



Public Meeting Report

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Report To:	Joint Committees	
Date of Meeting:	September 13, 2021	Report Number: PDS-041-21
Submitted By:	Ryan Windle, Director of Planning and Development Services	
File Number:	COPA2021-0003 & ZBA2021-0011	Resolution#: JC-002-21
Report Subject:	Additional Dwelling Units - Official Plan and Zoning Bylaw Amendments	

Purpose of Report:

The purpose of this report is to provide information to the public and Council. It does not constitute, imply or request any degree of approval.

Recommendations:

1. That Report PDS-041-21 and any related communication items, be received;
2. That staff consider comments from the public and Council with respect to the Municipally-initiated Official Plan and Zoning Bylaw Amendments to increase permissions for Additional Dwelling Units prior to bringing back a recommendation report; and
3. That all interested parties listed in Report PDS-041-21 and any delegations be advised of Council's decision.

Report Overview

The proposed Amendments are being advanced as part of Clarington's Affordable Housing Toolkit to respond to a community need for more affordable housing options. Expanding permissions for Additional Dwelling Units (ADUs) is just one 'tool' within the Affordable Housing Toolkit that includes affordable housing requirements as we design new residential areas through secondary plans.

The proposed policies of the Official Plan and standards of the Zoning Bylaws will help facilitate the process for property owners who wish to add an ADU within their house or accessory building.

The proposed level of policies and standards have been designed to accomplish a balance between the protection of the health and safety of residents and community character with the need for a straight-forward process. The intention is to facilitate the development of ADUs and increase the supply of affordable housing as soon as possible.

Attachment 1 to this report is a table comparing the current Official Plan policies and Zoning Bylaw regulations to what is proposed, and includes a brief explanatory comment for each proposed amendment. **Attachment 2** is the proposed Official Plan Amendment, and **Attachment 3** is the proposed Zoning Bylaw Amendment.

1. Background

- 1.1 The *Planning Act* has been amended to require municipalities to update their Official Plans and Zoning Bylaws to allow one ADU within a detached, semi-detached, and townhouse **and** one ADU within an accessory building on the same lot. This means that a property could have three dwelling units: the principal dwelling unit, an ADU within the principal building, and an ADU within a detached accessory building.
- 1.2 Shortly after these new permissions were granted, they were quickly incorporated into [Clarington's Affordable Housing Toolkit](#) as outlined in [Report CAO-013-19](#). One of the recommendations of that report was for Staff to prepare draft Official Plan and Zoning Bylaw Amendments to implement these changes to the *Planning Act*. In approving this recommendation on November 25, 2019 in Resolution [#GG-549-19](#), Council authorized Staff to commence this project.
- 1.3 Implementing expanded permissions for ADUs is just one way that the Municipality is addressing this important issue. Clarington's Task Force on Affordable Housing, a predominantly citizen-based group that also includes Council members, provide advice, comments, and recommendations to Council regarding affordable and senior's housing in the community.

- 1.4 Inclusionary Zoning will also assist in the provision of affordable housing units. This land use planning tool enables municipalities to require that a proportion of affordable units within proposed residential developments located in Major Transit Station Areas (MTSAs) be provided. Both the Courtice and Bowmanville MTSAs will benefit from these provisions.
- 1.5 The recently approved Southeast Courtice, Southwest Courtice, and Brookhill Neighbourhood Secondary Plans have included policies that require either the dedication of land or payment in lieu of dedication for the development of affordable, public or not-for-profit housing in the community.

Current Official Plan Policies

- 1.6 Currently, the Municipality's [Official Plan](#) (OP) permits only one "accessory apartment" within principal residential buildings in Urban Areas. In Rural Areas, only one accessory apartment is permitted, but may be in either a principal residential building **or** within a detached accessory structure. These current Official Plan policies are not reflected in the Municipality's two Zoning Bylaws, which pre-date the current Official Plan.

Current Zoning Regulations

- 1.7 [Zoning Bylaw 84-63](#) provides regulations for lands outside of the Oak Ridges Moraine (ORM). Section 3.2 was added in 1997 to permit one "apartment-in-house" within the R1, R2, and R3 zones, inclusive of all exception zones, but not within Orono where they are not permitted. [Zoning Bylaw 2005-109](#) provides regulations for lands within the ORM. Section 5.7 permits one "in-house apartment" within a single detached dwelling in Urban Residential Zones. In both Bylaws, one parking space is required for each apartment.

Purpose of Report

- 1.8 The purpose of this report is to provide the context and explain the proposed Official Plan and Zoning Bylaw Amendments, as found the **Attachments** to this report. These proposed Amendments are not being recommended for approval at this time. They are intended to be an early draft version to elicit comments from the public, commenting agencies, and Council. After Staff have received and given consideration to these comments, revised draft Official Plan and Zoning Bylaw Amendments will be brought to Council for approval.

2. Legislative and Policy Context

Bill 108 and Planning Act

- 2.1 On September 3, 2019, [Bill 108, More Homes, More Choice Act, 2019](#) came into effect. In part, it amended the [Planning Act](#) to require municipalities to update their Official Plans and Zoning By-laws to increase permissions for ADUs.

2.2 Section 16(3) of the *Planning Act* now states:

“An official plan shall contain policies that authorize the use of additional residential units by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.”

2.3 To ensure the above policies are implemented in zoning bylaws, Section 35.1(1) of the *Planning Act* now states:

“The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3).”

2.4 As with previous legislation requiring Municipalities to permit ADUs, sections 17 (24.1), 17 (36.1), and 34 (19.1) of the *Planning Act* provides that the adoption of ADU policies in an Official Plan or amendments to Zoning Bylaws to give effect to the Official Plan policies are not appealable.

Ontario Regulations (“O. Regs.”)

2.5 Along with the above amendments to the *Planning Act*, [O. Reg. 299/19](#) (which provides regulations for the new ADU policies) states that ADUs are permitted in existing and future residential buildings, and that only one parking space per ADU shall be required unless a municipality has passed a by-law not requiring a parking space.

2.6 In 1994, [O. Reg. 384/94](#) (which provides regulations for second residential units) came into effect and its regulations must be adhered to, unless more recent regulations are in effect that concern a specific issue within O. Reg. 384/94.

Provincial Policy Statement

2.7 The [Provincial Policy Statement](#) (PPS) states that efficient land use patterns support sustainability, and that accommodating appropriate forms of affordable housing is a top priority. Municipalities are to permit and facilitate a broad range of housing options, including ADUs. Intensification assists with cost-effective development patterns and minimizes servicing costs. While residential development is largely directed to settlement areas, the PPS encourages the redevelopment of existing housing stock on rural lands and the efficient use of existing infrastructure.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

- 2.8 Like the PPS, the policies of the [Place to Grow](#) plan provide for a range and mix of housing options, including ADUs and affordable housing to serve all sizes, incomes, and ages of households. While the Place to Grow plan's primary goal is to direct residential development to settlement areas, it recognizes the benefit of limited rural development so long as it is compatible with the rural landscape, is supported by existing services, and will not adversely affect agricultural and aggregate operations.

Greenbelt Plan

- 2.9 On July 1, 2017, the [Greenbelt Plan](#) was updated to specify that, outside of Villages and Hamlets, ADUs are permitted in single detached dwellings **or** existing accessory buildings on the same lot so long as they are not within the Natural Heritage System (NHS). Since the revised Greenbelt Plan came into effect on July 1, 2017, ADUs are permitted only in accessory buildings that existed on that date.
- 2.10 Within Villages or Hamlets, ADUs are not permitted in the NHS, but may otherwise have the potential for one ADU in the house, and one ADU in a new or existing accessory structure. These permissions apply to the following Hamlets Mitchell Corners, Solina, Hampton, Maple Grove, Tyrone, Leskard, Kendal, Brownsville, and Newtonville. These permissions also apply to the portions of Enniskillen, Haydon, and Kirby that are within the Greenbelt Plan Area, but the portions of these Hamlets within the ORM are subject to more restrictive policies specific to the ORM.

