



Town of Whitby

By-law # 8143-24

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

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. Subsection 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 any lot 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 any lot within the Protected Countryside of the Greenbelt Plan a maximum of one additional dwelling unit shall be permitted either within an existing 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 Land 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) 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.
- (g) 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.
- (h) 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:	5.5 metres
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.

(i) Parking:

- i) 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, interior, or exterior side yard.
- 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) Where an additional dwelling unit parking space is situated on a private driveway a reduced parking space width of 2.5 m and length of 5.0 m shall be permitted for the additional dwelling unit.

(j) Rooms Below Grade:

Notwithstanding any other provision of this By-law to the contrary, an additional dwelling unit is permitted in a basement below finished grade level.

1.5. By-law 8143-24 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