

## Attachment #2

Draft Recommended Zoning By-law Amendment to  
Zoning By-law 1784

## Town of Whitby

### By-law #XXXX-24

## Zoning By-law Amendment

Being a By-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Whereas, the Council of the Corporation of the Town of Whitby deems it advisable to amend By-law # 1784.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

- 1.1 Section 2 (Definitions) and Section 13.1 (Village of Brooklin Core Area) of By-law# 1784, as amended, is hereby further amended by replacing the definition of “Accessory Apartment” with:

**Additional Dwelling Unit:** means a self-contained dwelling unit located within a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or located within an accessory building to a detached dwelling, semi-detached dwelling, and street townhouse dwelling unit on the same lot. The additional dwelling unit shall consist of one or more rooms that are intended for residential occupancy and shall be accessory and subordinate to the principal residential dwelling on the subject property.

- 1.2 Section 4 General Provisions Table of Contents, Table 4A(1) Residential Parking Requirements, and Section 13.1 Village of Brooklin Core Area Table of Contents of By-law# 1784, as amended, are hereby further amended by replacing the term “Accessory Apartment” with the term “Additional Dwelling Unit”.
- 1.3 Section 4(ee) Home Based Business and Section 14.2.20 Home Based Business of By-law #1784, as amended, are hereby further amended by deleting the following provisions 4(ee)(l) and 14.2.20(xi).
- 1.4 Section 4 (dd) Accessory Apartments, Section 13.2.15 Accessory Apartments, Section 14.2.19 Accessory Apartments, and Section 15.2.20 Additional Dwelling Units of By-law# 1784, as amended, are hereby further amended by deleting and replacing the existing subsection with the following text:

#### **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 detached dwelling, semi-detached dwelling, link dwelling, street

townhouse dwelling unit, street townhouse dwelling unit located on a Parcel of Tied Land, or in an accessory structure related to a detached dwelling, semi-detached 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 legally permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within a related Accessory Structure; or,
- ii) A maximum of three additional dwelling units shall be permitted within a legally 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), additional dwelling units shall be permitted on lots containing a legally permitted residential dwelling in any 'Agriculture' Zone provided that the lot is serviced by municipal water and sanitary services, is located within the Town of Whitby Urban Boundary, with the exception that:

- i) For lands situated outside of the Town of Whitby Urban Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
- ii) No more than one additional dwelling unit shall be permitted within an accessory structure.

c) Any dwelling/lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.

d) Notwithstanding anything in this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan a maximum of one additional dwelling unit is permitted within a legally permitted principal dwelling or within an accessory building per lot.

e) Notwithstanding anything in this By-law to the contrary, for lands within the Protected Countryside of the Greenbelt Plan a maximum of one additional dwelling unit shall be permitted either within a legally permitted principal dwelling or an accessory structure that existed on or where building permits were issued prior to July 1, 2017.

- f) Notwithstanding d) above, new additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any lands designated Environmental Protection, Natural Heritage System or Hazard as per the Town of Whitby Official Plan.
- g) Additional dwelling units are not permitted in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
- h) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
- i) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- j) Where an additional dwelling unit is located within an accessory building the following provisions shall apply, whereas all other performance standards associated with Accessory Structures 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 Ground Floor Area:	75 sq. m.

- k) **Parking:**  
 Notwithstanding any other provision of this By-law to the contrary, a minimum of two parking spaces shall be provided for the principal dwelling unit and a minimum of one parking space shall be provided for each additional dwelling unit. Parking spaces shall be permitted within a private garage or carport and/or located on a driveway within a front, rear, or exterior side yard.

No minimum parking space requirements are required for any additional dwelling unit situated on lots within a Protected Major Transit Station Area as defined within the Town of Whitby Official Plan.

Where a vehicle associated with and ADU is parked on a private driveway, a reduced parking space width of 2.5 m and length of 5.0m for each space shall be permitted.

l) Driveways:

Notwithstanding any other provision of this By-law to the contrary, a private driveway with direct access to a private single car wide garage or carport, located within a front yard may be widened to a maximum width of 5.5m to accommodate one additional parking space.

m) Notwithstanding any other provision of this By-law to the contrary, an Additional Dwelling Unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

By-law read and passed this XXth day of XXXXXXXX, 2024.

Choose an item.

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Elizabeth Roy, Mayor

Choose an item.

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Christopher Harris, Town Clerk