Oak Ridges Moraine Conservation Plan

- 2.11 The Oak Ridges Moraine Conservation Plan (ORMCP) is set out in [O. Reg. 140/02](#). Like the Greenbelt Plan, the ORMCP was also updated in 2017. This update included a revised definition of "single dwelling" which contained policy direction on where ADUs could be permitted within the ORM. Clarington Staff discussed this matter with Staff from the Ministry of Municipal Affairs and Housing. It is now clear that, for lands within the ORM, only one ADU is permitted on a lot, and it must be within a single detached dwelling and only within the Countryside Area (which includes Rural Settlement Areas). This means that ADUs cannot be permitted in Natural Core or Natural Linkage areas, and cannot be permitted in accessory buildings anywhere within the ORM.

Durham Official Plan

- 2.12 The [Durham Regional Official Plan](#) (DROP) contains policies to encourage the maintenance and improvement of existing housing stock and that 25% of new residential units in each area municipality shall be affordable. The DROP encourages intensification within Urban Areas, including converting single detached dwellings into multiple residential units. The DROP does not speak directly to ADUs within the Rural System, however the Region is currently in process of a Municipal Comprehensive Review (Envision Durham) which will revise the DROP's policies to be in conformity with Provincial directions, including expanded permissions for ADUs.

2019-2022 Strategic Plan and Affordable Housing Toolkit

- 2.13 The 2019-2022 Strategic Plan identified Council's desire to develop an Affordable Housing Policy. In collaboration with the CAO's office, the Municipality has developed an Affordable Housing Toolkit. This Toolkit provides three categories of tools that can be used to help increase the number of affordable housing units in Clarington: Regulatory and Process Tools; Land Based Incentives; and Financial Incentives. ADUs, along with Inclusionary Zoning, reduced parking requirements and an expedited approvals process are some of the Tools that the Planning and Development Services Department can assist with.

3. Proposed Official Plan Amendment

- 3.1 While the *Planning Act* directs municipalities to implement Official Plan and Zoning Bylaw Amendments to allow one ADU in a house and one ADU in an accessory building, other Provincial policies require restrictions to protect natural features, particularly on lands within the ORM and the Greenbelt.
- 3.2 The proposed Official Plan Amendment states that ADUs are not permitted within the Natural Heritage System (NHS) as identified on Map D of the Official Plan. The NHS in the Official Plan is more refined and accurate (and smaller) than the NHS that is mapped in the Greenbelt Plan.

Oak Ridges Moraine Area

- 3.3 In conformity with the ORMCP, within the ORM, ADUs are only permitted in single detached dwellings, and only within the Protected Countryside (which includes Rural Settlement Areas). ADUs are not permitted in accessory buildings in any areas of the ORM.

Greenbelt Plan Area

- 3.4 For properties within the Greenbelt (but not within the NHS) only one ADU would be permitted on a lot. The ADU could be within the principal single dwelling, or within an accessory building if it existed on the day the revision to the Greenbelt Plan came into effect (July 1, 2017). The Greenbelt Plan does not have such restrictive policies for Garden Suites, which may be a viable alternative for those properties without existing accessory structures (see section 3.10 below).

Urban Areas, Hamlets, and Whitebelt

- 3.5 Properties outside the NHS but within Urban Areas (including Orono), Hamlets outside of the ORM, and the “whitebelt” (lands that are neither within a settlement area or within the Greenbelt) all have the potential for one ADU in the principal residential building **and** one ADU in an accessory building, regardless of when the accessory building was constructed.

Summary

- 3.6 In summary, the potential for ADUs in different areas of the Municipality is as follows.

- For all lands in the Municipality, ADUs (or any development) is prohibited in the NHS.
- For lands within the ORM, ADUs may be permitted only in single dwellings and only in the Protected Countryside (which includes Rural Settlements).
- For lands outside of settlement areas within the Greenbelt, ADUs may be permitted in **either** a single dwelling or an existing accessory building.
- For lands within Urban Areas (including Orono), Hamlets outside the ORM, and the “whitebelt,” one ADU may be permitted in the principal residential building, and one ADU in the associated accessory building.

- 3.7 **Figure 1** below is a map representing the above summarized potential locations for ADUs. It is important to note that this map is only schematic and meant to assist conceptualizing the permissions and restrictions at a general level. The map does not account for flood plains or other hazards, and does not identify areas where residential uses (including ADUs) are not permitted (such as commercial, industrial, or aggregate extraction areas).

