanding any provision of this By-law to the contrary, the following use shall be prohibited:

26.12.3.15.2 Rooftop play area

All other provisions of this By-law shall apply.

(7597-20)

**26.12.3.16 Exception 16 (C3-DT-16)
Southeast Corner of Brock Street South and Colborne Street East**

1. Defined Area

The lands located at the southeast corner of Brock Street South and Colborne Street East and zoned C3-DT-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 #2585.

2. Uses Permitted

No person shall within any C3-DT-16 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 C3-DT Zone
- mixed use building

3. Zone Provisions – Development that is not in a Mixed Use Building

The zone provisions applicable to development that is not in a mixed use building shall be those provisions set out in the C3-DT Zone.

4. Zone Provisions - Development in a Mixed Use Building

No person shall within any C3-DT-16 Zone use any lot or erect, alter or use any mixed use building except in accordance with the following provisions:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #2585 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned C3-DT-16 by this By-law shall be considered to be one lot.

(b) Lot Line Determination

The lot line abutting Brock Street South shall be deemed the front lot line and the lot line abutting Green Street shall be deemed the rear lot line. The lot line abutting Colborne Street East shall be deemed the exterior side lot line and the southerly lot line shall be deemed the interior side lot line.

(c) Lot Density

Minimum	135 units per net hectare
Maximum	305 units per net hectare

**(d) Front Yard
Minimum**

– for the first three storeys of building height	1.5 m
– for all storeys above the third storey of building height	3.0 m
Maximum	8.0 m

**(e) Rear Yard
Minimum**

1.2 m

**(f) Exterior Side Yard
Minimum**

– for the first three storeys of building height	2.5 m
– for all storeys above the third storey of building height	5.0 m
Maximum	8.0 m

(g) Building Height

Minimum	3 storeys
Maximum	6 storeys

(h) Determination of First Storey

Notwithstanding the definition of Storey and First Storey in Section 26.1 of By-law #2585, any dwelling unit with two floor levels or less situated at or within 0.6 metres above finished grade level and any non-residential floor space situated at or within 0.6 metres above finished grade level shall be deemed to be only one storey of building height.

(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, amenity space and any architectural features shall not exceed 6 metres.

(j) Non-Residential Provisions

(i) The minimum gross floor area devoted to non-residential uses shall be 800 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 4.5m.

(iv) Notwithstanding the front yard and exterior side yard setback provisions of this By-law to the contrary, any ornamental or architectural structure such as a canopy or a colonnade related to non-residential uses may project to within 0.3 m of the Brock Street South or Colborne Street East street lines.

(v) No drive through facilities are permitted.

(k) Decks, Porches, Steps and Patios

(i) Decks, porches, steps and patios are permitted to project within 0.3 m from a street line.

(l) Parking and Loading Requirements

Notwithstanding any provisions of Section 6A to the contrary, the following provisions shall apply:

(i) Number of Resident Parking Spaces

Minimum 1.0 space per dwelling unit

(ii) Number of Visitor Parking Spaces

Minimum 0.15 spaces per dwelling unit

(iii) Number of Non-Residential Parking Spaces

Minimum 1 space per 30 m² of gross leasable area

(iv) Cash in Lieu of Required Non-Residential Parking Spaces

Notwithstanding provision (I)(iii) above, the required number of parking spaces for any non-residential uses not provided on site may be satisfied by a cash-in-lieu payment to the Town provided that the owner or occupant enters into an agreement with the Town.

(v) 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 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.

(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 a perpendicular parking space shall be

Type of Space	Min. Length	Min. Width	Min. Height
Perpendicular	5.6 m	2.75	2.1

(viii) The parking space dimensions for an accessible parking space shall be

Type of Space	Min. Length	Min. Width	Min. Height
Accessible Parking Space	5.6 m	2.75	2.4

(ix) The minimum width of a driveway or aisle serving a loading area shall be 6.0 m

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 #2585, the following definitions shall apply:

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

6. Zoning Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned C3-DT-16 by this By-law amendment:

6(2)(h); 6(18); 6(23); 7(8); 26.2.7; 26.12.2.1.7.3; 26.12.2.2

(7815-21)

**26.12.3.17 Exception 17 (C3-DT-17)
106, 118 and 126 Mary Street East**

1. Defined Area

The lands located at the north-west corner of Mary Street East and Perry Street and zoned C3-DT-17 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #2585.

2. Uses Permitted

No person shall within any C3 -DT -17 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 C3- DT Zone
- all uses permitted in the I1 - DT Zone

3. Zone Provisions – Retirement Home

Notwithstanding any provisions of this By-law to the contrary, in any C3-DT-17 Zone the following provisions shall apply to a retirement home:

(a) Front Yard (Perry Street)

Minimum	– for all storeys	3.0 m
Maximum	– for all storeys	4.0 m

(b) Exterior Side Yard (Mary Street East)

Minimum	– for all storeys	1.2 m
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(c) Location of Decks and Patios

- (i) Decks and patios are permitted to be situated within 1.2 m of a street line

(d) Parking and Loading Requirements

- (i) Number of Parking Spaces
Minimum 0.29 spaces/dwelling unit

(ii) Location of Loading Space

A loading space may be located in the front yard (Perry Street) and may be located in an aisle and/or driveway and may be situated within 0.0m of a street line

(iii) Parking Structure

Any parking structure situated below finished grade, in whole or in part, may be located no closer than 0.6 m to any street line or any other lot line. This provision shall also apply to ventilation shafts, stairways and other similar facilities associated with a parking structure.

(e) Yard Encroachments

Any architectural structure such as an entry canopy or a colonnade may project to within 1.0 m of a street line or any other lot line.

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 #2585, the following definitions shall apply:

- (a) **“Retirement Home”** means a building or part of a building, containing suites wherein the suites do not have any cooking facilities and 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 common facilities such as recreation rooms and lounges and accessory uses such as a personal service establishment and retail store for the residences.

5. Zoning Provisions That Do Not Apply

The following provisions shall not apply to the lands zoned C3-DT-17 by this By-law amendment:

- 6(2)(h) Satellite Dish
- 6(18) Sight Triangles
- 6A 3.10 Driveway and/or Aisle Width Serving a Multiple Unit Residential Dwelling
- 6A 1.10 Parking Structures

26.13 COMMERCIAL-RESIDENTIAL ZONE - DOWNTOWN ZONE (CR-DT)**26.13.1 PERMITTED USES**

No person shall within any CR-DT 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:

26.13.1.1 Apartment dwellings in conjunction with one or more of the non-residential uses permitted by this Section, excluding the following uses:

26.13.1.1.1 Uses permitted in an Institutional 1 - Downtown Zone (I1-DT)

26.13.1.1.2 Public parking lot

26.13.1.1.3 Public park

26.13.1.2 Converted dwelling in conjunction with one or more of the non-residential uses permitted by this Section, excluding the following uses:

26.13.1.2.1 Uses permitted in an Institutional 1 - Downtown Zone (I1-DT).

26.13.1.2.2 public parking lot

26.13.1.2.3 public park

26.13.1.3 office

26.13.1.4 funeral home

26.13.1.5 artist or photographers studio

26.13.1.6 boarding or lodging house within a converted dwelling

26.13.1.7 clinic

26.13.1.8 eating establishment

26.13.1.9 private club

(6775-13) 26.13.1.10 personal service establishment

26.13.1.11 bakeshop

26.13.1.12 commercial school

26.13.1.13 offices of a public agency

26.13.1.14 place of entertainment

26.13.1.15 retail shop

26.13.1.16 financial institution

(6775-13) 26.13.1.17 service shop

26.13.1.18 uses permitted in an Institutional 1 - Downtown Zone (I1-DT)

- 26.13.1.19 taxi establishment
- 26.13.1.20 accessory caretaker's residence
- 26.13.1.21 accessory uses, building and structures
- 26.13.1.22 public service
- 26.13.1.23 public park

26.13.2 ZONE PROVISIONS

Notwithstanding By-law No. 2585, as amended, any use, building, or structure in an CR-DT Zone shall be established in accordance with the following provisions:

26.13.2.1 ALL PERMITTED USES

26.13.2.1.1	Lot Area (minimum)	
26.13.2.1.1.1	Apartment dwelling	59 m ² /unit
26.13.2.1.1.2	All other uses	Nil
26.13.2.1.2	Lot Frontage (minimum)	Nil
26.13.2.1.3	Lot Depth (minimum)	Nil
26.13.2.1.4	Lot Coverage (maximum)	100%
26.13.2.1.5	Front Yard	
26.13.2.1.5.1	Minimum	
26.13.2.1.5.1.1	For first two storeys of building height	0.0 m
26.13.2.1.5.1.2	For third, fourth and fifth storey of building height	4.0 m
26.13.2.1.5.1.3	For sixth storey of building height	8.0 m
26.13.2.1.5.2	Maximum	4.0 m
26.13.2.1.6	Rear Yard (minimum)	0.0 m
26.13.2.1.7	Side Yard (minimum)	
26.13.2.1.7.1	Interior	0.0 m
26.13.2.1.7.2	Exterior	
26.13.2.1.7.2.1	For first two storeys of building height	0.0 m
26.13.2.1.7.2.2	For third, fourth and fifth storey of building height	4.0 m
26.13.2.1.7.2.3	For sixth storey of building height	8.0 m

	26.13.2.1.7.2.4	Where a street intersects with Dundas Street or Brock Street, the exterior side yard shall be equal to the front yard for 60% of the lot depth measured from Dundas Street or Brock Street.	
	26.13.2.1.7.3	Maximum	4.0 m
	26.13.2.1.8	Building Height	
	26.13.2.1.8.1	Minimum	2 storeys
	26.13.2.1.8.2	Maximum	6 storeys
	26.13.2.1.9	Floor Space Index (maximum)	4.0
	26.13.2.1.10	Gross Floor Area (maximum)	
	26.13.2.1.10.1	1.0 m ² of gross floor area for the following uses:	
	26.13.2.1.10.1.1	office	
	26.13.2.1.10.1.2	funeral home	
	26.13.2.1.10.1.3	artist or photographers studio	
	26.13.2.1.10.1.4	clinic	
	26.13.2.1.10.1.5	eating establishment	
	26.13.2.1.10.1.6	private club	
(6775-13)	26.13.2.1.10.1.7	personal service establishment	
	26.13.2.1.10.1.8	bakeshop	
	26.13.2.1.10.1.9	commercial school	
	26.13.2.1.10.1.10	offices of a public agency	
	26.13.2.1.10.1.11	retail shop	
	26.13.2.1.10.1.12	financial institution	
(6775-13)	26.13.2.1.10.1.13	service shop	
	26.13.2.1.10.1.14	uses permitted in an institutional 1 - downtown zone (i1-dt)	
	26.13.2.1.10.1.15	taxi establishment	
	26.13.2.1.10.2	for every 2.0 m ² of gross floor area of the following uses:	
	26.13.2.1.10.2.1	apartment dwellings	
	26.13.2.1.10.2.2	converted dwellings	
	26.13.2.1.10.2.3	boarding or lodging house within a converted dwelling	
(6926-14)	26.13.2.1.11	Parking (minimum) Repealed by By-law 6926-14	

26.13.2.1.12	Landscaped Open Space (minimum)	10%
26.13.2.1.13	Private Amenity Space	9.0 m ² /unit
26.13.2.1.14	Non-residential uses shall only be permitted on the first storey.	

26.13.2.2 ACCESSORY USES, BUILDINGS AND STRUCTURES

26.13.2.2.1 In accordance with Section 6(2), as amended.

26.13.2.3 PUBLIC SERVICE

26.13.2.3.1 In accordance with Section 26.2.6.

26.13.2.4 PUBLIC PARK

In accordance with Section 26.11.2.

26.13.3 EXCEPTIONS

The following Zones apply to specific lands within a CR-DT Zone.

(3070-91)

26.13.3.1 EXCEPTION 1 (CR-DT-1) 437 BROCK STREET NORTH

Notwithstanding any provision of this By-law to the contrary, any use building or structure within an CR-DT-1 Zone, shall be established in accordance with the following provisions:

26.13.3.1.1	Building Height (maximum)	3 storeys
26.13.3.1.2	Lot Frontage (minimum)	30 m
26.13.3.1.3	Lot Depth (minimum)	40 m
26.13.3.1.4	Lot Coverage (maximum)	30%
26.13.3.1.5	Ground Floor Area (maximum)	232.2 m ²
26.13.3.1.6	Front Yard (minimum)	20 m
26.13.3.1.7	Rear Yard (minimum)	5.5 m
26.13.3.1.8	Side Yard (minimum)	
26.13.3.1.8.1	Interior	4.5 m, or 5.5 m where the wall contains a Living room or bedroom window
26.13.3.1.8.2	Exterior	3.5 m, or 5.5m where the wall contains a living room or bedroom window
26.13.3.1.9	Landscaped Open Space (minimum)	10%
26.13.3.1.10	Open Storage Prohibited	
26.13.3.1.11	Section 26.13.2.1.10 shall not apply	

All other provisions of this By-law shall apply

(3070-91) 26.13.3.2 EXCEPTION 2 (CR-DT-2) 304 BROCK STREET NORTH

Notwithstanding any provision of this By-law to the contrary, any use building or structure within an CR-DT-2 Zone, shall be established in accordance with the following provisions:

26.13.3.2.1 Building Height (maximum) 4 storeys

All other provisions of this By-law shall apply.

**(3070-91) 26.13.3.3 EXCEPTION 3 (CR-DT-3) 250 HICKORY STREET SOUTH
Subject land rezoned to R5 by By-law # 3134-92. See Section 25(166)****(3070-91) 26.13.3.4 EXCEPTION 4 (CR-DT-4) 416 DUNDAS STREET EAST & 126 PINE STREET
Repealed and Replaced by By-law 5471-04**

26.13.3.4.1 Notwithstanding the provisions of this By-law to the contrary, any lot within a CR-DT-4 Zone may only be used for the following uses:

(6926-14) 26.13.3.4.1.1 Apartment Building, Seniors

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure within an CR-DT-4 Zone shall be established in accordance with the following provisions:

26.13.3.4.1.2 Lot Area (minimum)

26.13.3.4.1.2.1 Apartment dwelling (minimum) 39 m²/unit

26.13.3.4.1.3 Front Yard

26.13.3.4.1.3.1 Minimum 0.0 m

26.13.3.4.1.4 Rear Yard (minimum) 15 m

26.13.3.4.1.5 Side Yard (minimum)

26.13.3.4.1.5.1 Exterior 0.0 m

26.13.3.4.1. 5.2 Interior 0.0 m

26.13.3.4.1. 6 Parking (minimum) 135 spaces, or 1.125 spaces per unit

26.13.3.4.1. 7 Building Height (maximum) 7 storeys

26.13.3.4.1. 8 Notwithstanding the above, the maximum building height shall not exceed 4 storeys within 35 m of the north lot line

26.13.3.4.1. 9 Number of Dwelling Units (maximum) 120

26.13.3.4.1. 10 Sections 26.13.2.1.10, 26.13.2.1.11, 26.13.2.1.12, 26.13.2.1.13 and 26.13.2.1.14 shall not apply

26.13.3.4.1. 11 All other provisions of this By-law shall apply

(7019-15)

26.13.3.5 EXCEPTION 5 (CR-DT-5) 300 KING STREET**1. DEFINED AREA**

The land located at the south-west corner of Dunlop Street West and King Street and zoned CR-DT-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 # 2585.

2. USES PERMITTED

No person shall within any CR-DT-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:

- community centre
- day nursery
- long term care home
- office
- place of worship
- private school
- public park
- retirement home
- school

3. ZONE PROVISIONS

No person shall within any CR-DT-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 # 2585, and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C.P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned CR-DT-5 by this By-law shall be considered to be one lot.

(b) OFFICE USE LOCATION

Any office use, without a residential component, shall only be situated within the building existing at the date of the passing of this By-law.

(c) OFFICE USE GROSS FLOOR AREA RESTRICTION

The maximum gross floor area devoted to office uses situated within the building existing at the date of the passing of this By-law shall not exceed 2405 m².

(d) NUMBER OF PARKING SPACES

Office
Minimum

1 space per 28 m² of
gross floor area

(e) LOCATION OF PARKING

Notwithstanding any provision of the by-law to the contrary, the minimum distance of all parking spaces and parking areas from the Henry Street street line shall be

1.5 m

(f) NUMBER OF LOADING SPACES

Minimum 0

(g) ZONE PROVISIONS THAT DO NOT APPLY

The following zone provisions of subsection 26.13 Commercial-Residential – Downtown Zone CR-DT shall not apply to the lands zoned CR-DT-5 by this By-law:

26.13.2.1.10 Gross Floor Area

26.13.2.1.14 Non-residential uses shall only be permitted on the first storey.

SECTION 27 ADMINISTRATION, ENFORCEMENT AND PENALTIES**(3070-91)****(5955-07)****(1) ADMINISTRATION**

This By-law shall be administered by the Building Inspector.

(2) BUILDING AND OTHER PERMITS

Notwithstanding the provisions of The Corporation's Building By-law or any other By-law of The Corporation, no building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law.

(3) CERTIFICATE OF OCCUPANCY

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Building Inspector to the effect that the proposed use complies with this By-law.

(4) APPLICATION FOR PERMITS

In addition to all the requirements of The Corporation's Building By-law or any other By-law of The Corporation, every application for a building permit shall be accompanied by a plan in duplicate (one copy of which shall be retained by the Building Inspector) drawn to scale and showing the following:

- (a) The true dimensions of the lot to be built upon or otherwise used.
- (b) The proposed location, height and dimensions of any building, structure or use proposed for such lot.
- (c) Proposed locations and dimensions of any yards, landscaped open space, off street parking space or off street loading facilities required by this By-law.
- (d) The location of all existing buildings or structures on the lot shown on the plan.
- (e) A statement signed by the owner, disclosing the exact use proposed for each aforesaid building, structure or use and giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-law.

