



## Staff Report

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<b>Report To:</b>	<b>Joint Committees</b>		
<b>Date of Meeting:</b>	October 25, 2021	<b>Report Number:</b>	PDS-055-21
<b>Submitted By:</b>	Ryan Windle, Director of Planning and Development Services		
<b>File Number:</b>	COPA2021-0003 & ZBA2021-0011	<b>Resolution#:</b>	JC-055-21, C-361-21, C-362-21, C-363-21
<b>Report Subject:</b>	<b>Recommendation - Additional Dwelling Units - Official Plan and Zoning Bylaw Amendments</b>		

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### Recommendations:

1. That Report PDS-055-21 be received;
2. That the Official Plan Amendment 129 attached to PDS-055-21 as **Attachment 3** be approved;
3. That the Zoning Bylaw Amendment attached to PDS-055-21 as **Attachment 4** be approved;
4. That staff from Legislative Services present to Council a new Bylaw to replace Bylaw 97-77 to require Additional Dwelling Units be registered with the Municipality;
5. That staff approve applications for Additional Dwelling Units only after Council approves the new Bylaw to replace Bylaw 97-77 to require Additional Dwelling Units be registered with Municipality;
6. That staff be directed to request in writing the Ministry of Municipal Affairs and Housing review the restrictions to provide further flexibility for Additional Dwelling Units within the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan;
7. That staff monitor the implementation of these Amendments for Additional Dwelling Units for one (1) year after approval of the Amendments and report this monitoring to Council with any recommended changes to policies, standards, or processes; and
8. That all interested parties listed in Report PDS-055-21 and any delegations be advised of Council's decision.

## Report Overview

The recommended Official Plan and Zoning By-law 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 plan new residential areas through secondary plans.

The recommended Amendments to the Official Plan and Zoning Bylaws would help facilitate the process for property owners who wish to add an ADU within their house or accessory building.

The recommended policies and zoning 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 in line with the most recent legislative changes within the *Planning Act*.

**Attachment 1** to this report is a table summarizing public comments and delegations made at the Public Meeting held September 13, 2021. **Attachment 2** is a table comparing the current Official Plan policies and Zoning Bylaw regulations to what are now being recommended. It also includes a brief explanatory comment for each recommended amendment and, where relevant, outlines what was changed to the Amendments since the Public Meeting. **Attachment 3** is the recommended Official Plan Amendment, and **Attachment 4** is the recommended 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 one more way the Municipality is addressing this important issue. Clarington's Task Force on Affordable Housing, a predominantly citizen-based group that also includes Council members, was formed to

provide advice, comments, and recommendations to Council regarding affordable and senior's housing in the community.

- 1.4 Inclusionary Zoning would 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 recommended Official Plan and Zoning Bylaw Amendments, as found in **Attachment 3** and **Attachment 4** to this report. On September 13, 2021 a Statutory Public Meeting was held on those proposed Amendments as contained in [PDS-041-21](#). Those proposed Amendments have been modified as deemed necessary and are now being recommended 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.
- 2.5 The recommended Amendments allow for one ADU in a principal building and one ADU in an accessory building, except where other provincial policy imposes further restrictions. The recommended Amendments conform to the *Planning Act*.

### Ontario Regulations (“O. Regs.”)

- 2.6 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.
- 2.7 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.
- 2.8 The recommended Amendments do not distinguish between new or existing residential buildings, except where other provincial policy imposes such restrictions. The

Amendments require only one parking space per ADU and conform to other provisions of both O. Reg. 299/19 and O. Reg 384/94. The recommended Amendments conform to the relevant O. Regs.

### **Provincial Policy Statement**

- 2.9 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.
- 2.10 The PPS prohibits development in natural heritage features and on lands adjacent to features.
- 2.11 The recommended Amendments provide for increased housing options through intensification in both urban and rural areas, and contain provisions to protect natural features and adjacent lands, which is consistent with the PPS.

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

- 2.12 Like the PPS, the policies of the [Growth 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.
- 2.13 The recommended Amendments provide affordable housing options while also protecting the rural landscape, in conformity with the Place to Grow plan.

### **Greenbelt Plan**

- 2.14 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. Staff from the Ministry of Municipal Affairs and Housing (MMAH) have confirmed this interpretation of 'existing.'
- 2.15 The recommended Amendments allow for one ADU in the Greenbelt Plan area and limit those in accessory buildings to those that existed prior to the revised Greenbelt Plan, which conforms with the Greenbelt Plan.

### Oak Ridges Moraine Conservation Plan

- 2.16 Like the Greenbelt Plan, the [Oak Ridges Moraine Conservation Plan](#) (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 MMAH. 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.
- 2.17 The recommended Amendments limit ADUs to single detached dwellings in specific zones in the ORM, which conforms with the ORMCP.

### Durham Official Plan

- 2.18 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 the 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.
- 2.19 As the recommended amendment does not propose land use designation changes, and conforms to updated provincial policy, there are no Regional Official Plan conformity concerns.

### 2019-2022 Strategic Plan and Affordable Housing Toolkit

- 2.20 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. Areas Where ADUs May or May Not Be Permitted

- 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. There are also existing Official Plan policies that must be adhered to.

### Environmental Protection Areas and Hazards

- 3.2 Legislated provincial policies prohibit development within the NHS and on lands adjacent to the NHS, as well as floodplains and other hazard lands. Consistent with provincial direction, the Clarington Official Plan provides a more refined (and smaller) NHS than provided by the Province. The Official Plan's Environmental Protection Areas (EPA) is comprised of this revised NHS and, in rural areas, a 30 metre vegetation protection zone buffer, as well as floodplains. No development is permitted in the EPA, and thus ADUs are not permitted in the EPA.
- 3.3 Within Zoning Bylaw 2005-109, which covers lands within the Oak Ridges Moraine, the Official Plan's EPA is (with some minor deviations) zoned Environmental Protection. Thus, by allowing ADUs only within the Prime Agricultural and Rural Settlement zones, the recommended Zoning Bylaw Amendment conforms to Provincial requirements and Official Plan polices regarding the protection of environmental features.
- 3.4 However, within Zoning Bylaw 84-63, the areas zoned Environmental Protection do not include all of the NHS, its adjacent lands, or all floodplains. To be in conformity with Provincial policy and the Official Plan, the recommended Zoning Bylaw Amendment states that ADUs are not permitted in the Environmental Protection Area, Hazard Land including the Regulatory Shoreline Area as identified in the Official Plan. While zoning bylaws do not typically reference other documents (such as Official Plans) to implement policy, staff feel this approach is acceptable on an interim basis to advance our affordable housing goals.
- 3.5 At the December 14, 2020 Council meeting, in response to Zone Clarington's first draft of the comprehensive zoning bylaw, Council provided direction to staff on how to amend the EPA designation in the Official Plan and how to implement the provincial requirements to protect natural features in the comprehensive zoning bylaw. Once those amendments have been approved, permissions for where ADUs may be permitted may be expanded further than what is recommended in this report.
- 3.6 Nonetheless, the recommended Official Plan and Zoning Amendments appended to this report significantly expand permissions for where ADUs may be located and in no case is the current right for an "apartment-in-house" being taken from any property.
- 3.7 To help visualize the recommended expanded permissions, **Figure 1** below shows where there is currently the potential for a single "apartment-in-house" and **Figure 2** shows where there is potential for one or two ADUs.