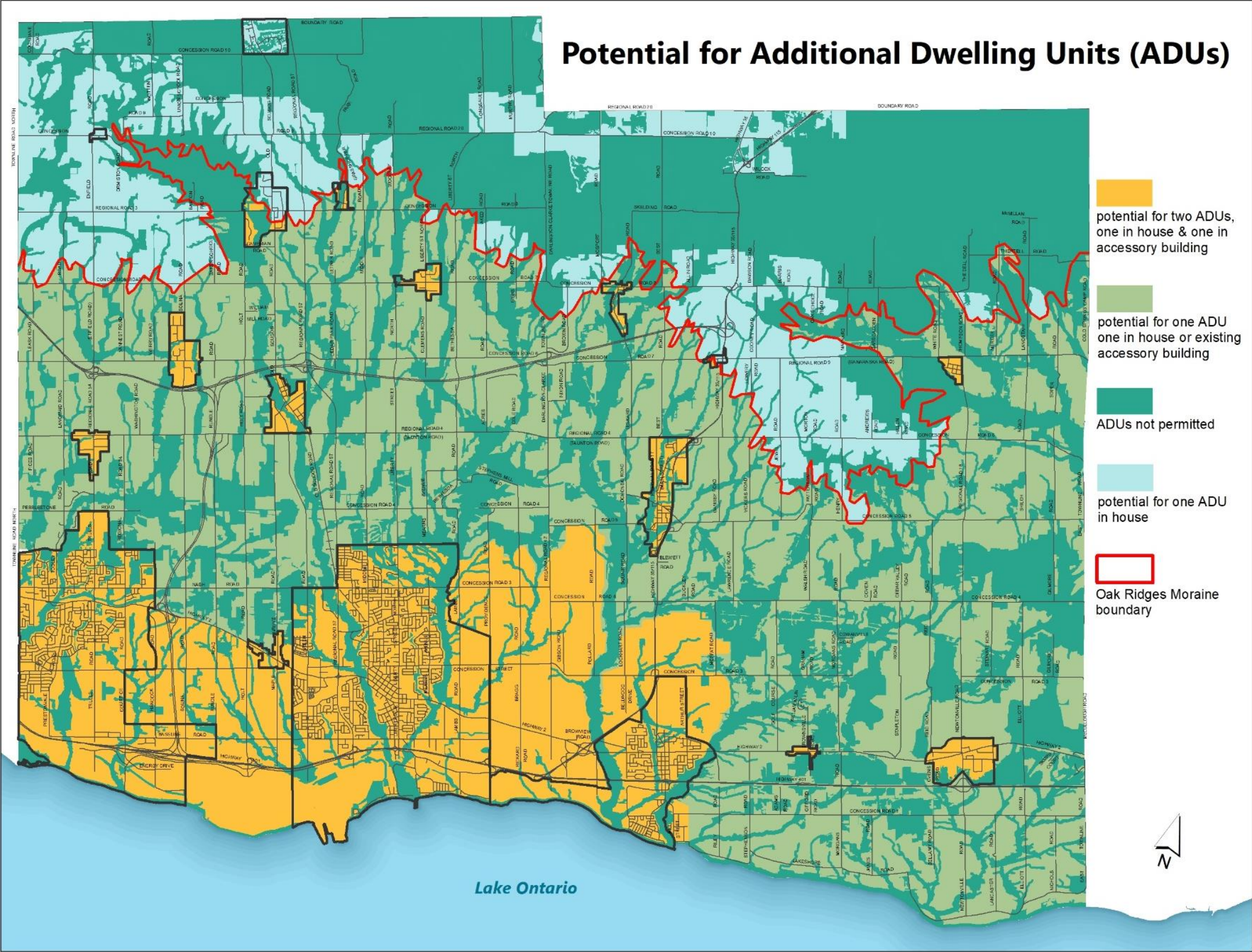


Figure 1: Map showing potential permissions for ADUs

Policies for Health and Safety

- 3.8 The proposed Official Plan Amendment restricts ADUs from Hazard Lands, which include flood plains, areas subject to erosion, or steep slopes to prevent personal injury, property damage, or damage to the natural environment.
- 3.9 All ADUs will continue to be required to conform to the provisions of the Fire Code and the Ontario Building Code and obtain a building permit. Prior to building permit issuance, any development on properties with private sanitary services and water supply will need an authorizing permit from the Durham Region Health Department confirming there is sufficient capacity in the sanitary system and potable water supply for the ADU.

Garden Suites

- 3.10 Garden suites are self-contained dwelling units which may be permitted on properties with a principal residential dwelling unit. They require a Temporary Use Bylaw, which is similar to a site-specific Zoning Bylaw Amendment, but is only valid for a maximum of 20 years. Garden Suites are not permitted in the ORM, and must be outside the Greenbelt NHS. However, though the Greenbelt Plan restricts ADUs to single dwellings and already-existing accessory buildings, the Plan does not have such restrictions for Garden Suites. Since Garden Suites are essentially temporary ADUs in accessory buildings, the proposed Official Plan Amendment keeps these as an option, but updates the definition of “Garden Suite” to be in conformity with the definition in the *Planning Act*.

4. Zoning Bylaw Amendments

- 4.1 The proposed Zoning Bylaw Amendments are drafted to facilitate the process of allowing ADUs while also ensuring there is an appropriate level of regulation to protect the health and safety of its residents and promote liveable, functional, and attractive neighbourhoods. The proposed Zoning Bylaw Amendments implement the proposed Official Plan Amendments outlined above. This includes revising definitions, identifying where ADUs are permitted, and development regulations.

Areas Permitted

- 4.2 To implement where ADUs are permitted within the ORM, the proposed Amendments to Zoning Bylaw 2005-109 would allow one ADU in a single detached dwelling within the Rural Settlement Zone and the Agricultural Zone.
- 4.3 For lands south of the ORM, the proposed Amendments to Zoning Bylaw 84-63 reference land designations within the Official Plan to implement required restrictions. Zoning bylaws do not typically rely on other documents to implement policy, but Staff feel this approach is acceptable on an interim basis until the comprehensive zoning bylaw review is complete.

ADUs in principal residential buildings

- 4.4 The proposed Zoning Bylaw Amendments state that an ADU within a principal residential building cannot be larger than the principal dwelling unit within that building. Though O. Reg 384/94 prohibits regulating the relative size of two units within a principal residential building, this proposed regulation is only to clarify which unit is the ADU when registering the ADU with the Municipality.
- 4.5 Principal residential buildings in urban areas with an ADU must have a separate entrance from the side or rear if not a shared front door. This urban design regulation applies to all residential building forms, but will be particularly effective in prohibiting potentially for four front doors of a semi-detached building, each dwelling containing an ADU.

ADUs in accessory buildings

- 4.6 The proposed Amendments regulating accessory buildings containing an ADU are meant to facilitate a reasonably sized ADU while also ensuring these accessory buildings are secondary to the principal residential building.
- 4.7 Accessory buildings containing an ADU could be in the front or exterior side only if the principal residential building is set far back on the lot. Other yard setback regulations address Ontario Building Code requirements, and potential stormwater and privacy concerns. The proposed heights are intended to facilitate a one-and-a-half storey ADU within urban areas and a full two storeys in rural areas.
- 4.8 The proposed Amendments regulating the size of accessory buildings with an ADU are through lot coverage rather than floor area. As proposed, there are three limits to the maximum footprint of an accessory building, and whichever limit is reached first is the maximum. The three limits are: 10% of the lot area; 120 square metres; and the zone's maximum total lot coverage (usually 40%).
- 4.9 An accessory building containing an ADU with a 120 square metre footprint would be the largest possible, and it would only be possible if 120 square metres is less than 10% of the lot, and all buildings and structures do not exceed the zone's maximum lot coverage for all buildings and structures.
- 4.10 For example, on an 800 square metre lot (approx. 8600 square feet), the maximum footprint of an accessory building containing an ADU would be 80 square metres (10% lot coverage), but only if the accessory building combined with all other structures did not exceed the zone's maximum total permitted lot coverage.

- 4.11 As a second example, on a 4000 square metre lot (approx. 1 acre) the maximum footprint of an accessory building containing an ADU would not be 10% of the lot (400 square metres) but rather 120 square metres, assuming all combined structures would not exceed the zone's maximum total permitted lot coverage.

Regulation for all ADUs

- 4.12 Parking requirements remain the same as they are now: one parking space per ADU or Garden Suite. O. Reg. 299/19 states that only one parking space is required for each ADU, unless a municipality passes a bylaw requiring less. Municipalities cannot require more than one parking space per ADU.
- 4.13 Currently, limited home occupations are permitted within multi-unit buildings as detailed in the Zoning Bylaw. It is proposed that the same opportunities be afforded to those in ADUs, even if they are in an accessory building.
- 4.14 All ADUs, regardless if they are in the principal or accessory building, must conform to the Ontario Building Code and Ontario Fire Code. The requirement that all ADUs be registered with the Municipality will continue to help enforce conformity to zoning and other regulations.

Exception Zones

- 4.15 There are two Agricultural Exception Zones that currently permit an "apartment-in-house" with regulations. The proposed amendments are more permissive, so it is proposed that these Exception Zones be removed to ensure fairness for these property owners. There are two other Exception Zones that are proposed to be amended only to update the terminology from "apartment-in-house" to "additional dwelling unit."

5. Public Notice and Submissions

Public Notice

- 5.1 In accordance with the *Planning Act*, the statutory Public Meeting was advertised at least 20 days prior to the date of the Public Meeting (September 13, 2021). The Public Meeting was advertised in both the Clarington This Week and the Orono Times for four weeks, beginning on August 18, 2021.
- 5.2 On August 17, 2021, the website www.clarington.net/ADUs was published. The website provides information on the project and hosts the proposed Official Plan and Zoning Bylaw Amendments (**Attachment 2** and **Attachment 3** of this Report) as well as the comparison table (**Attachment 1**).

- 5.3 The owners of the four properties where an Exception Zone is proposed to be removed or amended received the Notice of the Public Meeting along with a short explanatory letter. They were invited to reach out directly to Staff who could help explain the situation.

Public Submissions

- 5.4 Since the Notice of the Public Meeting was advertised in the newspapers on August 18, 2021, Staff have received comments from six residents: two of which oppose the project, one fully supports the expanded permissions, and the remaining three support the expanded permissions, but with comments about where ADUs should or should not be permitted.

