



Town of Whitby

By-law # 8141-24

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 subsection 13.1 Village of Brooklin Central Core Area - Definitions 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 either located within a permitted residential dwelling or located within an accessory structure which is secondary to the main residential building on the same lot.

- 1.2. Section 4 General Provisions Table of Contents, Table 4A(1) Residential Parking Requirements, and Section 13 Village of Brooklin Central 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. Subsection 4(ee) Home Based Business and Subsection 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. Subsection 4 (dd) Accessory Apartments, Subsection 13.2.15 Accessory Apartments, Subsection 14.2.19 Accessory Apartments, and Subsection 15.2.20 Additional Dwelling Units of By-law # 1784, as amended, are hereby further amended by deleting the existing subsections and replacing same 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 single detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or in an accessory structure related to a single detached dwelling, semi-detached dwelling, link 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 permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within an accessory structure, or,
 - ii) A maximum of three additional dwelling units shall be permitted within a 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) above, an additional dwelling unit shall be permitted on a lot containing a permitted residential dwelling in any Agriculture Zone provided that the lot is serviced by municipal water and sanitary services, and is located within the Town of Whitby Official Plan Urban Area Boundary, with the exception that:
 - i) For lands situated outside of the Town of Whitby Official Plan Urban Area 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 or 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 either within a legally permitted principal dwelling or within an accessory building per lot.
- (e) Notwithstanding anything in this By-law to the contrary, for a lot located 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) New additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any land designated Environmental Protection, Natural Heritage System or Hazard Land 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 public or private 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 present within an accessory structure, the additional dwelling unit structure shall be excluded from the maximum lot coverage or floor space index requirements.
- (k) Where an additional dwelling unit is located within an accessory structure the following provisions 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 in all Residential zones, and 5.5 metres in all other zones
Maximum Gross Floor Area:	75 sq. m.

Notwithstanding any other provision of this By-law to the contrary, all other performance standards related to an accessory structure shall continue to apply.

- (l) Parking:
 - i) Where an additional dwelling unit parking space is situated on a driveway, a reduced parking space width of 2.5 m and length of 5.0m shall be permitted for the additional dwelling unit.

- ii) A parking space that is provided and maintained for the sole use of the occupant of an additional dwelling unit or principal dwelling unit may be a tandem parking space.
- iii) No minimum parking space requirements are required for any additional dwelling unit situated on a lot within a Protected Major Transit Station Area as outlined/delineated within the Town of Whitby Official Plan.

(m) Driveway Width:

Notwithstanding any other provision of this By-law to the contrary, a single vehicle wide driveway with direct access to a garage or carport, may be widened to a maximum width of 5.5m to accommodate additional parking spaces associated with an additional dwelling unit(s).

- (n) 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.

1.5. By-law 8141-24 shall not come into force and effect until Amendment 143 to the Town of Whitby Official Plan has received final approval.

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

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk