

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 5994-07

BEING A BY-LAW TO AMEND BY-LAW NO. 2585

WHEREAS, the Municipal Council of the Corporation of the Town of Whitby deems it advisable to amend By-law No. 2585;

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

1. Section 2 (Definitions) and 26.1 (Definitions) of Zoning By-law No. 2585 are amended by repealing the definition of "Accessory" and "Accessory Building" and "Accessory Structure" and adding the following definition:

"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.

2. By-law No. 2585, as amended, is hereby further amended by repealing Section 6 (General Provisions) subsection (2) Accessory Uses (a) (b), (c), (d) and (e) and adding the following:

(b) Permitted locations and setbacks from lot lines

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 metres to any street line and 0.6 metres 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 square metres or less and a height of 2.5 metres or less may be erected in an exterior side yard, and shall be located no closer than 1.0 metres from a street line or 0.3 metre 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 metres.

(c) Maximum permitted height and roof types

i) Height

Notwithstanding any other provision in this By-law, no accessory structure in any Residential zone shall exceed 4.5 metres 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: i) flat; ii) gable; iii) hip; iv) gambrel; and, v) mansard, as shown on Schedule 'A-2' to this By-law.

(d) Lot Coverage

i) Residential Lots

a) The maximum number of accessory structures permitted on any residential lot shall be four (4).

b) The total combined lot coverage of all accessory structures on any residential lot shall be the lesser of:

(i) 8% of the lot area;

(ii) 50% of the lot coverage of the main building on the lot; or

(iii) 60 square metres of ground floor area.

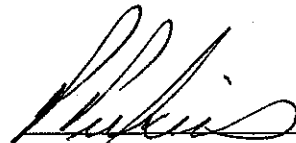
(e) Excluded Uses in Residential Zones

No trailer or portable buildings shall be used as an accessory structure in residential zones.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 19TH DAY OF NOVEMBER, A.D., 2007.



Paul Jones, Clerk



Patricia Perkins, Mayor

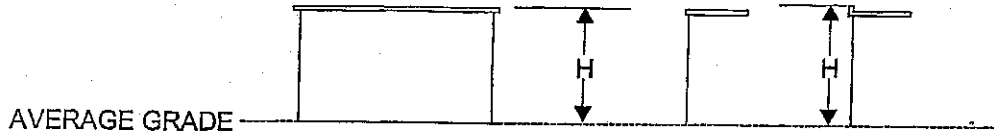
Purpose and Effect

The purpose and effect of By-law No. 5994-07 is to amend Zoning By-law 2585, as amended, to implement updated provisions regulating accessory structures for residential areas throughout the Town of Whitby.

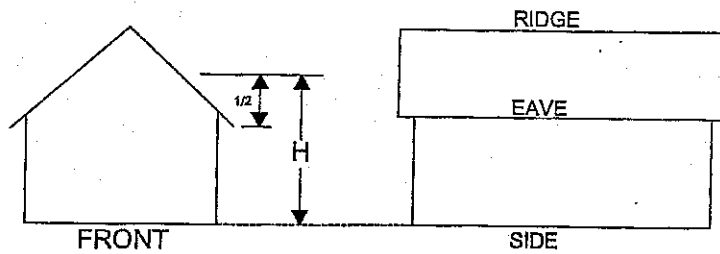
PL-122-07

SCHEDULE 'A-2'

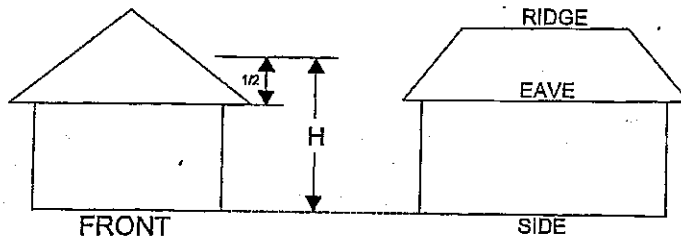
Illustration of Permitted Roof Types And Building Height Definitions



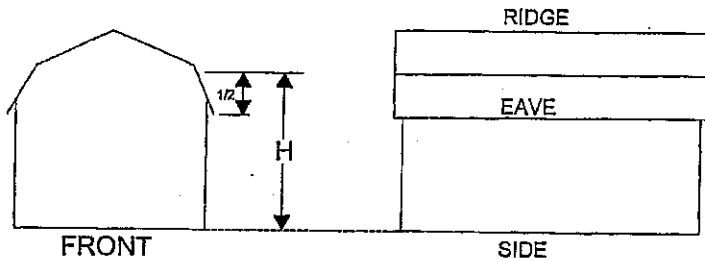
Flat Roof



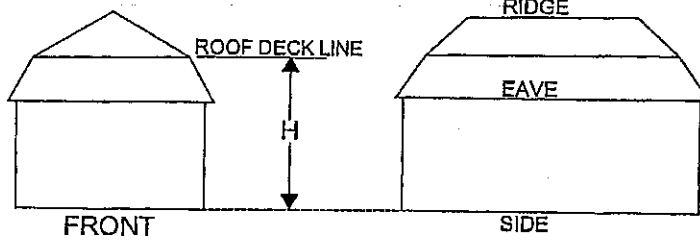
Gable Roof



Hip Roof



Gambrel Roof



Mansard Roof

H = Height of Building