(5) INSPECTION

The Building Inspector or any officer or employee of The Corporation acting under the direction of the Council is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

(184-75)**(3177-92)****(6) VIOLATIONS AND PENALTIES****Repealed by By-law 3177-92**

- (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; and
-

- (ii) on a subsequent conviction to a fine of not more than \$10,000 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; and
 - (ii) on a subsequent conviction a fine of not more than \$25,000 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 Offenses 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.

(7) REMEDIES

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of The Corporation pursuant to the provisions of The Municipal Act in that behalf.

(8) VALIDITY

If any section, clause or provision of this By-law including anything contained in Schedule "A" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

(9) EXISTING BY-LAWS

All By-laws in force within The Corporation regulating the use of lands and the character, location, bulk, height and use of buildings and structures shall be and the same are amended insofar only as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.

SECTION 28 APPROVAL

(3070-91)

(2698)

This By-law shall come into force on the date it is passed by the Council of the Town of Whitby subject to the approval of the Ontario Municipal Board.

THIS BY-LAW given its first, second and third readings and finally passed on the 21st day of June, A.D., 1965.

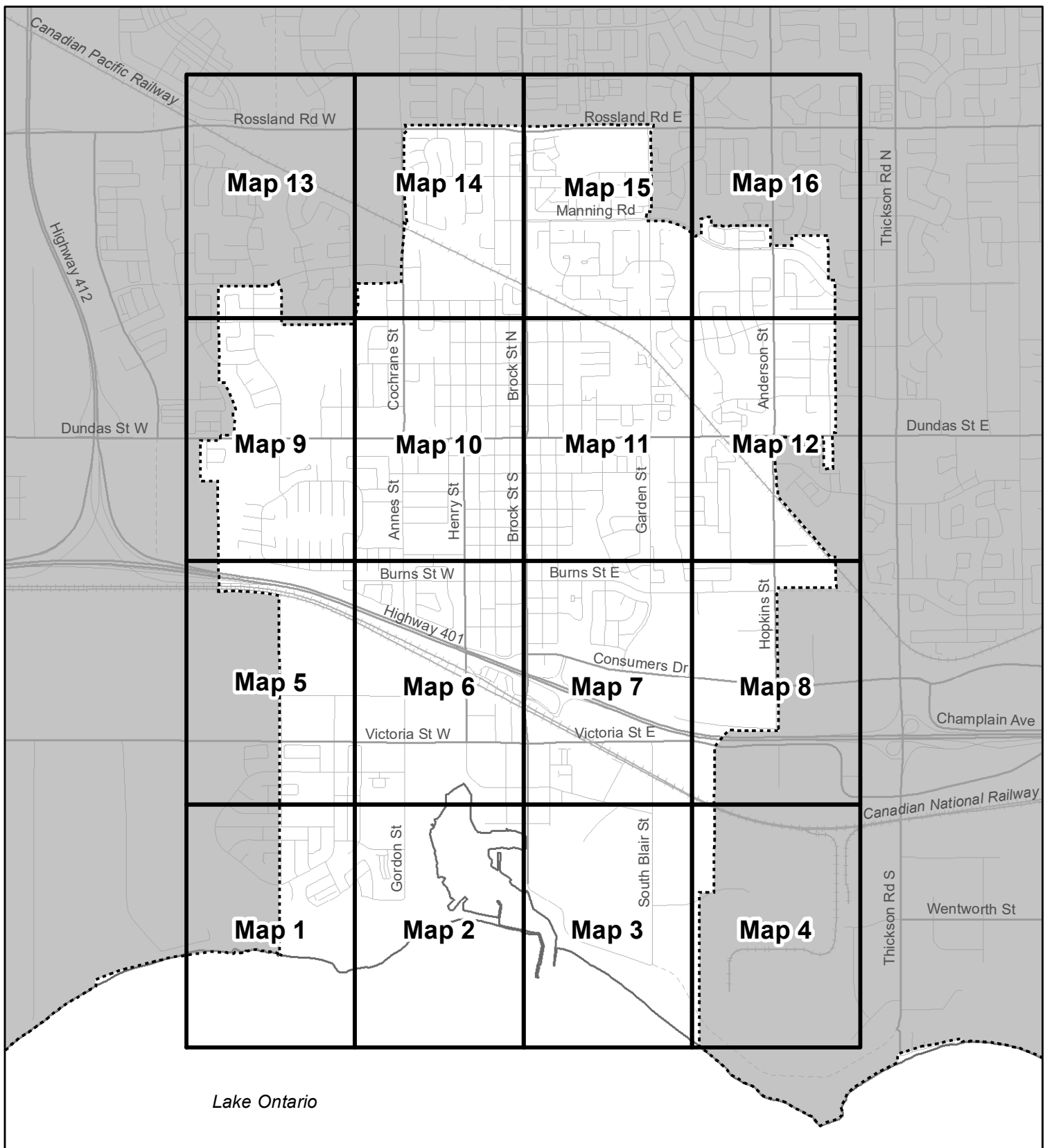
W.J. Mowat, Mayor

(SEAL)

JOHN R. FROST, Clerk

Note: The Original By-Law No. 2585, as amended, received approval of the Ontario Municipal Board on November 7, 1968.

SCHEDULE "A" ZONE MAPS



Town of Whitby **Schedule A** **Zoning By-Law 2585** **Index Map**

Zoning Revised: September 2025

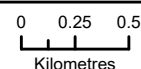
These maps are prepared for the purposes of convenience only. For accurate reference, the original by-law and individual amendments should be consulted.

Legend

- +++++ Railway
- Road Network
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B of By-Law 1784
- Key Map Index
- Municipal Boundary



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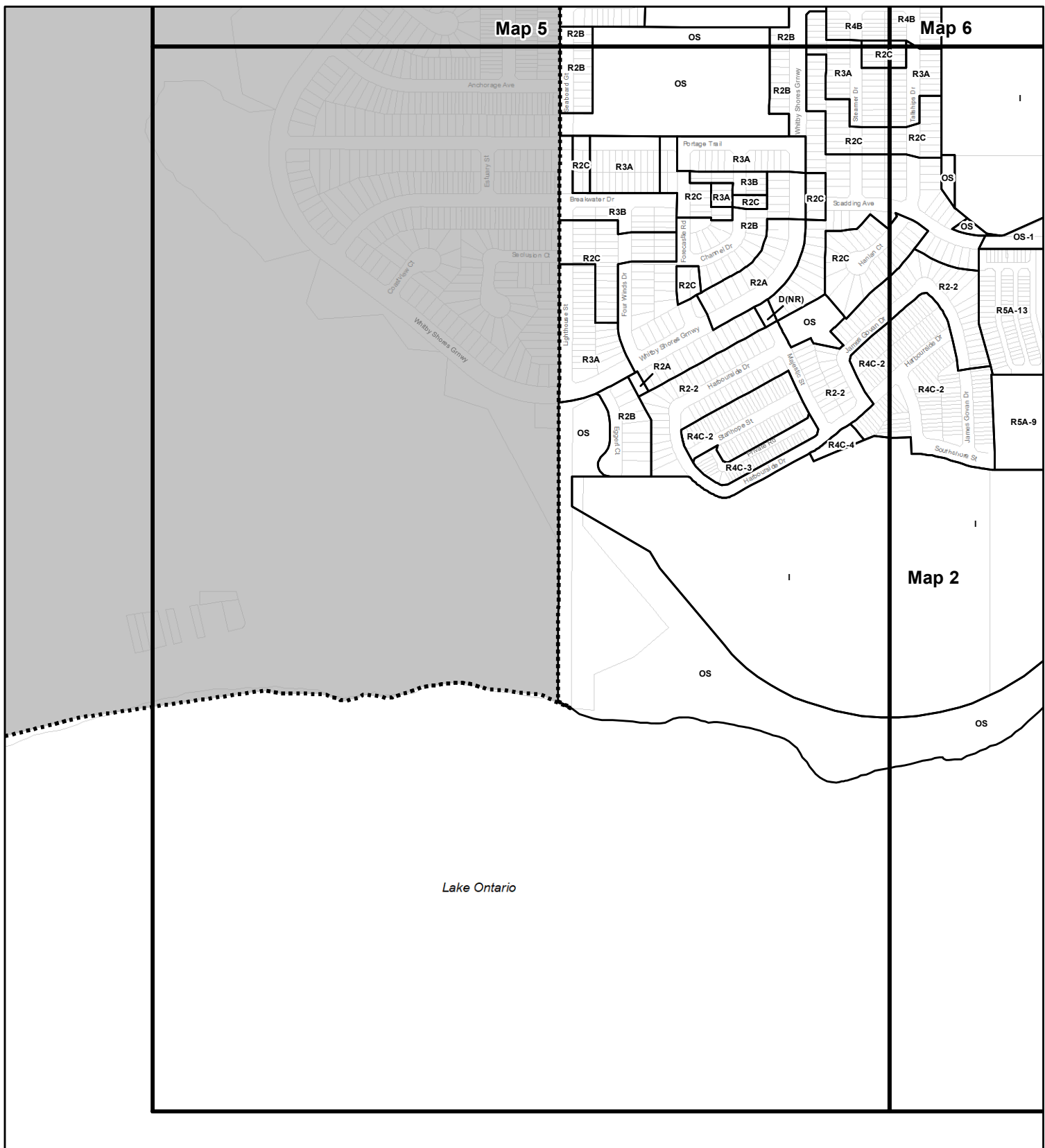
September 2025