6. Department and Agency Comments

- 6.1 In accordance with the *Planning Act*, Notice of the Public Meeting was either mailed or emailed to the prescribed public bodies. Over 20 departments and agencies were requested to provide comments on the proposed Official Plan and Zoning Bylaw Amendments. As of writing this report, comments from most of these agencies are yet to be received. However, preliminary comments from the Durham Health Department state they have no concerns as the requirement for a building permit will ensure there is sufficient water supply and private sanitary service capacity to serve any new ADUs.

7. Next Steps

- 7.1 The purpose of this report is to provide Council and the public background and explanation for the proposed Official Plan and Zoning Bylaw Amendments found in the Attachments to this report. Staff will consider comments received leading up to, during, and after the Public Meeting and bring to Council a report with recommended Official Plan and Zoning Bylaw Amendments.
- 7.2 If Council approves the Official Plan and Zoning Bylaw Amendments to implement these expanded permissions for ADUs, a new bylaw to replace [Bylaw 97-77](#) will be brought to Council which will require ADUs to be registered and their associated regulations can be properly enforced.
- 7.3 As well, once Official Plan and Zoning Bylaw Amendments are approved by Council, Staff will update the current [basement or in-house apartment website](#) to assist residents with applications for adding an ADU to their property.

8. Concurrence

Not Applicable.

9. Conclusion

- 9.1 It is respectfully recommended that following the statutory Public Meeting and receiving comments from members of the public and Council, Staff will prepare a recommendation report for Council's consideration.
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Staff Contacts:

Mark Jull, Planner II, 905-623-3370 ext. 2426 or mjull@clarington.net
Lisa Backus, Principal Planner, at 905-623-3370 ext. 2413 or lbackus@clarington.net

Attachments:

- Attachment 1 – Comparison Table with Explanatory Comment of Proposed Official Plan and Zoning Bylaw Amendments
- Attachment 2 – Proposed Official Plan Amendment
- Attachment 3 – Proposed Zoning Bylaw Amendment

Interested Parties:

List of Interested Parties available from Department.

Comparison Tables of Draft Official Plan and Zoning By-law Amendments Additional Dwelling Units (ADUs)

Official Plan

Proposed changes to the Official Plan are outlined in the table below. The column on the left shows what is currently in the Official Plan. The middle column shows what is proposed to be within the Official Plan. The column on the right provides a brief explanatory comment on the proposed changes. The proposed changes include the introduction of additional dwelling unit policies and the modification of garden suite policies. As the policies are added/deleted/modified, the remaining subsections will be renumbered.

Current Official Plan policies	Proposed changes to Official Plan policies	Explanatory comment
<p>Accessory Apartments</p> <p>6.3.5 An <i>accessory apartment</i> is permitted in Urban Areas within a detached or semi-detached dwelling or townhouse subject to the following:</p> <ul style="list-style-type: none"> a) Only one <i>accessory apartment</i> is permitted; b) One additional parking space is required for the <i>accessory apartment</i> in accordance with the Zoning By-law; c) Sufficient water supply and sanitary servicing capacity exists; d) The <i>accessory apartment</i> complies with the provisions of the Ontario Building Code, Ontario Fire Code and any other relevant regulations; and 	<p>Additional Dwelling Units</p> <p>6.3.5 One <i>additional dwelling unit</i> is permitted on a <i>lot</i> within a permitted <i>single detached</i>, semi-detached, or townhouse dwelling. One <i>additional dwelling unit</i> is permitted within a detached accessory building on the same <i>lot</i>.</p>	<p>Reflects the changes to Section 16(3) of the Planning Act as a result of Bill 108, More Homes, More Choice Act.</p>

Current Official Plan policies	Proposed changes to Official Plan policies	Explanatory comment
e) The <i>accessory apartment</i> is registered with the Municipality.		
6.3.6 An <i>accessory apartment</i> is permitted outside of Urban Areas within a detached dwelling or above or within a detached accessory building, subject to the following: <ul style="list-style-type: none"> a) That the accessory building use is maintained; b) That the <i>accessory apartment</i> complies with the development criteria of Section 6.3.5; and c) That in the case of an <i>accessory apartment</i> above or within an accessory building, the accessory building is in close proximity to the dwelling and is clearly secondary to the principal dwelling. 	6.3.6 Notwithstanding 6.3.5, within the Oak Ridges Moraine, as shown on Map H of this Plan: <ul style="list-style-type: none"> a) within the Natural Core and Natural Linkage Areas, <i>additional dwelling units</i> are not permitted; and b) within the Countryside and Settlement Areas, a maximum of one <i>additional dwelling unit</i> is permitted on a <i>lot</i> and only within a <i>single detached dwelling</i>. 	Required to be in conformity with the Oak Ridges Moraine Conservation Plan (ORMCP). In 2017, the ORMCP was amended with a revised definition of “single dwelling” that limits where ADUs may be permitted.
	6.3.7 Notwithstanding 6.3.5, within the Natural Heritage System as identified on Map D this Official Plan, <i>additional dwelling units</i> are not permitted.	Conforms with policy 3.4.8 of the Official Plan.
	6.3.8 Notwithstanding 6.3.5, within the Protected Countryside of the Greenbelt Plan, but outside of the Natural Heritage System as identified on Map D of this Official Plan, <i>additional dwelling units</i> are only permitted within <i>single detached dwellings</i> and accessory buildings that existed on (or building permits were issued prior to) July 1, 2017.	Required to conform to Section 4.5.3 of the Greenbelt Plan. The revised Greenbelt Plan came into effect on July 1, 2017.
	6.3.9 Notwithstanding 6.3.5, <i>additional dwelling units</i> are not permitted within Hazard Lands as identified on Map F of this Official Plan.	Conforms with policies in 3.7 of the Official Plan to prevent personal injury, property damage, or damage to the natural environment.

Current Official Plan policies	Proposed changes to Official Plan policies	Explanatory comment
	<p>6.3.10 <i>Additional dwelling units</i> shall:</p> <ul style="list-style-type: none"> a) comply with the provisions of the Zoning By-law, Ontario Building Code, Ontario Fire Code and any other relevant regulations; b) be registered with the Municipality; and c) be compatible with <i>adjacent</i> uses. 	<p>Confirms need to conform to appropriate regulations. Provisions of the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing. Registering ADUs helps ensure conformity to regulations.</p>
	<p>6.3.11 Where an <i>additional dwelling unit</i> is within an accessory building, the accessory building must be secondary in size and scale to the principal residential building.</p>	<p>Supports good urban design.</p>
	<p>6.3.12 An accessory building containing an <i>additional dwelling unit</i> may not be severed from the <i>lot</i> accommodating the principal residential building.</p>	<p>To prohibit potential severances of ADUs in accessory buildings.</p>
<p>Garden Suites 6.3.7 Except for areas within the Oak Ridges Moraine, one <i>garden suite</i> may be permitted in association with any <i>single detached dwelling</i>, through a temporary use by-law, subject to Section 6.3.8. The <i>garden suite</i> will be permitted for a period of no more than 20 years provided that there is an agreement between the owner and the Municipality regarding the occupant, the period of occupancy, the installation, maintenance and removal of the suite, and any financial conditions.</p>	<p>Garden Suites 6.3.12 Except for areas within the Oak Ridges Moraine, one <i>garden suite</i> may be permitted in association with any <i>single detached dwelling</i>, through a temporary use by-law, subject to Section 6.3.13. The <i>garden suite</i> will be permitted for a period of no more than 20 years provided that there is an agreement between the owner and the Municipality regarding the occupant, the period of occupancy, the installation, maintenance and removal of the suite, and any financial conditions.</p>	<p>Only changes are to policy numbers. Garden Suites will continue to be permitted. Due to their temporary nature, they may be permitted in those areas of the Greenbelt where ADUs in new accessory buildings are not permitted.</p>
<p>6.3.8 In applying for a temporary use by-law for a <i>garden suite</i>, the applicant shall demonstrate that:</p>	<p>6.3.13 In applying for a temporary use by-law for a <i>garden suite</i>, the applicant shall demonstrate that:</p>	<p>Updated to reflect new regulatory language for garden suites in section 39.1 of the Planning Act. Provisions of</p>

Current Official Plan policies	Proposed changes to Official Plan policies	Explanatory comment
<p>a) There is a need for the <i>garden suite</i> to provide supervised accommodation or care for an elderly, sick or disabled person; b) The <i>site</i> is adequate for the <i>garden suite</i> with regard to <i>lot</i> size, setbacks, layout and private <i>amenity areas</i>;</p> <p>b) The proposal is compatible with <i>adjacent</i> uses considering such matters as privacy, noise and appearance;</p> <p>c) There is adequate on-<i>site</i> parking;</p> <p>d) There is adequate water supply and sewage disposal</p> <p>e) services; and</p> <p>f) There is no <i>accessory apartment</i> on the <i>lot</i>.</p>	<p>a) The <i>site</i> is adequate for the <i>garden suite</i> with regard to <i>lot</i> size, setbacks, layout and private <i>amenity areas</i>;</p> <p>b) The proposal is compatible with <i>adjacent</i> uses considering such matters as privacy, noise and appearance;</p> <p>c) The <i>garden suite</i> complies with the provisions of the Zoning By-law, Ontario Building Code, Ontario Fire Code and any other relevant regulations; and</p> <p>d) There is no other accessory building on the <i>lot</i> containing an <i>additional dwelling unit</i>.</p>	<p>the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing.</p>
<p>12.3.8 An accessory apartment is permitted in accordance with Section 6.3.6.</p>	<p>Deleted</p>	<p>Policy to allow “accessory apartments” in Rural Settlements no longer needed.</p>
<p>23.19.1 i. An apartment-in-house shall be permitted within a single detached dwelling on those lands identified by Assessment Roll Number 1817-010-010-13850 located in Part Lot 6, Concession 3, Former Township of Darlington having a municipal address of 2898 Concession Road 3, Darlington, subject to the following:</p> <p>One parking space per apartment;</p> <p>a. Structural suitability of building to accommodate alterations for an additional unit;</p> <p>b. Compliance with building and fire regulations and other</p>	<p>Deleted</p>	<p>This site-specific Official Plan exception is no longer needed as the proposed regulations are more permissive.</p>

Current Official Plan policies	Proposed changes to Official Plan policies	Explanatory comment
<p>municipal regulations, including registration; and</p> <p>c. Meet the requirements of the Durham Region Health Department with respect to servicing.</p>		
Definitions		
<p>Accessory Apartment: a self-contained second <i>dwelling unit</i> within a permitted residential dwelling or a permitted accessory building that is clearly secondary to the principal dwelling.</p>	<p>Additional Dwelling Unit: a self-contained <i>dwelling unit</i> located within a permitted residential dwelling and a permitted accessory building and secondary to the principal building on the same <i>lot</i>.</p>	<p>Revised definition to reflect new “additional dwelling unit” term.</p>
<p>Garden Suite: a self-contained, portable <i>dwelling unit</i> located in a side or rear yard of an existing residential property.</p>	<p>Garden Suite: a self-contained temporary <i>dwelling unit</i> designed to be portable and is secondary to the principal building on the same <i>lot</i>.</p>	<p>Simplified definition that does not contain policy direction.</p>

Zoning By-laws 84-63 and 2005-109

Proposed changes to the Zoning By-laws (ZBLs) are outlined in the tables below. The main purpose of a ZBL is to implement the policies in the Official Plan. The first table concerns proposed changes to ZBL 84-63, which regulates properties south of the Oak Ridges Moraine. The following table concerns proposed changes to ZBL 2005-109, which regulates properties within the Oak Ridges Moraine.

The column on the left shows what is currently in the Zoning By-law. The middle column shows what is proposed to be within the Zoning By-law. The column on the right provides a brief explanatory comment on the proposed changes. The proposed changes include the introduction of a definition of additional dwelling units and regulations including the location, size, and parking requirements. Amendments to Zoning By-law 84-63 also include regulations for accessory buildings that contain an ADU. As sections are added/deleted/modified, the remaining subsections will be renumbered.

Comprehensive ZBL 84-63 (applies to lands south of the Oak Ridges Moraine)

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
Definitions		
<p>Apartment-In-House Shall mean a self-contained second dwelling unit within a permitted residential single detached or semi-detached dwelling created through converting part of or adding onto a dwelling unit. The apartment-in-house shall be used or intended to be used by one or more persons and shall contain sanitary facilities, kitchen and heating are provided. The apartment-in-house shall have a private entrance from outside the building or from a common hallway or stairway inside the building.</p>	<p>Additional Dwelling Unit A self-contained <i>dwelling</i> unit located within a permitted residential <i>dwelling</i> or an <i>accessory building</i> secondary to the principal residential <i>building</i> on the same <i>lot</i>.</p>	<p>Revised definition to reflect new “additional dwelling unit” term and removal of regulation from definition.</p>
<p>Garden Suite A Garden Suite is a self-contained temporary dwelling unit designed to provide for the care of an elderly, sick and disabled person which is located in the side or rear yard of a</p>	<p>Garden Suite A self-contained temporary <i>dwelling</i> unit designed to be portable and is secondary to the principal residential <i>building</i> on the same <i>lot</i>.</p>	<p>Revised definition to conform to definition of “garden suite” in section 39.1 of the Planning Act.</p>

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
property containing a single detached dwelling.		
Regulations		
3.2 Apartment-In-House	3.2 Additional Dwelling Unit	
<p>3.2 a. An apartment-in-house shall be permitted within a single detached or semi-detached dwelling located within the "Urban Residential Type One (R1)", "Urban Residential Type Two (R2)" and "Urban Residential Type Three (R3)" zones inclusive of all exception zones except those exception zones shown on Schedule 12 (Orono) of the Comprehensive Zoning By-law, as amended, and the minimum floor area for an "apartment-in-house" shall be 40 square metres.</p>	<p>3.2 a. <i>Additional dwelling units</i> are permitted within any legally permitted <i>single detached, semi-detached</i> or <i>townhouse dwelling</i> and within an <i>accessory building</i> on the same <i>lot</i>, for a maximum total of three <i>dwelling</i> units on a <i>lot</i>.</p>	<p>Reflects the changes to section 16(3) of the Planning Act as a result of Bill 108, More Homes, More Choice Act.</p>
<p>3.2 b. i) Notwithstanding subsection a., any apartment-in-house which existed prior to the date of passing of this By-law and is located within a single or semi-detached dwelling, is a permitted use.</p> <p>3.2 b. ii) Notwithstanding subsection a., any apartment-in-house which existed prior to November 16, 1995 and is located within a street townhouse or link townhouse in an urban area is a permitted use.</p>	<p>3.2 b. Notwithstanding 3.2 a., within the Natural Heritage System or Hazard Lands as identified in the Clarington Official Plan, <i>additional dwelling units</i> are not permitted.</p>	<p>Section 4.5.3 of the Greenbelt Plan does not permit ADUs in Natural Heritage System (NHS). The mapped NHS in the Official Plan is more accurate (and smaller) than mapped NHS in Greenbelt Plan. ADUs are not permitted in Hazard Lands, which include floodplains as continually updated by Conservation Authorities.</p> <p>Removal of unnecessary legal non-conforming statement. Legal non-conforming rights exist regardless of zoning statements, and are already covered in section 3.6 of the Zoning Bylaw.</p>

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
	<p>3.2 c. Notwithstanding 3.2 a., for lands within the Protected Countryside within the Greenbelt, but outside of the Natural Heritage System as identified in the Clarington Official Plan, <i>additional dwelling units</i> are only permitted within <i>single detached dwellings or</i> accessory buildings that existed on (or building permits were issued prior to) July 1, 2017.</p>	<p>Section 4.5.3 of the Greenbelt Plan allows ADUs only within single detached dwellings <u>or existing</u> accessory building in the Protected Countryside (but outside Natural Heritage System). This regulation came into effect with the updated Greenbelt Plan on July 1, 2017, This means ADUs cannot be allowed in the Greenbelt in accessory buildings built after that date, unless building permits had already been issued.</p>
	<p>3.2 d. Where an <i>additional dwelling unit</i> is located within the principal residential <i>building</i>, the <i>floor area</i> of the <i>additional dwelling unit</i> shall not exceed the <i>floor area</i> of the principal <i>dwelling unit</i>.</p>	<p>O. Reg 384/94 states that planning documents cannot regulate the relative size of two units within a principal building. This proposed zoning regulation is only to clarify that the smaller of the two residential units is the ADU and the larger is the principal dwelling unit.</p>
	<p>3.2 e. Within <i>Urban Residential Zones</i>, entrances for an <i>additional dwelling unit</i> within the principal residential <i>building</i> may be through a common door in the front building façade. Additional, separate entrances for either the <i>additional dwelling unit</i> or the principal <i>dwelling unit</i> must be accessed via the rear or side yard.</p>	<p>An urban design policy to restrict additional front doors in urban areas.</p>
	<p>3.2 f. Where an <i>additional dwelling unit</i> is located within an <i>accessory building</i>:</p>	<p>To implement the policy that accessory buildings with an ADU must be secondary in size and scale to the principal residential building.</p>

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
	<p>i) The <i>floor area</i> of the <i>additional dwelling unit</i> must be no more than the <i>floor area</i> of the principal residential <i>building</i>; and</p> <p>ii) Notwithstanding Section 3.1 c., the <i>accessory building</i> must:</p> <ul style="list-style-type: none"> a) Conform to the zone's <i>front yard</i> and <i>exterior side yard</i> setback requirements for residential uses; b) Have a minimum <i>rear yard</i> and <i>interior side yard</i> setback of 1.8 metres; c) Have a maximum <i>lot coverage</i> of 10%, or 120 square metres, or the zone's <i>lot coverage</i> maximum, whichever is less; and d) Have a maximum <i>height</i> of 6 metres within Agricultural and <i>Rural Residential Zones</i>, and 5.25 metres within <i>Urban Residential Zones</i>. 	<p>If an ADU is in an accessory building, the floor area of the ADU cannot be larger than the floor area of the principal residential building.</p> <p>If an accessory building contains an ADU, the setbacks for are slightly more restrictive than for an accessory building that does not have an ADU (as found in the table in Section 3.1 c. of the Zoning Bylaw). Heights are more permissive to allow 2 storeys in rural areas, and 1.5 storeys in urban areas.</p> <p>The max footprint of an accessory building containing an ADU is the lesser of: 10% lot coverage, 120 sq. m., or the zone's max lot coverage. 120 sq. m is the absolute maximum, and only possible if that is less than 10% of the lot, and all combined buildings and structures meet the zone's max lot coverage (usually 40%).</p>
	<p>3.2 g. All <i>dwelling</i> units are subject to the provisions of this By-law, the Ontario Building Code, Ontario Fire Code and any other relevant regulations.</p>	<p>Emphasizes requirement to conform to appropriate regulations. Provisions of the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing.</p>
	<p>3.2 h. <i>Additional dwelling units</i> must be registered with the Municipality.</p>	<p>Registering ADUs helps ensure conformity to regulations.</p>

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
	3.2 i. A <i>home occupation</i> is permitted within an <i>additional dwelling unit</i> , subject to Section 3.11B.	Section 3.11B permits some home businesses that are appropriate for multi-unit residential buildings.
Parking Space Requirement Table within Section 3.16		
Residential (v) a) Apartment-in-house or Garden Suite: 1 parking space	Residential (v) a) <i>additional dwelling unit</i> or <i>garden suite</i> : 1 <i>parking space</i> for each <i>additional dwelling unit</i> or <i>garden suite</i> .	Updated only to reflect “additional dwelling unit” term.
Residential (v) b) Apartment-in-house in existence prior to November 16, 1995: nil	Residential (v) b) <i>additional dwelling unit</i> in existence prior to November 16, 1995: nil	Updated only to reflect “additional dwelling unit” term.
Exception Zones Permitting and/or Regulating Apartments-in-Houses		
6.4.85 Agricultural Exception (A-85) Zone Notwithstanding Sections 6.1 and 3.2 a., those lands zoned “A-85” on the schedules to this By-law, may in addition to other uses permitted in the Agricultural (A) Zone, be used for an apartment-in-house and shall be subject to the following zone regulations: a. Regulations for Apartment-in-house i) Floor Area (minimum): 40 square metres ii) Number of bedrooms (maximum): 1 iii) Number of parking spaces (minimum): 1	Deleted	This Agricultural Exception Zone is no longer needed as the proposed regulations are more permissive.
6.4.93 Agricultural Exception (A-93) Zone Notwithstanding Sections 6.1 and 3.2a those lands zoned “A-93” on the Schedule to this By-law, may in addition to other uses permitted in the Agricultural (A) Zone, be used for an apartment-in-house and shall be subject to the following zone regulations: a. Regulations for Apartment-in-house	Deleted	This Agricultural Exception Zone is no longer needed as the proposed regulations are more permissive.

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
i) Floor Area (minimum) 40 square metres		
12.2.1 f. iv) Entrances for an apartment-in-house can be found in the front building façade through a common entrance with the principal dwelling. Where a separate entrance is provided it must be in the side or rear yard.	Deleted	Regulations found in proposed Section 3.2 f about front doors apply to all ADUs and so not needed for the Neighbourhood Character Overlay Zone.
13.4.87 n. entrances for an apartment-in-house must be located in the side or rear yard unless it is through a common entrance of a front façade.	Deleted	Regulations found in proposed Section 3.2 f about front doors apply to all ADUs and so not needed for this site-specific exception zone.
16.5.37 a. ii) One single detached residential dwelling provided that no apartment-in-house is contained therein.	16.5.37 a. ii) One single detached residential dwelling provided that no <i>additional dwelling unit</i> is contained therein.	Updated only to reflect “additional dwelling unit” term.

Comprehensive ZBL 2005-109 (applies to lands within the Oak Ridges Moraine)

Current Zoning Regulations	Proposed changes to ZBL 2005-109	Explanatory comment
Table of Contents		
5.7 In-House Apartment Dwellings	5.7 Additional Dwelling Units	Updated to reflect “additional dwelling unit” term.
Definitions		
<p>In-House Apartment Dwelling An <i>apartment dwelling</i> located within a permitted <i>single detached dwelling</i> or <i>semi-detached dwelling</i> created through converting part of or adding onto the principal <i>dwelling</i>.</p>	<p>Additional Dwelling Unit A self-contained <i>dwelling</i> unit within a permitted <i>single detached dwelling</i>.</p>	<p>Updated to reflect “additional dwelling unit” term, be in conformity with recent provincial policies.</p> <p>As per section 2.7.1 of Zoning Bylaw 2005-109, this definition will be under the parent term ‘dwelling’ and be expressed in this Zoning Bylaw as <i>additional dwelling unit</i>.</p>
<p>Garden Suite A one unit residential <i>structure</i> containing washroom and kitchen facilities that is designed to be portable and that is <i>accessory</i> to a <i>single detached dwelling</i> constructed on the same <i>lot</i>.</p>	<p>Garden Suite A temporary <i>dwelling</i> unit designed to be portable and <i>accessory</i> to a <i>single detached dwelling</i> on the same <i>lot</i>.</p>	<p>Revised definition to conform to definition of “garden suites” in section 39.1 of the Planning Act.</p> <p>Note that Garden Suites are not permitted in the Oak Ridges Moraine.</p>
Home occupation permission		
5.6.5 In the case of an <i>apartment dwelling</i> or a <i>townhouse dwelling</i> , a <i>home occupation</i> shall be restricted to a <i>business or administrative office</i> which does not require the delivery or pick-up of goods, does not have clients coming to the <i>dwelling</i> , and does not have employees who reside on a different <i>lot</i> .	5.6.5 In the case of an <i>additional dwelling unit</i> , an <i>apartment dwelling</i> or a <i>townhouse dwelling</i> , a <i>home occupation</i> shall be restricted to a <i>business or administrative office</i> which does not require the delivery or pick-up of goods, does not have clients coming to the <i>dwelling</i> , and does not have employees who reside on a different <i>lot</i> .	Updated to provide occupants of additional dwelling units the same opportunities as those within apartment and townhouse dwellings.

