

Attachment #3

Draft Recommended Zoning By-law Amendment to
Zoning By-law 2585

Town of Whitby

By-law # **XXXX-24**

Zoning By-law Amendment

Being a By-law to amend By-law # 2585, 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 # 2585.

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 26.1 (Downtown Secondary Plan) of By-law# 2585, 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 6 General Provisions Table of Contents, Table 6A(1) Residential Parking Requirements, and Section 26 Downtown Secondary Plan Table of Contents of By-law# 2585, as amended, is hereby further amended by deleting and replacing the term “Accessory Apartment” with the term “Additional Dwelling Unit”.
- 1.3 Subsection 6(33) Home Based Business of By-law #2585, as amended, is hereby further amended by deleting provision 6(33)(l).
- 1.4 Subsection 6(32) Accessory Apartments and Subsection 26.2.11 Accessory Apartments of By-law# 2585, as amended, is hereby further amended by deleting and replacing the existing subsections 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) Additional dwelling units are not permitted in a building or structure in any, Environmental Protection, Natural Heritage System, or Hazard 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 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 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.

- i) 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.

- j) 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.

- k) 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.

Elizabeth Roy, Mayor

Choose an item.

Christopher Harris, Town Clerk