

Attachment #4

Draft Recommended Zoning By-law Amendment to
Zoning By-law 5581-05

Town of Whitby

By-law # **XXXX-24**

Zoning By-law Amendment

Being a By-law to amend By-law # 5581-05, 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 # 5581-05.

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

1. General

1.1 Section 3 (Definitions) of By-law# 5581-05, as amended, is hereby further amended by adding the following definition:

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 4.2.1 (a) of By-law# 5581-05, as amended, is hereby further amended by deleting and replacing the existing text as follows:

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any occupation for gain or profit conducted within a dwelling unit except as in this By-law is specifically permitted.

1.3 Section 4.10.1 (l) of By-law# 5581-05, as amended, is deleted.

1.4 Section 4 General Provisions of By-law# 5581-05, as amended, is hereby further amended by adding the following subsection:

(27) Additional Dwelling Units

- a) Notwithstanding any other provision of this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural Zone (ORM-A), Oak Ridges Moraine Residential Two Zone (ORM-R2), Oak Ridges Moraine Residential Three Zone (ORM-R3), or Oak Ridges Moraine

Residential Estate Zone (ORM-RE) a maximum of one Additional Dwelling Unit shall be permitted per lot subject to the following provisions:

- i) No more than one additional dwelling unit shall be permitted within an accessory structure if this use is not located within a principal dwelling.
 - ii) In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.
- b) Notwithstanding any other provision of 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 an existing legally permitted dwelling or accessory structure that existed on or where building permits were issued prior to July 1, 2017.
 - c) Notwithstanding b) above, new additional dwelling units are not permitted in a building on any lands designated Environmental Protection, or Natural Heritage System or Hazard as per the Town of Whitby Official Plan
 - d) Additional dwelling units are not permitted in a building located on 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.
 - e) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
 - 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) 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.
----------------------------	-----------

h) 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 an 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.

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.

i) 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.

j) 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