

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4469-99

BEING A BY-LAW TO AMEND BY-LAW NO. 1784

WHEREAS, the Municipal Council of the Corporation of the Town of Whitby deems it advisable to amend By-law No. 1784;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. Section 2 (Definitions) of Zoning By-law No. 1784 is hereby amended by adding the following:

“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.

“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.

“FIRST STOREY” means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

“PATIO” means an uncovered and unenclosed platform, with a floor not more than 0.6 metres 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.

“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.

2. Section 4(y)(d)(c) of Zoning By-law No. 1784 is revoked and the following substituted therefore:

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 metres above grade or less, may have a setback of 1.0 metres from the interior side and rear lot lines and a setback of 3.0 metres 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 metres. 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 metres and into any required front or exterior side yard a maximum distance of 1.5 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 metres to any rear lot line.

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- (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 metres but less than 1.2 metres above grade, may encroach into any required interior side yard a maximum distance of 1.0 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 0.25 metres 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 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 metres 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 metres 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 metres.
- (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 metres and, in the case of unenclosed decks and steps, such uses may have a maximum height of not more than 1.5 metres. Unenclosed decks and steps surrounding a swimming pool with a height of 0.6 metres or less may not be located any closer than 1.0 metres 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 metres but less than or equal to 1.5 metres may not be located any closer than 2.0 metres to any rear, exterior side or interior side lot line.

3. Section 4(y)(d)(a) of Zoning By-law No. 1784 is revoked and the following substituted therefore:

Ornamental Structures

Notwithstanding the yard provisions of this by-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows, bow windows, boxed windows or other ornamental structures may project into any required yard a maximum of 0.5 metres.

4. Section 4(v) of Zoning By-law No. 1784 is revoked and the following substituted therefore:

Swimming Pools

- (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 metre from an interior side or rear lot line and 4.5 metres from a street line. Notwithstanding the foregoing, swimming pools (either above ground or inground) may be located no closer than 1.0 metre from a streetline only where such swimming pool is located in the rear or exterior side yards.

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- (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 metres to a street line.

5. Section 4(y)(b) of Zoning By-law No. 1784 is revoked and the following substituted therefore:

Location

- (i) Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not part of the main building shall be erected in the rear or interior side yard only and shall comply with the yard requirements of this by-law. Notwithstanding the foregoing, where an accessory building or structure has a floor area of 10.0 square metres or less, such accessory building or structure may be erected in the rear, interior side or exterior side yards.
- (ii) Notwithstanding any other yard provisions of this By-law, in a Residential Zone, a detached garage, carport, storage shed, playhouse, or any other such similar accessory uses, may be erected and used in the interior side, exterior side or rear yard provided that such accessory building is located no closer than 1.0 metre to any interior side or rear lot line and 4.5 metres to any street line. Notwithstanding the foregoing, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.
- (iii) Notwithstanding any yard provisions of this by-law to the contrary, in a Residential Zone where accessory buildings or structures with floor areas of 10.0 square metres or less and heights of 2.5 metres or less are located in an exterior side or rear yard, they shall be located no closer than 1.0 metres from a streetline.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF SEPTEMBER, A.D., 1999.

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CLERK

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MAYOR