Date: September 2025
NAD83 UTM Zone 17N

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Schedule A Zoning By-Law 2585 Key Map #1

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G** Zoning



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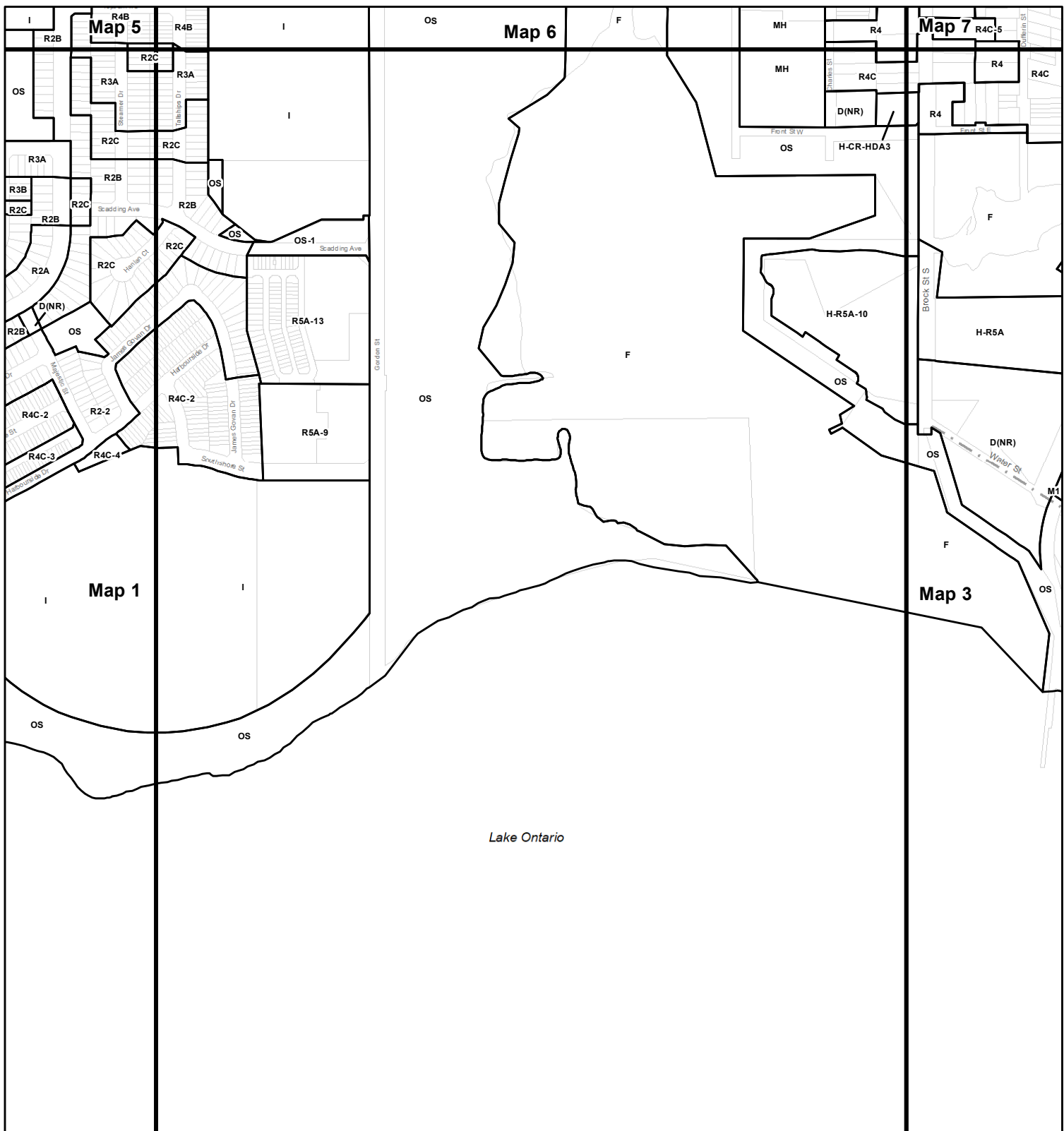
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Schedule A **Zoning By-Law 2585** **Key Map #2**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G** Zoning



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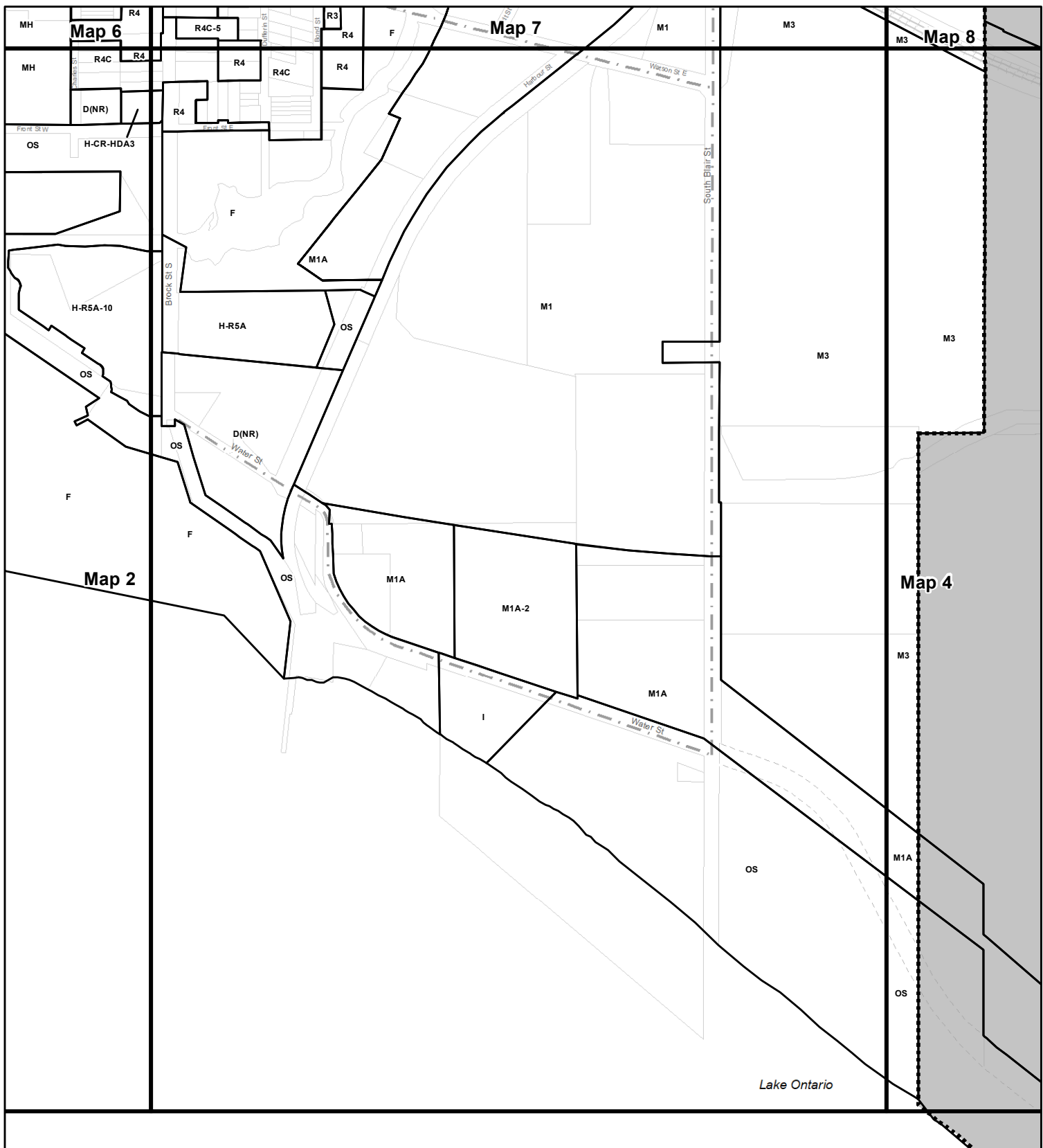
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Schedule A Zoning By-Law 2585 Key Map #3