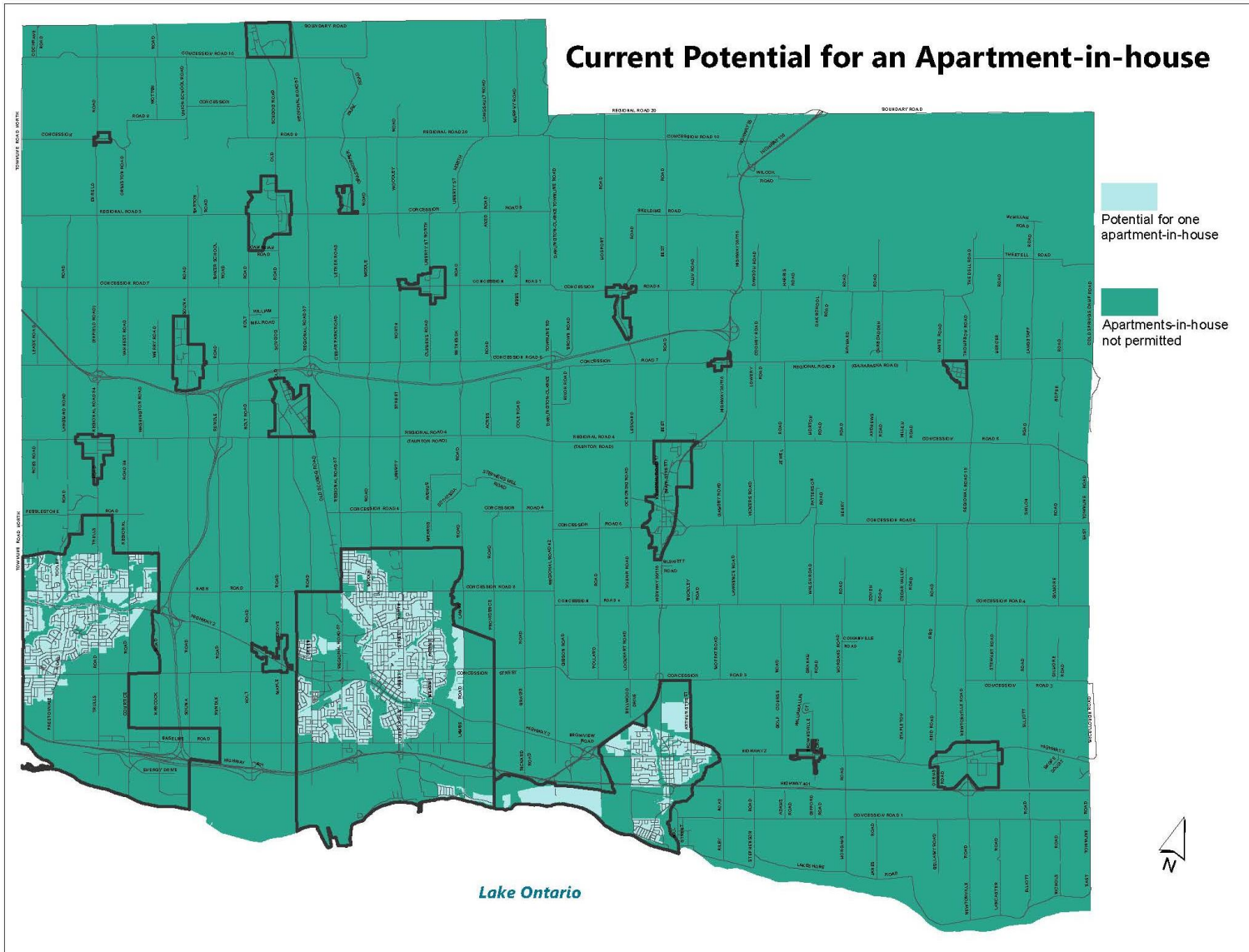


Figure 1: Where apartments-in-houses are currently permitted or not



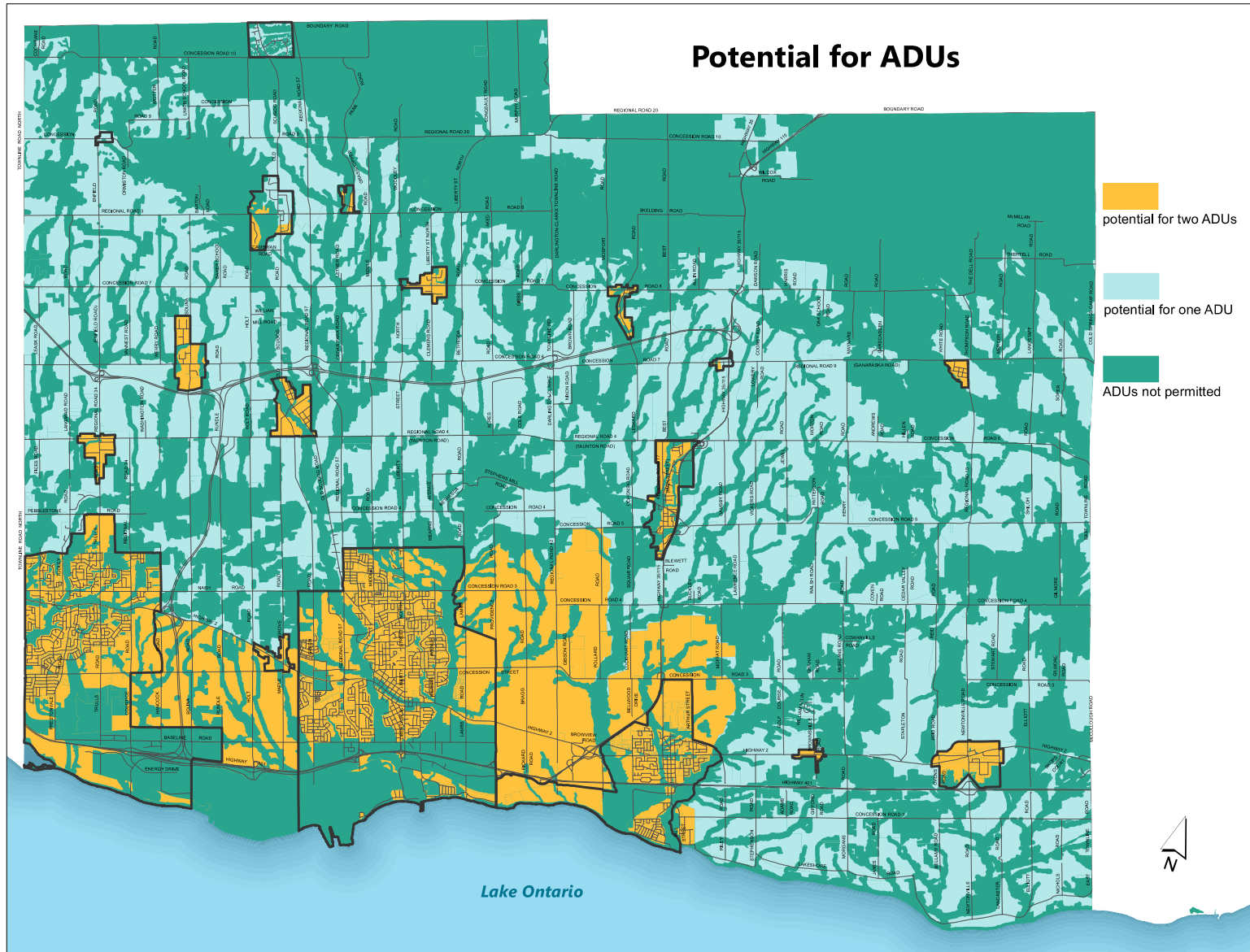


Figure 2: Expanded potential areas where one or two ADUs may or may not be permitted

### Oak Ridges Moraine Area

- 3.8 In conformity with the ORMCP, the recommended Official Plan Amendment states that 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.
- 3.9 To implement where ADUs are permitted within the ORM, the recommended Amendments to Zoning Bylaw 2005-109 would allow one ADU in a single detached dwelling within the Rural Settlement Zone and the Agricultural Zone.