Regulations		
5.7 In-House Apartment Dwellings	5.7 Additional Dwelling Units	
5.7.1 An <i>in-house apartment dwelling</i> shall only be permitted in a <i>single detached dwelling</i> or a <i>semi-detached dwelling</i> located in an Urban Residential Zone, provided that sanitary sewer and water services to the <i>in-house apartment dwelling</i> are provided by a <i>public authority</i> .	5.7.1 One <i>additional dwelling unit</i> is permitted on a <i>lot</i> in a <i>single detached dwelling</i> within the “Rural Settlement One (RS1)” and “Prime Agricultural (A)” zones, subject to the provisions of this By-law, the Ontario Building Code, Ontario Fire Code and any other relevant regulations.	Implements Provincial policy that limits ADUs in the Oak Ridges Moraine to Countryside and Rural Settlement Areas, but outside Natural Heritage System, and only within single detached dwellings.
5.7.2 An <i>in-house apartment dwelling</i> which existed prior to November 16, 1995 and which is located within a <i>townhouse dwelling</i> shall be deemed to be a permitted use, provided that sanitary sewer and water services to the <i>in-house apartment dwelling</i> are provided by a <i>public authority</i> .	5.7.2 The <i>floor area</i> of the <i>additional dwelling unit</i> shall not exceed the <i>floor area</i> of the principal <i>dwelling unit</i> .	O. Reg 384/94 states that planning documents cannot regulate the relative size of two units within a principal building. This proposed zoning regulation is only to clarify that the smaller of the two residential units is the ADU and the larger is the principal dwelling unit.
5.7.3 An <i>in-house apartment dwelling</i> shall have minimum <i>floor area</i> of 40 square metres.	5.7.3 <i>Additional dwelling units</i> must be registered with the Municipality.	Registering ADUs helps ensure conformity to regulations.
5.7.4 One <i>parking space</i> shall be provided for each <i>in-house apartment dwelling</i> . A <i>parking space</i> is not required for an <i>in-house apartment dwelling</i> established prior to November 16, 1995.	5.7.4 One <i>parking space</i> shall be provided for each <i>additional dwelling unit</i> . A <i>parking space</i> is not required for an <i>additional dwelling unit</i> established prior to November 16, 1995.	Updated only to reflect “additional dwelling unit” term.
6.2.2 (Table 6-2) <i>In-House Apartment</i> . Section 5.7	6.2.2 (Table 6-2) <i>Accessory Dwelling Unit</i> . Section 5.7	Updated only to reflect “additional dwelling unit” term.

DRAFT

Amendment Number _____

To The Municipality of Clarington Official Plan

Purpose: The purpose of this amendment is to implement the changes to policies 16 (3) regarding Additional Residential Units in the Planning Act resulting from Bill 108 – the More Homes, More Choice Act, 2019, and ensure the Clarington Official Plan remains in conformity with Provincial goals.

Basis: This amendment is based on Section 16 (3) regarding Additional Residential Units and Section 39.1 regarding Garden Suites in the Planning Act, and the standards outlined in Ontario Regulation 299/19 (Additional Residential Units), Ontario Regulation 384/94 (Apartments in Houses), Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan), the Greenbelt Plan, and other Provincial policies and regulations.

Actual Amendment: The Clarington Official Plan is hereby amended as follows:
(*Note: **Bold** text represents an addition and text with a ~~strikethrough~~ represents deleted text.)

1. The subheading ‘Accessory Apartments’ and policies 6.3.5 and 6.3.6 are deleted in their entirety and replaced with the following:

“Additional Dwelling Units

6.3.5 One *additional dwelling unit* is permitted on a lot within a *single detached, semi-detached, or townhouse dwelling*. One *additional dwelling unit* is permitted within a detached accessory building on the same lot.

6.3.6 Notwithstanding 6.3.5, within the Oak Ridges Moraine, as shown on Map H of this Plan:

- a) **Within the Natural Core and Natural Linkage Areas, *additional dwelling units* are not permitted; and**
- b) **Within the Countryside and Settlement Areas, a maximum of one *additional dwelling unit* is permitted on a lot and only within a *single detached dwelling*.”**

2. Existing policy 6.3 is amended by adding new policies 6.3.7 to 6.3.12 as follows and all subsequent existing policies are renumbered accordingly:

“6.3.7 Notwithstanding 6.3.5, within the Natural Heritage System as identified on Map D this Official Plan, *additional dwelling units* are not permitted.

6.3.8 Notwithstanding 6.3.5, within the Protected Countryside of the Greenbelt Plan, but outside of the Natural Heritage System as identified on Map D of this Official Plan, *additional dwelling units* are only permitted within *single detached dwellings* or accessory buildings that existed on (or building permits were issued prior to) July 1, 2017.

6.3.9 Notwithstanding 6.3.5, *additional dwelling units* are not permitted within Hazard Lands as identified on Map F of this Official Plan.

6.3.10 *Additional dwelling units* shall:

- a) comply with the provisions of the Zoning By-law, Ontario Building Code, Ontario Fire Code and any other relevant regulations;
- b) be registered with the Municipality; and
- c) be compatible with *adjacent* uses.

6.3.11 Where an *additional dwelling unit* is within an accessory building, the accessory building must be secondary in size and scale to the principal residential building.

6.3.12 An accessory building containing an *additional dwelling unit* may not be severed from the *lot* accommodating the principal residential building.”

3. The cross reference in renumbered policy 6.3.12 is renumbered to reference 6.3.13.

4. Renumbered policy 6.3.13 is amended as follows:

“6.3.13 ~~6.3.9~~ In applying for a temporary use by-law for a *garden suite*, the applicant shall demonstrate that:

- a) ~~There is a need for the *garden suite* to provide supervised accommodation or care for an elderly, sick or disabled person;~~

- b) a) The *site* is adequate for the *garden suite* with regard to *lot* size, setbacks, layout and private *amenity areas*;
 - e) b) The proposal is compatible with *adjacent* uses considering such matters as privacy, noise and appearance;
 - d) ~~There is adequate on-site parking;~~
 - e) ~~There is adequate water supply and sewage disposal services; and~~
 - c) **The *garden suite* complies with the provisions of the Zoning By-law, Ontario Building Code, Ontario Fire Code and any other relevant regulations; and**
 - f) d) **There is no ~~accessory apartment~~ other accessory building on the *lot* containing an *additional dwelling unit*.”**
5. The remaining policies in section 6.3 are renumbered accordingly.
 6. Policy 12.3.8 is deleted in its entirety.
 7. Policy 23.19.1 i. is deleted in its entirety.
 8. Section 24.2 Definitions, policy 24.2.1 is amended by deleting the term “Accessory Apartment” and its definition.
 9. Section 24.2 Definitions, policy 24.2.1 is amended as follows:

“Additional Dwelling Unit: a self-contained *dwelling unit* located within a permitted residential dwelling or a permitted accessory building and secondary to the principal dwelling on the same *lot*.”
 10. Section 24.2 Definitions, policy 24.2.1 is amended as follows:

“Garden Suite: a self-contained, ~~portable~~ temporary *dwelling unit* located in a side or rear yard of an existing residential property **designed to be portable and is secondary to the principal *dwelling unit* on the same *lot*.”**

Implementation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the Municipality of Clarington Official



Attachment 2 to Report PDS-041-21

Plan, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

File number: COPA2021-0003



DRAFT

Corporation of the Municipality of Clarington

By-law Number 20____ - _____

being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington, and By-law 2005-109, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington for lands within the Oak Ridges Moraine.