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- Zoning



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September 2025



Date: September 2025
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Schedule A **Zoning By-Law 2585** **Key Map #4**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- +++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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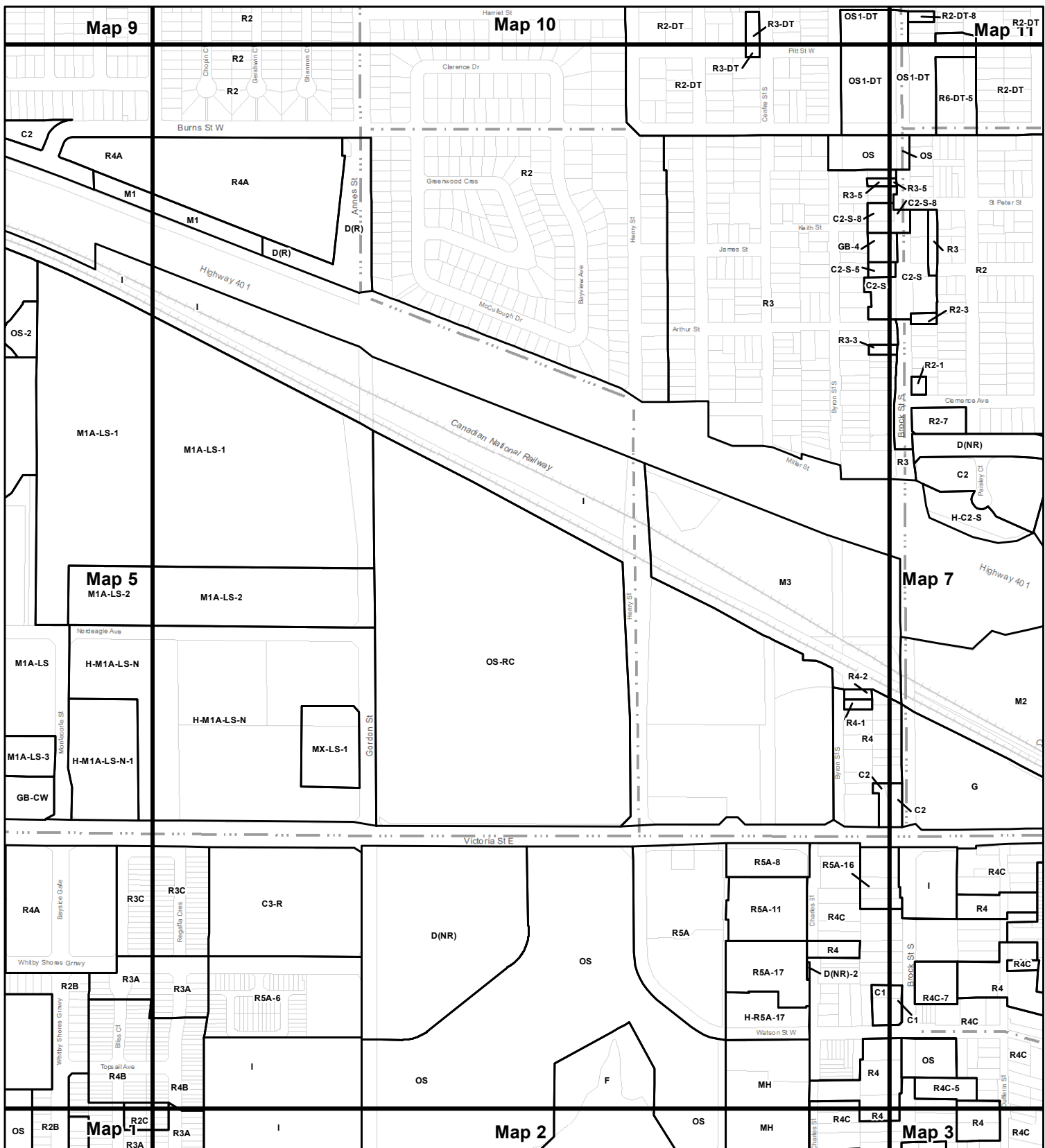
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Schedule A Zoning By-Law 2585 Key Map #6

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- Railway
- Unopened Road Allowance
- By-Law 1784
**Refer to Schedule B for Key Maps*
- Key Map Index
- Parcel Fabric
- G Zoning



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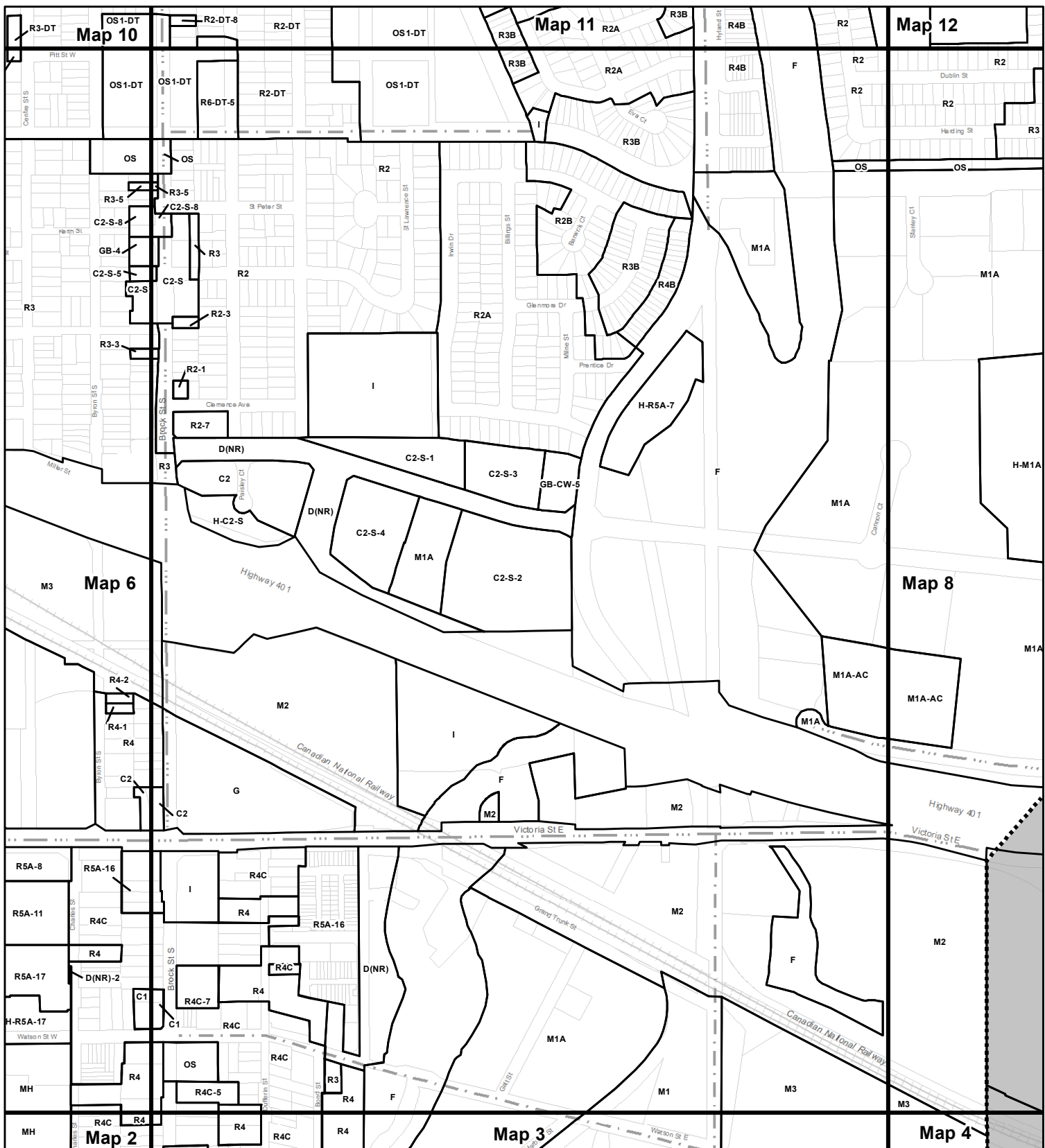
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Schedule A **Zoning By-Law 2585** **Key Map #7**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
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September 2025



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Schedule A **Zoning By-Law 2585** **Key Map #8**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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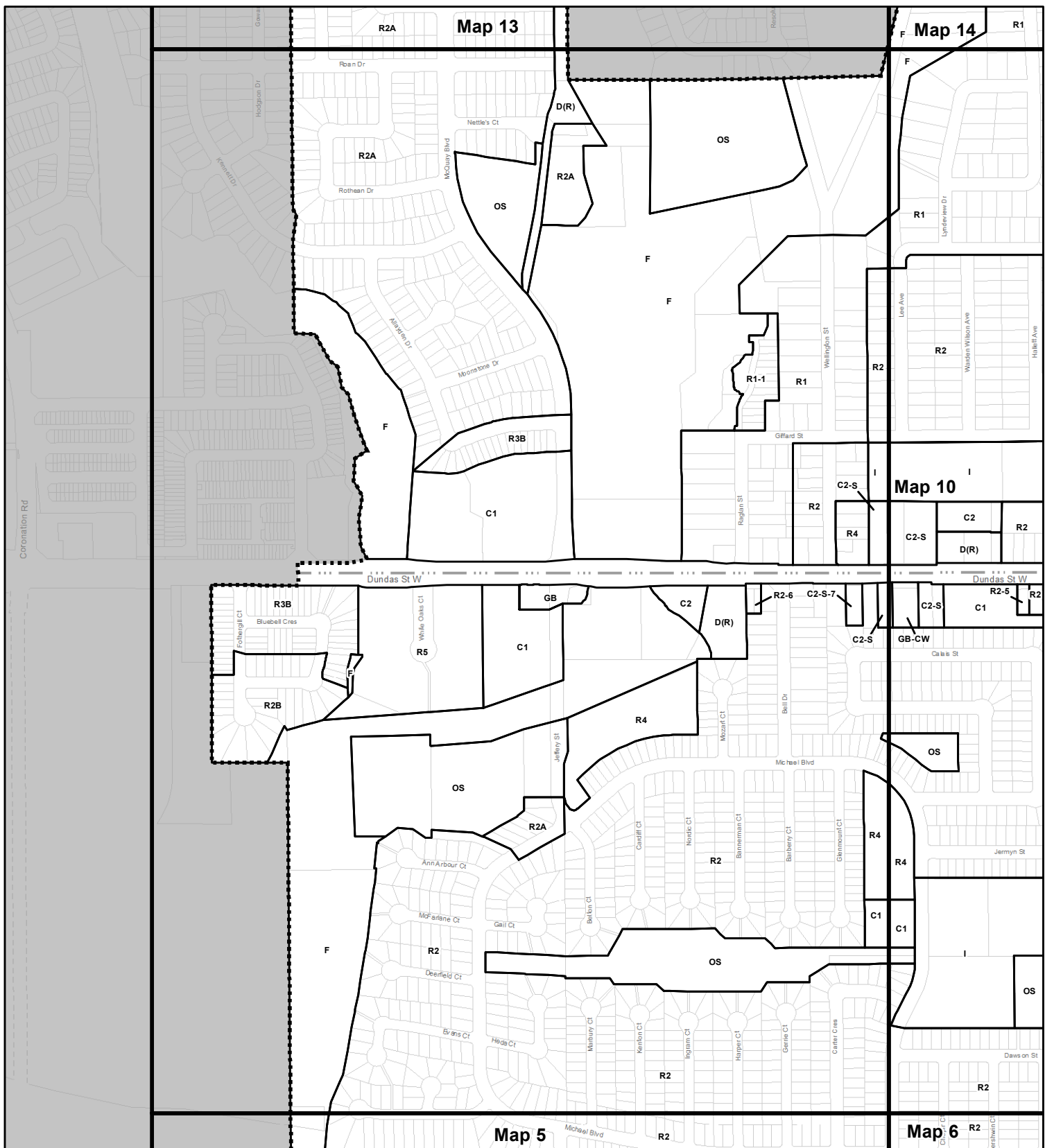
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Schedule A **Zoning By-Law 2585** **Key Map #9**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- +++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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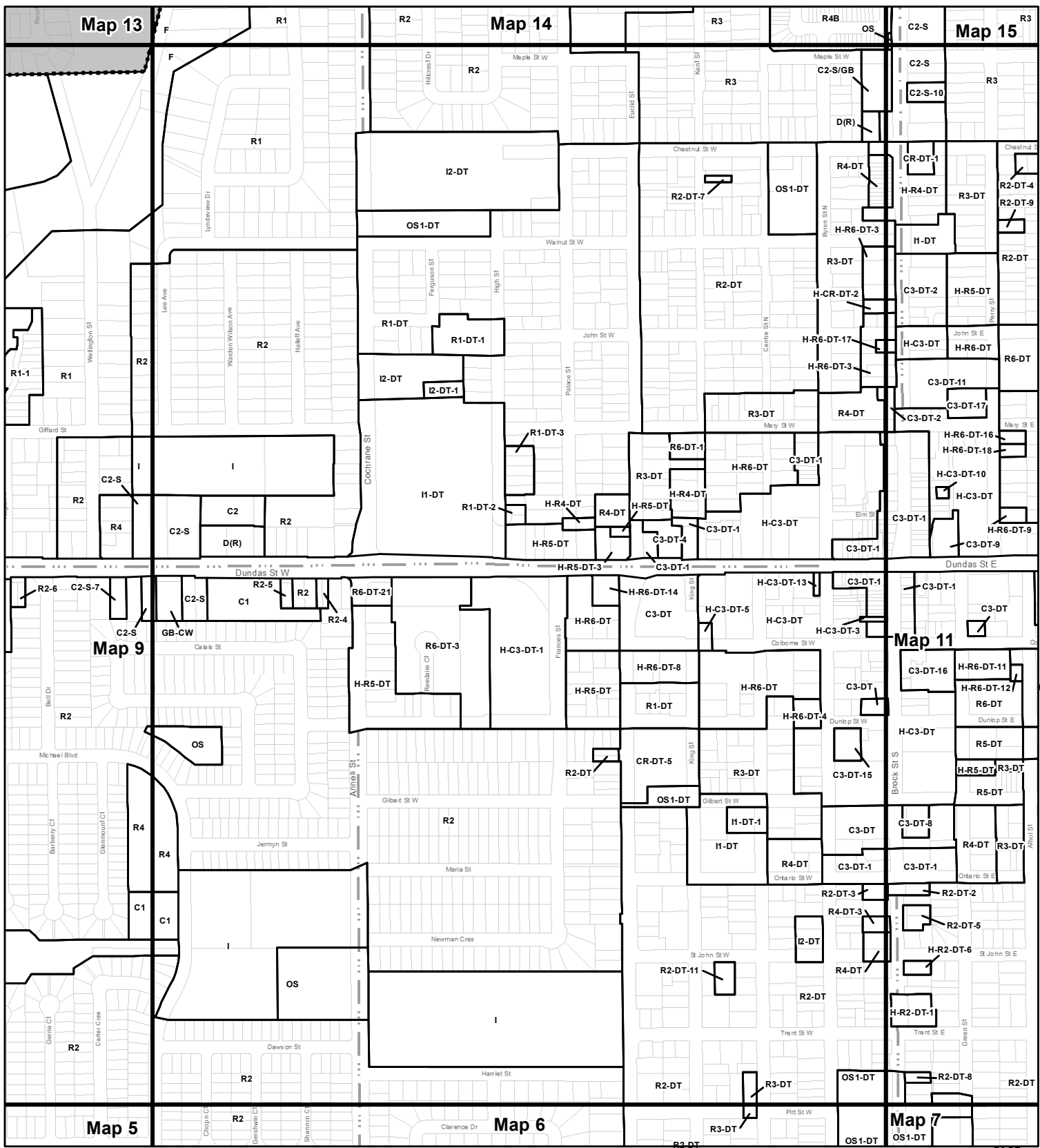
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Schedule A Zoning By-Law 2585 Key Map #10

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

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- Zoning



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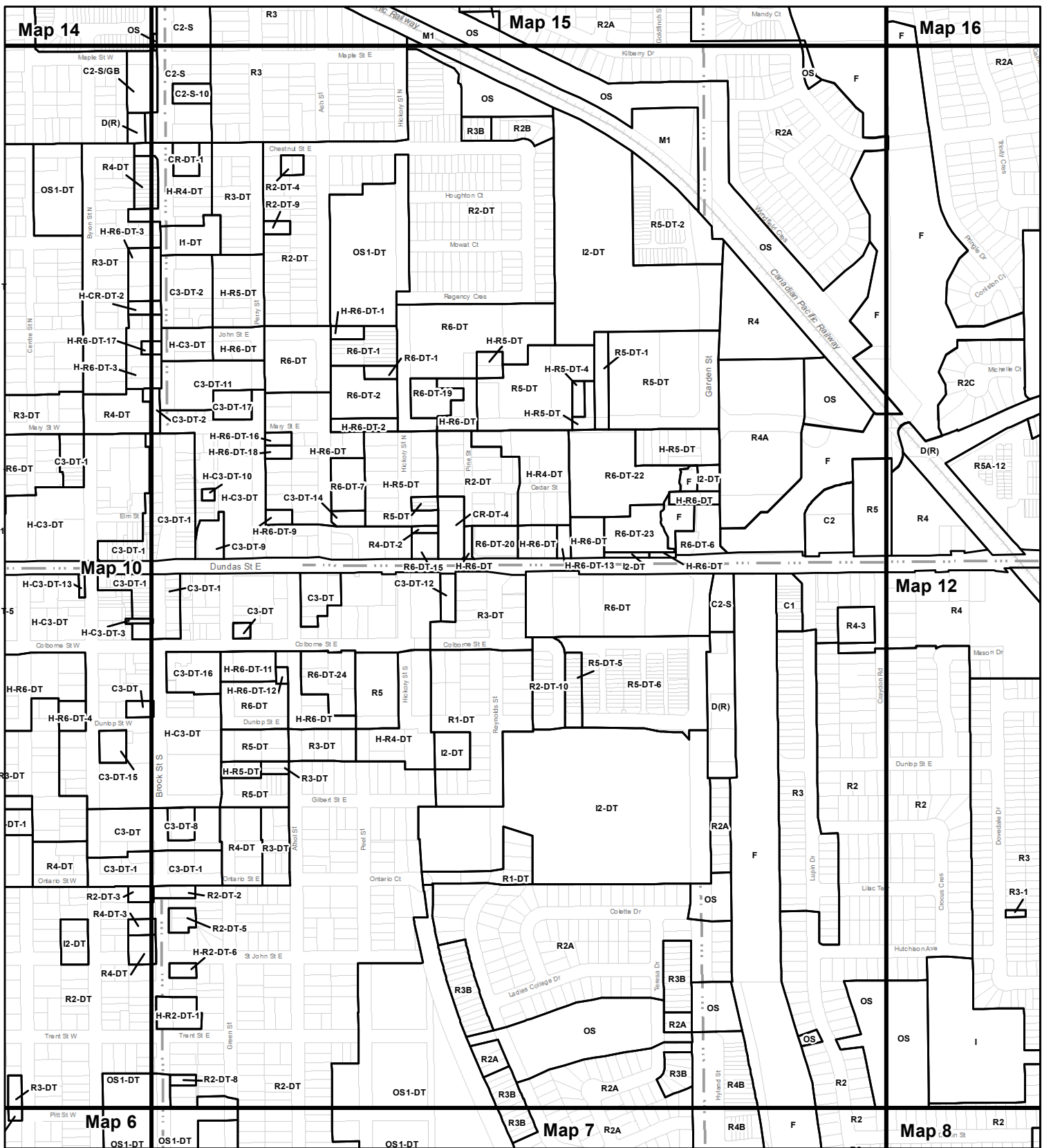
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Schedule A **Zoning By-Law 2585** **Key Map #11**

