



Town of Whitby

By-law # 8138-24

Official Plan Amendment Number 143

Being a By-law to adopt Amendment Number 143 to the Official Plan of the Town of Whitby.

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, provide that the Council of a municipality may by by-law adopt amendments to its Official Plan;

And whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend the Official Plan of the Town of Whitby;

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

1. General

- 1.1. Amendment Number 143 to the Official Plan of the Town of Whitby, attached as Schedule "A" to this By-law, is hereby adopted.
- 1.2. The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Regional By-law 11-2000 and Regional Procedure: Area Municipal Official Plans and Amendments, for exempt Official Plan Amendments.
- 1.3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act.

By-law read and passed this 16th day of December, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule 'A' to By-law 8138-24

Amendment # 143 to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment is to update certain policies of the Town of Whitby Official Plan to be consistent with recent changes to the Planning Act, and Council resolution 222-23 regarding permitting up to three (3) Additional Dwelling Units (ADU's) on a residential lot.

Location: The subject lands to which the Official Plan Amendment applies are all lands within the Town of Whitby.

Basis: This Amendment is pursuant to and would implement recent legislative changes to the Planning Act which provides a framework for municipal Official Plans and Zoning By-laws to permit up to two (2) ADU's "as-of-right", for a total of three (3) units per residential lot. This Amendment is also pursuant to and would implement Council's resolution 222- 23 to permit up to three (3) ADU's, for a total of four (4) dwelling units per residential lot. This Amendment would assist in meeting envisioned Provincial housing targets and Council's pledge of 18,000 new dwelling units by 2031.

Actual Amendment: The Town of Whitby Official Plan is hereby amended as follows:

1. Section 4.4.3.1 f) is amended by replacing "Apartments in houses" with "Additional Dwelling Units"
2. Section 4.4.3.9.5 is deleted in its entirety and replaced with the following:

"4.4.3.9.5 Additional Dwelling Units shall be permitted within any single detached, semi-detached, townhouse dwelling, and/ other forms of ground related dwellings, and within accessory structures thereto, in all designations that permit residential uses throughout the Municipality subject to the following criteria:

 - a) On lands within the Urban Area, a maximum of three Additional Dwelling Units may be permitted within a principal dwelling, or a maximum of two Additional Dwelling Units within a principal dwelling and one Additional Dwelling Unit within an accessory building on the same lot may be permitted;

- b) On lands outside of the Urban Area, a maximum of one Additional Dwelling Unit may be permitted within a principal dwelling or within an accessory building on the same lot;
 - c) On lands within the Protected Countryside of the Greenbelt Plan, only one Additional Dwelling Unit is permitted within a single detached dwelling or an accessory building, provided that the principal dwelling or accessory building existed on or before July 1, 2017;
 - d) On lands within the Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation in the Official Plan, a maximum of one Additional Dwelling Unit may be permitted within a principal dwelling or an accessory building;
 - e) On lands within a Natural Heritage designation or within hazard lands, Additional Dwelling Units are not permitted;
 - f) Approval of the Durham Regional Health Unit shall be obtained for any Additional Dwelling Units outside the fully serviced area; and
 - g) Compliance with the provisions of the Zoning By-law and all other relevant Municipal and Provincial standards.”
3. Section 10.2.2 Definitions is amended by replacing “is not” with “may be” within the definition for Accessory Building, such that it reads as follows.

“**Accessory Building** – A detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot and that may be used for human habitation.”

4. Section 10.2.2 Definitions is amended by adding the following definition for Additional Dwelling Unit (ADU):

“**Additional Dwelling Unit** – A dwelling unit that is accessory and subordinate to a principal dwelling unit and may be located within the same building as the principal dwelling unit or within an *accessory building*.”

Implementation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

Interpretation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.