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63 and By-law 2005-105 as amended, of the Corporation of the Municipality of Clarington for ZBA2021-0011 to implement changes to Section 16 (3) (Additional Residential Units) and Section 39.1 (Garden Suites) in the Planning Act, and the standards outlined in Ontario Regulation 299/19 (Additional Residential Units), Ontario Regulation 384/94 (Apartments in Houses), Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan), the Greenbelt Plan, and other Provincial policies and regulations;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows (*note: **Bold** text represents an addition to the text and text with a ~~strike through~~ represents deleted text):

By-law 84-63 is amended as follows:

1. Section 2 – Definitions is amended by deleting the term “Apartment-In-House” and its definition.
2. Section 2 – Definitions is amended as follows:

“Additional Dwelling Unit

A self-contained *dwelling* unit located within a permitted residential *dwelling* or an *accessory building* secondary to the principal residential *building* on the same *lot*.”

3. Section 2 – Definitions is amended as follows:

“Garden Suite

~~A Garden Suite is a self-contained temporary *dwelling* unit designed to be portable and is clearly secondary to the principal residential *dwelling* unit on the same *lot*. provide for the care of an elderly, sick and disabled person which is located in the side or rear yard of a property containing a single detached *dwelling*.”~~

4. The subheading “Apartment-in-House” and sections 3.2 a. and 3.2 b. be deleted in their entirety and replaced with the following:

“Additional Dwelling Units

3.2 a. *Additional dwelling units* are permitted within any legally permitted *single detached, semi-detached or townhouse dwelling* and within an *accessory building* on the same *lot*, for a maximum total of three *dwelling* units on a *lot*.

3.2 b. Notwithstanding 3.2 a., within the Natural Heritage System or Hazard Lands as identified in the Clarington Official Plan, *additional dwelling units* are not permitted.”

5. Existing section 3.2 is amended by adding new sections 3.2 c. to 3.2 i as follows:

“3.2 c. Notwithstanding 3.2 a., for lands within the Protected Countryside within the Greenbelt, but outside of the Natural Heritage System as identified in the Clarington Official Plan, *additional dwelling units* are only permitted within *single detached dwellings* or *accessory buildings* that existed on (or building permits were issued prior to) July 1, 2017.

3.2 d. Where an *additional dwelling unit* is located within a principal residential *building*, the *floor area* of the *additional dwelling unit* shall not exceed the *floor area* of the principal *dwelling* unit.

3.2 e. Within *Urban Residential Zones*, entrances for an *additional dwelling unit* within the principal residential *building* may be through a common door in the front building façade. Additional, separate entrances for either the *additional dwelling unit* or the principal *dwelling* must be accessed via the rear or side yard.

3.2 f. Where an **additional dwelling unit** is located within an **accessory building**:

- i) The **floor area** of the **additional dwelling unit** must be no more than the **floor area** of the principal residential **building**.
- ii) Notwithstanding Section 3.1 c., the **accessory building** must:
 - a) Conform to the zone's **front yard** and **exterior side yard** setback requirements for residential uses;
 - b) Have a minimum **rear yard** and **interior side yard** setback of 1.8 metres;
 - c) Have a maximum **lot coverage** of 10%, or 120 square metres, or the zone's **lot coverage** maximum, whichever is less; and
 - d) Have a maximum **height** of 6 metres within Agricultural and **Rural Residential Zones**, and 5.25 metres within **Urban Residential Zones**.

3.2 g. All **dwelling units** are subject to the provisions of this By-law, the Ontario Building Code, Ontario Fire Code and any other relevant regulations.

3.2 h. **Additional dwelling units** must be registered with the Municipality.

3.2 i. A **home occupation** is permitted within an **additional dwelling unit**, subject to Section 3.11B."

6. The Parking Space Requirement Table within Section 3.16 is amended as follows:

Parking Space Requirement Table	
Type or nature of use	Minimum off street parking requirement
(v) a) Apartment-in-house Additional dwelling unit or Garden Suite	1 parking space for each additional dwelling unit or garden suite.
b) Apartment-in-house Additional dwelling unit in existence prior to November 16, 1995	Nil

- 7. Section 6.4.85 is deleted in its entirety.
- 8. Section 6.4.93 is deleted in its entirety.
- 9. Section 12.2.1 f. iv) is deleted.
- 10. Section 13.4.87 n. is deleted.
- 11. Section 16.5.37 a. ii) is amended as follows:

One single detached residential dwelling provided that no ~~apartment-in-house~~ ***additional dwelling unit*** is contained therein.

By-law 2005-109 is amended as follows:

1. The Table of Contents is amended by deleting the term “In-House Apartment Dwellings” and replacing it with “Additional Dwelling Units”.
2. Section 3 – Definitions is amended by deleting the term “In-House Apartment Dwelling” and its definition.
3. Section 3 – Definitions is amended as follows:

“Additional Dwelling Unit

A self-contained *dwelling* unit within a permitted *single detached dwelling*.”

4. Section 3 – Definitions is amended as follows:

“Garden Suite

~~A one unit residential structure containing washroom and kitchen facilities that is temporary dwelling unit designed to be portable and that is accessory to a single detached dwelling constructed on the same lot.”~~

5. Section 5.6.5 is amended as follows:

“5.6.5 In the case of an ***additional dwelling unit***, *apartment dwelling* or a *townhouse dwelling*, a *home occupation* shall be restricted to a *business or administrative office* which does not require the delivery or pick-up of goods, does not have clients coming to the *dwelling*, and does not have employees who reside on a different *lot*.”

6. The subheading ‘In-House Apartment Dwellings’ and sections 5.7.1, 5.7.2 and 5.7.3 be deleted in their entirety and replaced with the following:

“Additional Dwelling Units

5.7.1 One *additional dwelling unit* is permitted on a *lot* in a *single detached dwelling* within the “Rural Settlement One (RS1)” and “Prime Agricultural (A)” zones, subject to the provisions of this By-law, the Ontario Building Code, Ontario Fire Code and any other relevant regulations.

5.7.2 The floor area of an *additional dwelling unit* shall not exceed the floor area of the principal *dwelling* unit.

5.7.3 Additional dwelling units must be registered with the Municipality.”

7. Section 5.7.4 is amended as follows:

“5.7.4 One *parking space* shall be provided for each ~~*in-house apartment dwelling*~~ ***additional dwelling unit***. A *parking space* is not required for an ~~*in-house apartment dwelling*~~ ***additional dwelling unit*** established prior to November 16, 1995.”

8. Section 6.2.2 is amended as follows:

TABLE 6-2 REGULATIONS – NUMBER OF PARKING SPACES	
Type of Use	Number of <i>Parking Spaces</i>
Residential	
<i>In-House Apartment</i> <i>Additional dwelling unit</i>	Section 5.7