### South of the Oak Ridges Moraine Area

- 3.10 For properties within the Greenbelt (but not within the Official Plan's EPA) 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 3.13 below).
- 3.11 Properties outside the Official Plan's EPA but within Urban Areas (including Orono) and the "whitebelt" (lands that are neither within a settlement area or within the Greenbelt) all have the potential for two ADUs: one ADU in the principal residential building **and** one ADU in an accessory building, regardless of when the accessory building was constructed. These permissions also 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 not within the ORM. However, the areas of these Hamlets within the ORM are subject to more restrictive policies specific to the ORM.

### Summary of where ADUs may be permitted

- 3.12 In summary, the potential for ADUs in different areas of the Municipality is illustrated in **Figure 2** (above) and is as follows.
- For all lands in the Municipality, ADUs (or any development) is prohibited in the Official Plan's EPA and Hazards, including the Regulatory Shoreline Area.
  - For lands within the ORM, ADUs may be permitted only in single dwellings and only on lands zoned Prime Agricultural (A) and Rural Settlement One (RS1).
  - 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.

### **Garden Suites**

- 3.13 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 Official Plan’s EPA. The Greenbelt Plan restricts ADUs to single dwellings and already-existing accessory buildings, but the Plan does not have such restrictions for Garden Suites. Since Garden Suites are essentially temporary ADUs in accessory buildings, the recommended 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 Standards**

- 4.1 The recommended standards in the Zoning Bylaw Amendments 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.

### **ADUs in principal residential buildings**

- 4.2 The recommended 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 recommended regulation is only to clarify which unit is the ADU when registering the ADU with the Municipality.
- 4.3 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 four front doors on a semi-detached building for example, if each dwelling contains an ADU.

### **ADUs in accessory buildings**

- 4.4 The recommended Zoning Bylaw 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.
- 4.5 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, potential privacy concerns and to ensure sufficient space for stormwater management. The recommended heights are intended to facilitate a one-and-a-half storey ADU within urban areas and a full two storeys in rural areas.

- 4.6 Accessory buildings with an ADU may, in some instances, be larger than what the Zoning Bylaw currently allows for accessory buildings without an ADU. The purpose of this increased size is to accommodate an ADU, not to increase storage or garage space. The regulations for the size of accessory buildings with an ADU are based on lot coverage so that accessory buildings are an appropriate size relative to the lot on which they are situated. Whichever of the following is reached first is the maximum: 10% of the lot area; or the zone's maximum total lot coverage (usually between 30 to 45%). It should also be emphasized that the floor area of the ADU within an accessory building may not exceed the floor area of the principal residential building.

### **Standards for all ADUs**

- 4.7 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.
- 4.8 At the Public Meeting, staff were asked to contemplate reducing parking requirements for ADUs when the occupant may not require a parking space. It should be noted that parking requirements (or any zoning standard) cannot be based on who may or may not be occupying the ADU. Due to ongoing concerns about on-street parking, and comments from the public, it is staff's opinion that one parking space per ADU is appropriate, however reductions may be considered on a case-by-case basis through the minor variance process.
- 4.9 Currently, limited home occupations are permitted within multi-unit buildings. It is recommended that the same opportunities be afforded to those in ADUs, even if they are in an accessory building.
- 4.10 The Zoning Bylaw Amendment as written would continue to require ADUs 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.
- 4.11 The requirement that all ADUs be registered with the Municipality will continue to help enforce conformity to zoning and other regulations.

## Exception Zones

- 4.12 There are two Agricultural Exception Zones that currently permit an “apartment-in-house” with regulations. The recommended Amendments are more permissive, so it is recommended that these Exception Zones be removed to ensure fairness for these property owners. There is also an Exception Zone that would be amended only to update the terminology from “apartment-in-house” to “additional dwelling unit.” A fourth Exception Zone would have a standard about front doors removed as this standard would apply to all Urban Residential Zones.

## 5. Public Participation

### Public Meeting 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. On that day, the Public Meeting Notice was emailed to those on the Interested Parties List at the time.
- 5.2 On August 17, 2021, the website [www.clarington.net/ADUs](http://www.clarington.net/ADUs) was published. The website provides information on the project and hosts the Draft Official Plan and Zoning Bylaw Amendments that were presented at the Public Meeting. The website also hosts the recommended Amendments (as found in the **Attachment 3** and **Attachment 4**) as well as staff contact information for members of the public to submit comments and/or questions.
- 5.3 The owners of the four properties where an Exception Zone is recommended to be removed or amended received the Public Meeting Notice along with a short explanatory letter. Staff have had discussions with the owner of one property with an Exception Zone to be removed who supports the recommended Amendments. Staff have also had correspondence with the owners of the two properties with Exception Zones to be amended and both understand the recommended Amendments have no material effect to their respective properties.
- 5.4 Prior to the public meeting, this project was the topic of the Mayor’s August Column that was published in the Clarington This Week on August 9, 2021. On August 28, 2021, the Clarington This Week published an article about the project and the upcoming Public Meeting. The project was also promoted in the Planning and Development Services eUpdate on July 29, 2021 and September 9, 2021.

### Public Meeting

- 5.5 At the Public Meeting held on September 13, 2021, staff report [PDS-041-21](#) was accompanied by a presentation which provided context and summarized the proposed

Amendments. Four members of the public provided separate delegations. Summaries of these delegations may be found in **Attachment 1**. Video recording of their delegations, and the two prepared presentations are available on the Municipality's website [www.clarington.net/Calendar](http://www.clarington.net/Calendar). Three of the four delegations were supportive of the increased permissions for ADUs but felt the limits for ADUs within the Greenbelt and ORM were too restrictive. The fourth delegation spoke in opposition to increasing ADUs, stating there should be little to no new impervious space and ADUs should only be allowed within existing dwellings.

## Public Submissions

- 5.6 Since the Notice of the Public Meeting was first advertised in the newspapers on August 18, 2021, to the writing of this Report, Staff have received comments from twenty-seven residents, three via telephone and the remaining twenty-four via email. Of these twenty-seven comments, five are opposed and five fully support the Amendments. The remaining twenty-two respondents support the Amendments, but with greater or fewer restrictions.
- 5.7 Public comments are summarized in **Attachment 1** to this report. All written public comments have been posted without edits or summaries to the project's website [www.clarington.net/ADUs](http://www.clarington.net/ADUs).

## 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/or agencies were requested to provide comments on the proposed Official Plan and Zoning Bylaw Amendments.
- 6.2 Comments received, including those from Durham Region departments and CLOCA, have no objection to the Official Plan or Zoning Bylaw Amendments. The Region has confirmed that the Official Plan Amendment is exempt from Regional approval.

## 7. Changes to Amendments Since Public Meeting

- 7.1 **Attachment 2** of this report contains tables comparing the Current Official Plan policies and Zoning Bylaw standards with the recommended Amendments. It also details, where necessary, any changes made to the Amendments from the draft presented at the Public Meeting to the recommended Amendments found in **Attachment 3** and **Attachment 4** of this report.
- 7.2 Changes to the Amendments since the Public Meeting do not alter the intent of either the Official Plan Amendment or the Zoning Bylaw Amendment. The changes make refinements to the Amendments to bring them closer to Official Plan conformity and to provide greater clarity.