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

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- Zoning



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Metres

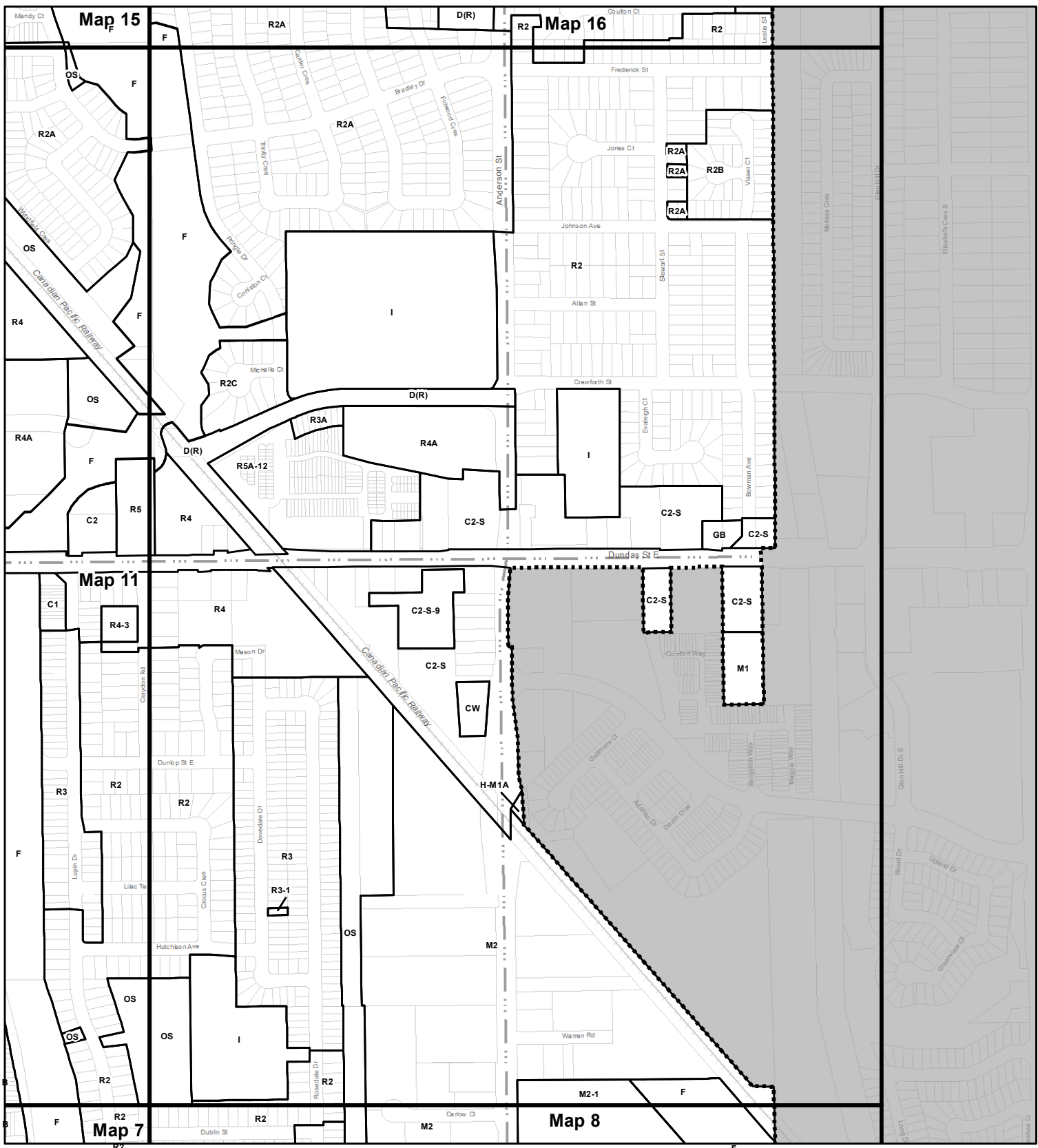
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Schedule A **Zoning By-Law 2585** **Key Map #12**

Zoning Revised: September 2025

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Legend

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



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Metres

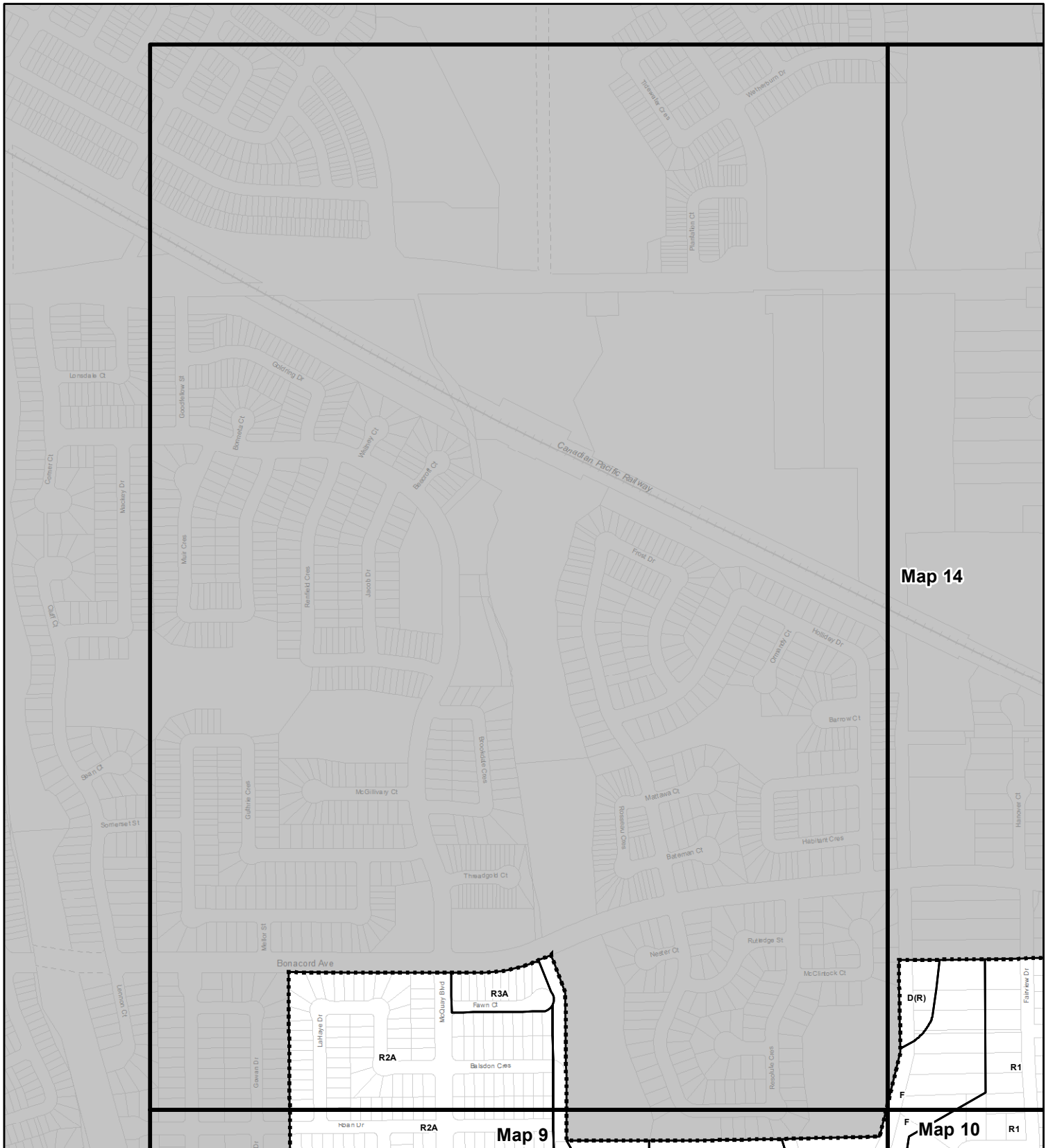
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Map 14

Map 9

Map 10

Schedule A Zoning By-Law 2585 Key Map #13

Zoning Revised: September 2025

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Legend

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- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G** Zoning



1:8,000

0 50 100
Metres

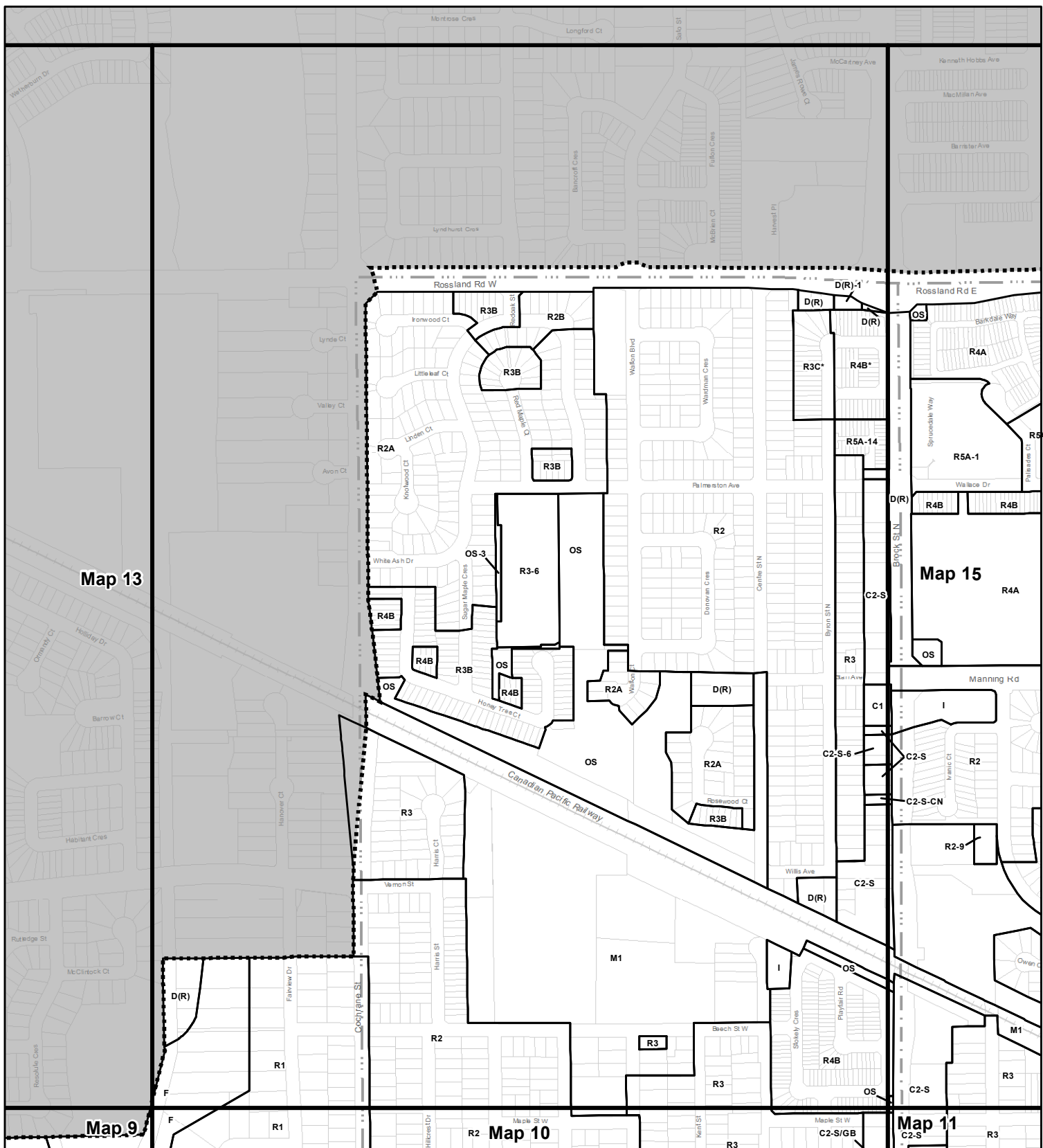
September 2025



Date: September 2025
NAD83 UTM Zone 17N

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Schedule A **Zoning By-Law 2585** **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

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G Zoning



1:8,000

0 50 100
Metres

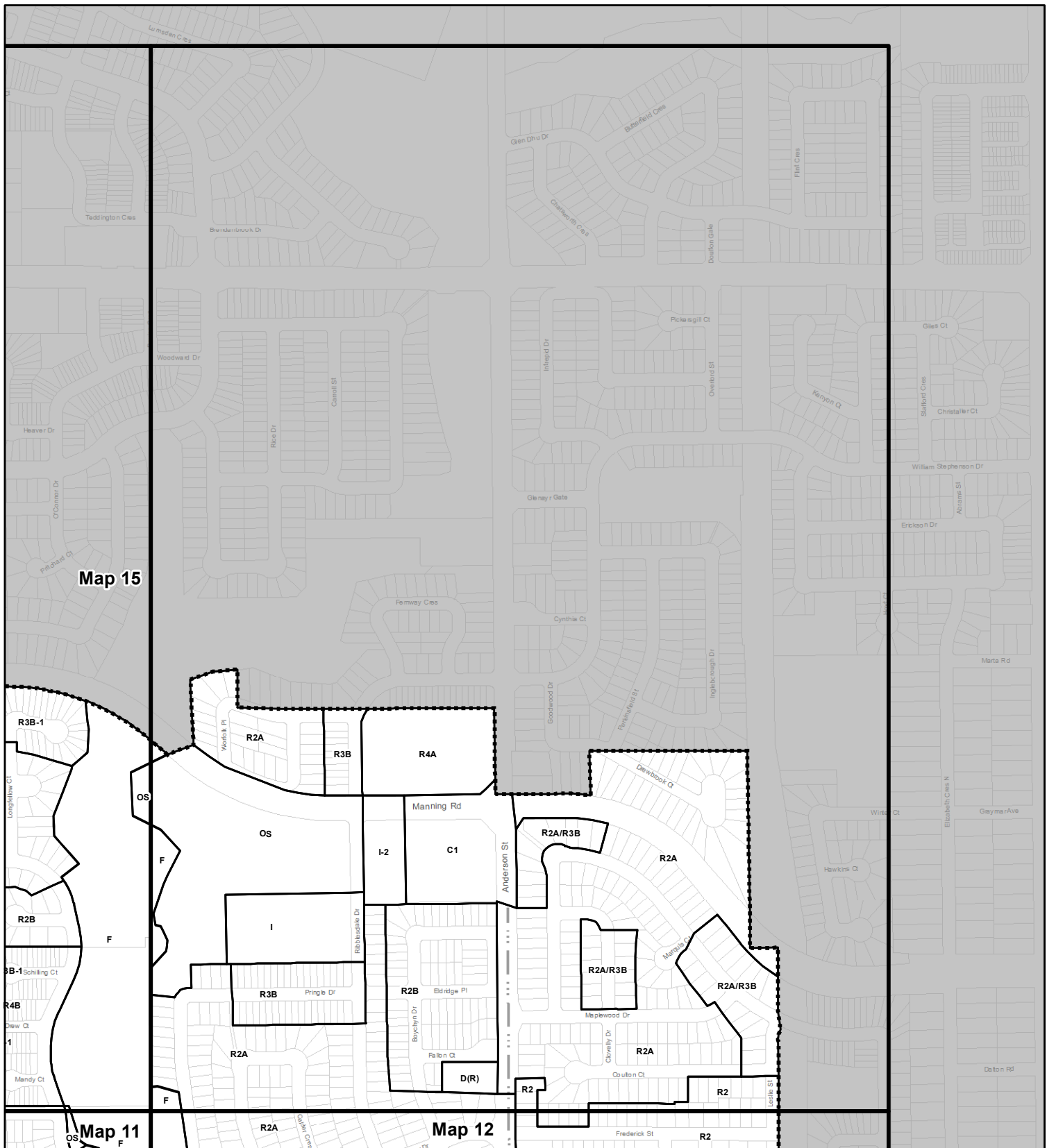
September 2025



Date: September 2025
NAD83 UTM Zone 17N

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Schedule A **Zoning By-Law 2585** **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

- 86 Ft. Road Allowance
- 100 Ft. Road Allowance
- ++++ Railway
- Unopened Road Allowance
- By-Law 1784
*Refer to Schedule B for Key Maps
- Key Map Index
- Parcel Fabric
- G** Zoning



1:8,000

0 50 100
Metres

September 2025



Date: September 2025
NAD83 UTM Zone 17N

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SCHEDULE "A-1" AMENDMENTS TO ZONE MAPS

Schedule "A-1" maps are maps included in by-laws that amend Schedule "A" to By-law No. 2585.

The original Zoning By-law amendments should be consulted for reference to individual Schedule "A-1" maps.