



Town of Whitby

By-law # 8142-24

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. 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 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. 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 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 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), 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 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) Additional dwelling units are not permitted in a building or structure in any, Environmental Protection, Natural Heritage System, or Hazard Land 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 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.
- (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 present within an accessory structure, the additional dwelling unit structure shall be excluded from the maximum lot coverage or floor space index requirements.
- (i) 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
Maximum Gross Floor Area:	75.0 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.

- (j) 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.

- (k) Driveways:

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).

1.5. By-law 8142-24 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