### Official Plan Amendment

- 7.3 Changes to the draft Official Plan Amendment presented at the Public Meeting to the recommended Amendment found in **Attachment 3** of this report include changing a reference from Map H to Map A of the Official Plan to identify Natural Core Areas and Natural Linkage Areas. Staff believe it is more appropriate to reference the Official Plan land use designations rather than those found on Map H, which is a replica of Provincial mapping. These areas on Map A are more refined and smaller. Subsequent references to other land designations are also updated to those found on Map A.
- 7.4 The draft presented at the Public Meeting contained policies that are covered elsewhere in the Official Plan and apply to the entire Municipality. These do not need to be repeated in the section specifically about ADUs. This includes stating that development is not permitted in the NHS and that an ADU must conform to the Ontario Building Code and Ontario Fire Code.
- 7.5 The draft presented at the Public Meeting contained a provincially required policy to restrict ADUs within the Greenbelt. That draft stated they were not permitted within the NHS as mapped in the Official Plan. The recommended Amendments instead state ADUs are not permitted within the EPA or Hazards of the Official Plan. As noted in section 3.2 above, the EPA is comprised of the revised, smaller NHS than Provincial NHS mapping and, in rural areas, a 30 metre vegetation protection zone buffer, as well as floodplains. No development is permitted in the EPA, and thus ADUs are not permitted in the EPA.

### Zoning Bylaw Amendment

- 7.6 Changes to the Amendments to Zoning Bylaw 84-63 as found in **Attachment 4** of this report include increasing the maximum height for accessory buildings containing an ADU from 6 metres to 6.5 metres in rural areas. This increase will accommodate a garage on the main floor (which typically require a higher ceiling than a dwelling unit) and a full second storey for an ADU. The maximum height for accessory buildings containing an ADU in urban areas remains at 5.25 metres to be compatible with neighbouring buildings.
- 7.7 Changes to the Amendments to Zoning Bylaw 84-63 as found in **Attachment 4** of this report also include removing 120 square metres as the maximum size of an accessory building containing an ADU. Instead, the maximum size is limited to the lesser of either 10% of the lot, or the zone's maximum lot coverage. However, the floor area of an ADU within an accessory building must be less than the floor area of principal residential building. Removing the 120 square metre maximum simplifies the requirements, while still being proportionate to the lot on which they are situated and the main residential building.

- 7.8 The recommended Amendment to Zoning Bylaw 84-63 now refers to the Official Plan's EPA and Hazard Lands rather than the Official Plan's NHS for where ADUs are not permitted. As explained above in section 3.2 and discussed further in sections 3.4 to 3.7, prohibiting development (including ADUs) from the EPA is more consistent with the current Official Plan.
- 7.9 Council has provided direction to staff to further refine the EPA in the Official Plan and how to implement these restrictions in the comprehensive zoning bylaw. That work is ongoing and, when completed, may further expand areas where ADUs are permitted. As visualized in **Figures 1 & 2** above, this report recommends Amendments that will significantly expand where ADUs would be permitted and will facilitate property owners to increase the supply of affordable housing.
- 7.10 From the draft presented at the Public Meeting to the recommended Amendments found in **Attachment 4** of this report, the only change to the Amendments to Zoning Bylaw 2005-109 is to remove references to the Ontario Building Code and other relevant regulations. It is not necessary to repeat this requirement as it already captured in existing section 1.10 of Zoning Bylaw 2005-109.

## 8. Next Steps

- 8.1 The purpose of this report is to recommend Council approve the recommended Official Plan and Zoning Bylaw Amendments found in the **Attachment 3** and **Attachment 4**.
- 8.2 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. It is recommended that applications for ADUs not be approved until this new registering bylaw is approved by Council.
- 8.3 Once the 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.

## 9. Concurrence

The Municipal Solicitor in Legislative Services concurs with the recommendations.

## 10. Conclusion

- 10.1 It is recommended that Council approve the recommended Official Plan and Zoning Bylaw Amendments as found in the **Attachment 3** and **Attachment 4** to this report. As noted above the *Planning Act* states 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.



**Staff Contacts:**

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**Attachments:**

Attachment 1 – Public Comments and Delegations Summary Table

Attachment 2 – Comparison Table with Explanatory Comments

Attachment 3 – Official Plan Amendment

Attachment 4 – Zoning Bylaw Amendment

**Interested Parties:**

List of Interested Parties available from Department.

## Public Comment and Delegate Summary Tables

### Public Comment Summary Table

The following table summarizes the comments received from members of the public since draft Amendments were circulated on August 18, 2021 for the Statutory Public Meeting held on September 13, 2021. All written comments are posted to the project's website without summaries or edits: [www.clarington.net/ADUs](http://www.clarington.net/ADUs)

Public Comment Code Name Date Received Method Delivered	Summary of Comments	Response
PC001 Regan Trolly Aug 19, 2021 Email	Disappointed that an ADU is not permitted in his house since it's within the Natural Heritage System of the Greenbelt.	Ontario's Greenbelt Plan states that ADUs are not permitted in the Natural Heritage System. No changes to Amendments.
PC002 Dale Sturrock Aug 19, 2021 Email	Opposes allowing ADUs in a house and another in a garage in Bowmanville. States the Municipality will not be able to handle traffic, or more students in the schools.	Allowing one ADU in a house and one in an accessory building is required by the <i>Planning Act</i> . No changes to Amendments.
PC003 Lori Moore Aug 23, 2021 Email	Strongly supports the proposal for ADU in primary and additional dwellings. States it's a progressive way to address housing shortages.	Comment received. No changes to Amendments.
PC004 Sandra Farrell Aug 25, 2021 Email	Supports idea of more ADUs, but does not want to see more housing in the Greenbelt or Oak Ridges Moraine (ORM).	While many areas of the Municipality may have two ADUs on a lot, only one per lot is permitted within the Greenbelt and ORM, and only in certain areas. No changes to Amendments.
PC005 Peggy Clarke Aug 25, 2021 Sept 23, 2021 Phone call	Phone discussion: Concerned about climate impacts (more parking, less open ground, less trees). Concerned about more people smoking around her property. Later left voicemail: Concerns about people smoking near her backyard. Would like there to	One parking space per ADU is required, and there remain minimum landscape open space requirements to assist with the absorption of stormwater. Smoking regulations are beyond the scope of this project. No changes to Amendments.

Public Comment Code Name Date Received Method Delivered	Summary of Comments	Response
	be prohibition or regulations for where people may smoke on private property.	
PC006 Colette Godfrey Aug 29, 2021 Email	Concerned about parking, cars blocking footpaths, sticking into roads, parking on the street. Adequate off-street parking must be provided.	One parking space per ADU is required. Municipal Law Enforcement will continue to enforce parking bylaws. No changes to Amendments.
PC007 Ryan Carr Sept 1, 2021 Email	Supports the proposed amendments. States it will help with increased cost of housing. Suggests allowing the third ADU in the principal building rather than in accessory building. Suggests allowing increased height for accessory buildings and allow accessory structures to have basements. Suggests reducing parking to one space for all dwelling units.	Permitting a triplex by-right is not the intention of the changes to the <i>Planning Act</i> . Recommended heights for accessory structures are appropriate to allow 1.5 storeys in urban areas, however the recommended maximum height has been increased from 6m to 6.5 to allow a full 2 storeys in rural areas. An accessory building may have a basement, so long as it conforms to other zoning standards. The requirement for 2 outdoor parking spaces for the principal dwelling will remain to help ensure adequate parking. Amendments modified to allow 6.5 metres in rural areas.
PC008 Aimie Harris Sept 3 Email	Supports ADUs. New housing is not affordable. ADUs are an affordable alternative. States developers are paving over farmland, but she just wants a second unit on her ORM land so her son can stay and help the family.	Comment received. No changes to Amendments.
PC009 John Kersey Sept 7 Email	Recently moved to Newcastle from Toronto and is concerned after seeing ADUs in Toronto not being inspected frequently enough. States one parking space is not enough.	O. Reg. 299/19 states that Municipalities may require a maximum of one parking space per ADU. No changes to Amendments.
PC010 Esther and Tim Carlton Sept 7 Email	Question about how Municipality will ensure ADUs on private sanitary and water services will have sufficient capacity.	All ADUs will require a building permit. As part of the building permit process, any development on lands serviced by private services must be reviewed and approved by the Durham Region Health Department. No changes to Amendments.
PC011 Connie Owen Sept 7	States that these Amendments are part of UN's plan to seize all private property.	Comment received. No changes to Amendments.

Public Comment Code Name Date Received Method Delivered	Summary of Comments	Response
Email		
PC012 Rudy Kraayvanger Sept 9 Email	<p>Supports project. Would like to see same permissions across all of Municipality without the restrictions on Greenbelt and the Oak Ridges Moraine (ORM).</p> <p>Mr. Kraayvanger was also a delegate the Public Meeting and his presentation is summarized in the table below.</p>	Restrictions on the Greenbelt and ORM are provincially mandated. No changes to Amendments. However, one of the recommendations in the Report is for Council to direct staff to write a letter to the Province to reconsider the restrictions on the Greenbelt and ORM.
PC013 Michael Longarini Sept 9 Email	<p>Supports project. Would like to see permissions further expanded for Garden Suites and ADUs in accessory buildings. Feels cost for Temporary Use Bylaw for Garden Suites is too high.</p> <p>Mr. Longarini was also a delegate the Public Meeting and his presentation is summarized in the table below.</p>	The recommended Amendments are as permissive as Provincial and Official Plan policies currently allow. No changes to Amendments.
PC014 Frank Johansen Sept 9 Email	Supports project. Asks for relaxing some of the zoning standards, questions for clarification.	The specific requests may be dealt with through a Minor Variance application. No changes to Amendments.
PC015 Chad Veinot Sept 10 Email	Supports project, would to have/live in an ADU.	Comment received. No changes to Amendments.
PC016 Dianne Phillips Sept 12 Email	Supports project. Notes need for affordable options for adult children. Questions about size limits and if accessory can have basement.	An accessory building may have a basement, so long as it conforms to other zoning standards. No changes to Amendments.
PC017 Lynne and Stephen Janssens Sept 12	Opposes any new ADUs. States there are many illegal apartments and cars parked on streets and concerns with traffic. States there is no regulations for decks, other structures, or	Comment received. Municipal Law Enforcement will continue to enforce Municipal Bylaws, including those concerning parking. No changes to Amendments.

Public Comment Code Name Date Received Method Delivered	Summary of Comments	Response
Email	parking. Says regulation will not occur and illegal units will be built.	
PC018 Shirley Andrechuk Sept 12 Email	Would like to know how parking will be addressed. States that cars already fill driveways and roads. Also states that taxes will go down because ADUs are unattractive.	Municipalities may require a maximum of one parking space per ADU. Municipal Law Enforcement will continue to enforce parking regulations. No changes to Amendments.
PC019 Kelly Schmidt Sept 13 Email	Supports project. Wants to add an ADU to her property in Kendal for her parents.	Comment received. No changes to Amendments.
PC020 Aimie Harris Sept 13 Email	States there shouldn't be a 2017 'cut off' date for accessory buildings in the Greenbelt. States this will cause a lost opportunity for many families.	The Greenbelt Plan was updated in 2017 and included the restriction of ADUs in accessory buildings to those "existing." MMAH staff have confirmed July 1, 2017 is the appropriate date to determine "existing." No changes to Amendments.
PC021 Linda Fockler Sept 16 Email	<p>Follow up after her delegation with a set of questions, mainly about her specific property. Would like to have more permissions for ADUs within the Oak Ridges Moraine.</p> <p>Ms. Fockler was also a delegate the Public Meeting and her presentation is summarized in the table below.</p>	Restrictions on the ORM are imposed by the Province. No changes to Amendments. However, one of the recommendations in the Report is for Council to direct staff to write a letter to the Province to reconsider the restrictions on the Greenbelt and ORM.
PC022 Joe Kay Sept 23, 2021 Phone call	Supports allowing ADUs, but would like to build a new accessory building on his lot within the Greenbelt. Disappointed but understands the restrictions are from the Province. Notes the need for affordable housing and that policies and rules should be inclusive of all people, including rural people.	Explained Provincial restrictions, but advised he could (if Amendments approved) have an ADU within the existing house (and build an addition if desired). Also explained that Council would like staff to send a request to the Province asking them to reconsider the restrictions on the Greenbelt and ORM.
PC023 Teddy Roeloffzen Sept 23, 2021 Phone call	Would like to put an ADU in an existing accessory building. However it is within the OP's EPA and will likely not be allowed yet.	Explained Provincial restrictions and that our Official Plan and Zoning Bylaw are being comprehensively reviewed based on Council's direction and an ADU may be permitted in the accessory building then.

Public Comment Code Name Date Received Method Delivered	Summary of Comments	Response
PC024 Aimie Harris Sept 27, 2021 Email	Supports allowing ADUs, would like them permitted for family members. Email included examples of Mennonite housing (single dwellings with added units).	Comment received. No changes to Amendments.
PC025 Libby Racansky Sept 27, 2021 Email	Two follow-up emails from Ms. Racansky's delegation. Suggests that ADUs should not be considered affordable housing. States that affordability will lead to sprawl, and that if one application for an ADU is approved on sensitive lands, then we will receive a "flood" of applications. States that on her daily walks she sees the negative effects of development, such as dry wetlands and flooding.	ADUs are part of the Council-approved Affordable Housing Toolkit. ADUs will not be permitted within Environmental Protection Areas or Hazard Lands (which includes floodplains). Zoning standards limit lot coverage to provide open space for stormwater absorption.
PC026 Dan Labecki Sept 29, 2021 Email	Supports allowing ADUs, particularly in rural areas. Notes shortage of rental units in the Municipality. Notes ADUs can provide additional income to homeowner and an affordable option for renters.	Comment received. No changes to Amendments.
PC027 Kathleen Flynn Sept 29, 2021 Email	Supports allowing ADUs in urban and rural areas. Notes the need for additional housing, hopes Amendments are approved soon.	Comment received. No changes to Amendments.

## Summary of Delegations at the Public Meeting held September 13, 2021

Name of Delegate	Summary of Comments	Response
Linda Fockler	<p>Ms. Fockler was present in support of additional dwelling units (ADUs). She noted that she lives in the Oak Ridges Moraine and expressed concerns regarding the restrictions. Ms. Fockler questioned if there is a limit for severances for rural lands. She explained that the amendments will allow ADUs with some limitations for the Oak Ridges Moraine and that the goal of the restrictions is to preserve the Moraine to ensure the aquifer will remain unpolluted for the GTA community.</p> <p>Ms. Fockler added that families living on the Moraine love and protect the lands from individuals who dump garbage, pick up garbage others dump, report strangers hanging around and ensures that personal use keeps the land, springs, and creeks in an environmentally pure condition.</p> <p>She expressed that the lands should be protected and stated that ADUs will allow children to return to their parents' lands and continue to protect them. Ms. Fockler requested that, if the goal is to preserve the Moraine, allow families living there to have the opportunity to build ADUs and to ensure the people who care, remain on the land as caregivers. She explained that ADUs would allow older generations to move into new units and how properties with frontages on two side roads would create up to three new homes to assist in complying with the provincial guidelines to create affordable housing.</p> <p>Ms. Fockler concluded by requesting that Council allow small housing, with controlled regulated development that protects the Moraine and to keep the lands out of developers' hands.</p>	<p>Following Ms. Fockler's presentation, she was advised that restrictions to ADUs on the Oak Ridges Moraine are provincially mandated. In response, Ms. Fockler requested that the Municipality ask the province to reconsider these restrictions and allow more flexibility. Though no changes were made the Amendments, one of the recommendations of the Report is for Council to direct staff to write such a letter to the province.</p>
Rudy Kraayvanger	<p>Mr. Kraayvanger was present in support of the Additional Dwelling Units (ADUs) as they allow property owners to do more with their property. He expressed his concern regarding the confusion between the Oak Ridges Moraine and Greenbelt. Mr. Kraayvanger stated that there is opportunity to have ADUs within the provincial controlled areas. He stated</p>	<p>The restrictions to ADUs within the Greenbelt and Oak Ridges Moraine are provincially mandated. Though no changes were made to the Amendments, one of the recommendations of the Report is for Council to direct staff to write</p>

Name of Delegate	Summary of Comments	Response
	<p>that existing properties would not be changed or adversely affected by adding ADUs.</p> <p>Mr. Kraayvanger stated that he believes there does not need to be as many limits as suggested in the area and concluded by questioning if all residences will have one front door access or can they have two exterior entrances.</p>	<p>a letter to the province requesting they reconsider these restrictions and allow flexibility.</p>
<p>Michael Longarini</p>	<p>Mr. Longarini was present in support of the Additional Dwelling Units (ADUs). He stated that Clarington should open up the possibility for ADUs to allow more flexibility in the approval process and reduce the barriers and associated costs.</p> <p>Mr. Longarini explained that accessory structures can provide a way to take stress off the demand for rural lot creation, or settlement area expansion. He added that many farms also support additional possibilities for worker living areas.</p> <p>Mr. Longarini stated that the garden suite approvals should be temporary and that including "portable" in the definition is an unnecessary barrier. He explained that the garden suites should not have restrictions on who the occupants are and should be allowed to have extended family, residential rental or short-term rentals, or any other home business already permitted in the area.</p> <p>Mr. Longarini noted that the location of garden suites on large lots should be flexible for maximum setbacks. He questioned if an old garage was converted into a garage/ADU, does it restrict from building another new garage on the property if space allows. Mr. Longarini expressed his concerns regarding the cost of a temporary use by-law and approval process and concluded by stating he hopes to see continued efforts to support affordable housing in rural Clarington.</p>	<p>Garden Suites are not permitted within the Oak Ridges Moraine or within the Environmental Protection Areas as identified in the Official Plan. As per the <i>Planning Act</i>, they are required to be permitted through a temporary use bylaw. The definition of 'Garden Suite' in the <i>Planning Act</i> includes that they be "portable." The recommended Amendments to the Official Plan removes any requirements about the health or familial relationship of the occupants. There are no policies about the required setbacks or distance from the principal dwelling, as these would be addressed through the temporary use bylaw. No changes have been made to the Amendments.</p>
<p>Libby Racansky</p>	<p>Ms. Racansky spoke in opposition of the Additional Dwelling Units (ADUs). She explained that the Moraine and Greenbelt is exempted from the provincial implementation in Clarington communities. Ms. Racansky explained that the intensification</p>	<p>Staff feel the recommended Amendments strike a balance between implementing the <i>Planning Act's</i> requirements for ADUs and other provincial policy that protects the natural</p>



Name of Delegate	Summary of Comments	Response
	<p>of the Courtice North neighbourhood and its northern rural communities have already removed numerous forested areas. She added that it caused residents to experience dryness, hot temperatures, or wetness, even flooding within the urbanized centers.</p> <p>Ms. Racansky stated that the watershed is important for the remaining forests, wetlands, and ensures farms have sufficient water. She explained that there needs to be a place for affordable housing, but not in an area that is important to the watershed, which has been damaged already. Ms. Racansky stated that intensification is needed in areas where redevelopment would be a positive move, creating desirable and affordable homes without disrupting woodlots.</p> <p>She concluded by explaining that adding ADUs into the lands are not suitable for the watershed because it would further reduce the possibility of infiltration into the ground and increase overland runoff. Ms. Racansky added that the watershed should be included within the Moraine and greenbelt, with an exception of urban lands where the existing basements could be used to satisfy the interest of affordability.</p>	<p>environment. No development, including ADUs, are permitted in wetlands or floodplains. The recommended Amendments include minimum setbacks and lot coverage to help ensure sufficient open space remains to absorb stormwater. No changes have been made to the Amendments.</p>

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

### Official Plan

The Official Plan Amendments are outlined in the table below. The column on the left shows what is currently in the Official Plan. The middle column shows the amendments now being recommended. The column on the right provides a brief explanatory comment on the proposed changes and, where there have been changes made from the Public Meeting Draft to the Recommended Amendment, what those changes are. As the policies are added/deleted/modified, the remaining subsections will be renumbered.

Current Official Plan policies	Recommended Amendments	Explanatory comment
<p><b>Accessory Apartments</b></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"> <li>a) Only one <i>accessory apartment</i> is permitted;</li> <li>b) One additional parking space is required for the <i>accessory apartment</i> in accordance with the Zoning By-law;</li> <li>c) Sufficient water supply and sanitary servicing capacity exists;</li> <li>d) The <i>accessory apartment</i> complies with the provisions of the Ontario Building Code, Ontario Fire Code and any other relevant regulations; and</li> <li>e) The <i>accessory apartment</i> is registered with the Municipality.</li> </ul>	<p><b>Additional Dwelling Units</b></p> <p>6.3.5 One <i>additional dwelling unit</i> is permitted on a <i>lot</i> within a <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	Recommended Amendments	Explanatory comment
<p>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:</p> <ul style="list-style-type: none"> <li>a) That the accessory building use is maintained;</li> <li>b) That the <i>accessory apartment</i> complies with the development criteria of Section 6.3.5; and</li> <li>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.</li> </ul>	<p>6.3.6 Notwithstanding 6.3.5, within the Oak Ridges Moraine, as shown on Map A of this Plan:</p> <ul style="list-style-type: none"> <li>a) within the Natural Core and Natural Linkage Area designations, <i>additional dwelling units</i> are not permitted; and</li> <li>b) within the Prime Agricultural Area, Rural Area, and Hamlet designations, 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>.</li> </ul>	<p>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.</p> <p><b>Changed from Public Meeting Draft:</b> Reference to Map A rather than Map H. Map A has a more refined and smaller mapping of Natural Core and Natural Linkage with more specific land designations.</p> <p>The Public Meeting Draft contained a policy to prohibit ADUs within the Natural Heritage System (NHS). However, existing policy 3.4.8 states no development (which would include an ADU) is permitted in the NHS and/or a Hydrologically Sensitive Feature or within its Vegetation Protection Zone. It is not necessary to repeat this policy here.</p>
	<p>6.3.7 Notwithstanding 6.3.5, within the Protected Countryside of the Greenbelt Plan, but outside of Environmental Protection Area as identified in this Official Plan, one <i>additional dwelling unit</i> is only permitted within either a <i>single detached dwelling</i> or an accessory building that existed on (or building permits were issued prior to) July 1, 2017.</p>	<p>Required to conform to Section 4.5.3 of the Greenbelt Plan.</p> <p>The revised Greenbelt Plan came into effect on July 1, 2017 and thus this is the date to be considered ‘existing.’ Staff from the MMAH have confirmed this interpretation.</p> <p><b>Changed from Public Meeting Draft:</b> Reference to Environmental Protection Area (EPA) rather than Natural Heritage System (NHS). EPA is the NHS plus a 30 metre buffer, and floodplains. Other Provincially legislated policy states that development is</p>

Current Official Plan policies	Recommended Amendments	Explanatory comment
		<p>not permitted on lands adjacent to the NHS. Changing the proposed amendment to reference the EPA is in conformity with Provincial policy and Official Plan policy 14.4.5.</p> <p>Removed reference to map to leave open the possibility to further refine EPA mapping as per policy 14.4.4.</p> <p>Minor rewording for clarity.</p>
	<p>6.3.8 Notwithstanding 6.3.5, <i>additional dwelling units</i> are not permitted within Hazard Lands including the Regulatory Shoreline Area as identified in this Official Plan.</p>	<p>Conforms with policies in 3.7 of the Official Plan to prevent personal injury, property damage, or damage to the natural environment.</p> <p><b>Changed from Public Meeting Draft:</b> Removed reference to Map F.</p>
	<p>6.3.9 <i>Additional dwelling units</i> shall:</p> <ul style="list-style-type: none"> <li>a) be registered with the Municipality; and</li> <li>b) be compatible with <i>adjacent</i> uses.</li> </ul>	<p>Registering ADUs helps ensure conformity to regulations.</p> <p><b>Changed from Public Meeting Draft:</b> Removed references to the Zoning By-law, Ontario Building Code (OBC) and Ontario Fire Code (OFC). All development must conform to the Zoning By-law and all buildings must conform the OBC and OFC. Stating that ADUs must conform is redundant may cause confusion as to why this is not mentioned elsewhere in the Official Plan.</p>
	<p>6.3.10 Where an <i>additional dwelling unit</i> is within an accessory building, the accessory building must be</p>	<p>Supports good urban design.</p>

Current Official Plan policies	Recommended Amendments	Explanatory comment
	secondary in size and scale to the principal residential building.	
	6.3.11 An accessory building containing an <i>additional dwelling unit</i> may not be severed from the <i>lot</i> accommodating the principal residential building. In no case shall an <i>additional dwelling unit</i> be considered a <i>residence surplus to a farming operation</i> .	To prohibit potential severances of ADUs in accessory buildings.  <b>Changed from Public Meeting Draft</b> to clarify that an ADU cannot be considered a surplus farm dwelling to be severed. Conforms to Provincial policy to prevent fragmentation of farmland.
<p><b>Garden Suites</b></p> <p>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>	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.	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>6.3.8 In applying for a temporary use by-law for a <i>garden suite</i>, the applicant shall demonstrate that:</p> <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>6.3.13 In applying for a temporary use by-law for a <i>garden suite</i>, the applicant shall demonstrate that:</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; and</p>	<p>Updated to reflect new regulatory language for garden suites in section 39.1 of the Planning Act. Provisions of the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing.</p> <p><b>Changed from Public Meeting Draft</b> to remove references to the Zoning By-law, Ontario Building Code (OBC) and Ontario Fire Code (OFC). All development must conform to the Zoning By-law and all</p>

Current Official Plan policies	Recommended Amendments	Explanatory comment
<p>c) The proposal is compatible with <i>adjacent</i> uses considering such matters as privacy, noise and appearance;</p> <p>d) There is adequate on-<i>site</i> parking;</p> <p>e) There is adequate water supply and sewage disposal services; and</p> <p>f) There is no <i>accessory apartment</i> on the <i>lot</i>.</p>	<p>c) There is no other accessory building on the <i>lot</i> containing an <i>additional dwelling unit</i>.</p>	<p>buildings must conform the OBC and OFC. Stating that Garden Suites must conform is redundant may cause confusion as to why this is not mentioned elsewhere in the Official Plan.</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 municipal regulations, including registration; and</p> <p>c. Meet the requirements of the Durham Region Health Department with respect to servicing.</p>	<p>Deleted</p>	<p>This site-specific Official Plan exception is no longer needed as the proposed regulations are more permissive.</p>
<p><b>Definitions</b></p>		

Current Official Plan policies	Recommended Amendments	Explanatory comment
<p><b>Accessory Apartment:</b> 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><b>Additional Dwelling Unit:</b> 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><b>Garden Suite:</b> a self-contained, portable <i>dwelling unit</i> located in a side or rear yard of an existing residential property.</p>	<p><b>Garden Suite:</b> 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. Including “portable” in the definition conforms with the <i>Planning Act</i>.</p>

## Zoning Bylaws 84-63 and 2005-109

The Zoning Bylaw (ZBL) Amendments 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.

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

The recommended amendments to Zoning By-law 84-63 are outlined in the table below. The column on the left shows what is currently in the ZBL. The middle column shows the recommended amendments. The column on the right provides a brief explanatory comment on the proposed changes and, where there have been changes made from the Public Meeting Draft to the Recommended Amendment, what those changes are. The recommended amendments include the introduction of a definition of additional dwelling units and standards including the location, size, and parking requirements. Amendments also include standards for accessory buildings that contain an ADU. As sections are added/deleted/modified, the remaining subsections will be renumbered.

Current Zoning Regulations	Recommended Amendments	Explanatory comment
<b>Definitions</b>		
<p><b>Apartment-In-House</b>            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><b>Additional Dwelling Unit</b>            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><b>Garden Suite</b>            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><b>Garden Suite</b>            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. Including “portable” in definition conforms with the Planning Act.</p>



Current Zoning Regulations	Recommended Amendments	Explanatory comment
property containing a single detached dwelling.		
<b>Regulations</b>		
<b>3.2 Apartment-In-House</b>	<b>3.2 Additional Dwelling Unit</b>	
<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 or townhouse dwelling</i> and within an <i>accessory building</i> on the same <i>lot</i>, for a maximum total of three <i>dwelling units</i> 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., <i>additional dwelling units</i> are not permitted within the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area, as identified in the Clarington Official Plan.</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> <p><b>Changed from Public Meeting Draft:</b> Reference to Environmental Protection Area (EPA) rather than Natural Heritage System (NHS) to be in conformity with legislated Provincial policy and the Official Plan.</p> <p>Section 4.5.3 of the Greenbelt Plan does not permit ADUs in Natural Heritage System (NHS). No development is permitted in the NHS or adjacent lands. The mapped NHS in the Official Plan is more accurate (and smaller) than mapped NHS in Greenbelt Plan.</p>

Current Zoning Regulations	Recommended Amendments	Explanatory comment
		<p>The EPA in the Official Plan is the NHS plus a 30m buffer (in rural areas), and floodplains. ADUs are not permitted in Hazard Lands, which include floodplains as continually updated by Conservation Authorities. Added reference to Hazard Land and Regulatory Shoreline to be in conformity with Official Plan and for clarity.</p>
	<p>3.2 c. Notwithstanding 3.2 a., <i>additional dwelling units</i> are only permitted within <i>single detached dwellings or accessory buildings</i> that existed on (or where building permits were issued prior to) July 1, 2017 for lands within the Protected Countryside within the Greenbelt Plan, if located outside of the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area as identified in the Clarington Official Plan.</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. Staff from MMAH have confirmed this interpretation.</p> <p><b>Changed from Public Meeting Draft:</b> Reference to Environmental Protection Area (EPA) rather than Natural Heritage System (NHS) and added reference to Hazard Land and Regulatory Shoreline Area for the same reasons outlined immediately above.</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> and <i>Mixed Use Zones</i>, entrances for</p>	<p>An urban design policy to restrict additional front doors in urban areas.</p>

Current Zoning Regulations	Recommended Amendments	Explanatory comment
	<p>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><b>Changed from Public Meeting Draft:</b> Include Mixed Use Zones where townhouses and existing single dwellings are permitted.</p>
	<p>3.2 f. Where an <i>additional dwelling unit</i> is located within an <i>accessory building</i>:</p> <ul style="list-style-type: none"> <li>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</li> <li>ii) Notwithstanding Section 3.1 c., the <i>accessory building</i> must: <ul style="list-style-type: none"> <li>a) Conform to the zone's <i>front yard</i> and <i>exterior side yard</i> setback requirements for residential uses;</li> <li>b) Have a minimum <i>rear yard</i> and <i>interior side yard</i> setback of 1.8 metres;</li> <li>c) Not exceed, whichever is less: <ul style="list-style-type: none"> <li>i) <i>lot coverage</i> of 10% for the <i>additional dwelling unit</i>, or</li> <li>ii) the zone regulation's <i>lot coverage</i> maximum; and</li> <li>d) Have a maximum <i>height</i> of 6.5 metres within Agricultural and <i>Rural Residential Zones</i>, and 5.25 metres within <i>Urban Residential Zones</i>.</li> </ul> </li> </ul> </li> </ul>	<p>To implement the policy that accessory buildings with an ADU must be secondary in size and scale to the principal residential building.</p> <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><b>Changed from Public Meeting Draft:</b> Removed the limit of 120 sq. m. from the maximum size of accessory structure containing an ADU. Note that the floor area of an ADU in an accessory building must be less than the floor area of main house. The maximum height for accessory buildings containing an ADU has increased from 6m to 6.5m in rural areas. This is to accommodate a 2-storey building with a garage on the main</p>

Current Zoning Regulations	Recommended Amendments	Explanatory comment
		<p>floor (which normally has a higher ceiling than a dwelling unit) and a full second storey for an ADU.</p> <p>Removed stating ADUs must conform to zoning, Ontario Building Code, Fire Code and other regulations. It is unnecessary to re-state this here as it covered by existing section 26.7 Compliance with Other Laws.</p>
	3.2 g. <i>Additional dwelling units</i> must be registered with the Municipality.	Registering ADUs helps ensure conformity to regulations.
	3.2 h. 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.
<b>Parking Space Requirement Table within Section 3.16</b>		
Residential (v) a) Apartment-in-house or Garden Suite: 1 parking space	Residential (v) a) <i>additional dwelling unit or garden suite: 1 parking space</i> for each <i>additional dwelling unit or 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.
<b>Exception Zones Permitting and/or Regulating Apartments-in-Houses</b>		
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	Deleted	This Agricultural Exception Zone is no longer needed as the proposed regulations are more permissive.

Current Zoning Regulations	Recommended Amendments	Explanatory comment
<p>used for an apartment-in-house and shall be subject to the following zone regulations:</p> <p>a. Regulations for Apartment-in-house</p> <p>i) Floor Area (minimum): 40 square metres</p> <p>ii) Number of bedrooms (maximum): 1</p> <p>iii) Number of parking spaces (minimum): 1</p>		
<p>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:</p> <p>a. Regulations for Apartment-in-house</p> <p>i) Floor Area (minimum) 40 square metres</p>	Deleted	This Agricultural Exception Zone is no longer needed as the proposed regulations are more permissive.
<p>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.</p>	Deleted	Regulations found in proposed Section 3.2 e. about front doors apply to all ADUs and so not needed for the Neighbourhood Character Overlay Zone.
<p>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.</p>	Deleted	Regulations found in proposed Section 3.2 e. about front doors apply to all ADUs and so not needed for this site-specific exception zone.
<p>16.5.37 a. ii) One single detached residential dwelling provided that no apartment-in-house is contained therein.</p>	<p>16.5.37 a. ii) One single detached residential dwelling provided that no <i>additional dwelling unit</i> is contained therein.</p>	Updated only to reflect “additional dwelling unit” term.

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

The recommended amendments to Zoning By-law 2005-109 are outlined in the table below. The column on the left shows what is currently in the ZBL. The middle column shows the recommended amendments. The column on the right provides a brief explanatory comment on the proposed changes and, where there have been changes made from the Public Meeting Draft to the Recommended Amendment, what those changes are. There have been no changes made from the Public Meeting Draft to the Recommended Amendment. The recommended amendments include the introduction of a definition of additional dwelling units and standards including the location, size, and parking requirements. As sections are added/deleted/modified, the remaining subsections will be renumbered.

Current Zoning Regulations	Recommended Amendments	Explanatory comment
<b>Table of Contents</b>		
5.7 In-House Apartment Dwellings	5.7 Additional Dwelling Units	Updated to reflect “additional dwelling unit” term.
<b>Definitions</b>		
<p><b>In-House Apartment Dwelling</b>            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><b>Additional Dwelling Unit</b>            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><b>Garden Suite</b>            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><b>Garden Suite</b>            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 (the Act includes “portable”).</p> <p>Note that Garden Suites are not permitted in the Oak Ridges Moraine.</p>
<b>Home occupation permission</b>		
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	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	Updated to provide occupants of additional dwelling units the same opportunities as those within apartment and townhouse dwellings.

Current Zoning Regulations	Recommended Amendments	Explanatory comment
<p>have clients coming to the <i>dwelling</i>, and does not have employees who reside on a different <i>lot</i>.</p>	<p>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>.</p>	
<b>Regulations</b>		
<b>5.7 In-House Apartment Dwellings</b>	<b>5.7 Additional Dwelling Units</b>	
<p>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>.</p>	<p>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.</p>	<p>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.</p> <p><b>Changed from Public Meeting Draft:</b> Removed stating ADUs must conform to zoning, Ontario Building Code, Fire Code and other regulations. It is unnecessary to re-state this here as it covered by existing section 1.10 Relation to Other Government Requirements.</p>
<p>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 <i>use</i>, provided that sanitary sewer and water services to the <i>in-house apartment dwelling</i> are provided by a <i>public authority</i>.</p>	<p>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>.</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>5.7.3 An <i>in-house apartment dwelling</i> shall have minimum <i>floor area</i> of 40 square metres.</p>	<p>5.7.3 <i>Additional dwelling units</i> must be registered with the Municipality.</p>	<p>Registering ADUs helps ensure conformity to regulations.</p>
<p>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</i></p>	<p>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</p>	<p>Updated only to reflect “additional dwelling unit” term.</p>

Current Zoning Regulations	Recommended Amendments	Explanatory comment
<i>apartment <u>dwelling</u></i> established prior to November 16, 1995.	for an <i>additional <u>dwelling unit</u></i> established prior to November 16, 1995.	
6.2.2 (Table 6-2) <i>In-House Apartment</i> . Section 5.7	6.2.2 (Table 6-2) <i>Accessory <u>Dwelling Unit</u></i> . Section 5.7	Updated only to reflect “additional dwelling unit” term.



## Amendment Number 129

### 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 ~~strike through~~ 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 A of this Plan:**

- a) **Within the Natural Core Area and Natural Linkage Area designations, *additional dwelling units* are not permitted; and**
- b) **Within the Prime Agricultural Area, Rural, and Hamlet designations, a maximum of one *additional dwelling unit* is permitted on a *lot* and only within a *single detached dwelling*.”**

2. Existing section 6.3 is amended by adding new policies 6.3.7 to 6.3.11 as follows and all subsequent existing policies are renumbered accordingly:

**“6.3.7 Notwithstanding 6.3.5, within the Protected Countryside of the Greenbelt Plan, but outside of the Environmental Protection Area as identified in this Official Plan, one *additional dwelling unit* is only permitted within either a *single detached dwelling* or an accessory buildings that existed on (or building permits were issued prior to) July 1, 2017.**

**6.3.8 Notwithstanding 6.3.5, *additional dwelling units* are not permitted within Hazard Lands including the Regulatory Shoreline Area as identified in this Official Plan.**

**6.3.9 *Additional dwelling units* shall:**

- a) be registered with the Municipality; and
- b) be compatible with *adjacent* uses.

**6.3.10 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.**

**6.3.11 An accessory building containing an *additional dwelling unit* may not be severed from the *lot* accommodating the principal residential building. In no case shall an *additional dwelling unit* be considered a *residence surplus to a farm operation*.”**

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; and

d) ~~There is adequate on-site parking;~~

e) ~~There is adequate water supply and sewage disposal services; and~~

f) **c) 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~~ **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 Plan, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

Corporation of the Municipality of Clarington

By-law Number 20\_\_\_\_ - \_\_\_\_\_

being a By-law to amend By-law 84-63. and By-law 2005-109.

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 for ZBA2021-0011.

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):

1. By-law 84-63 is amended as set out in Sections 3 through 11 of this By-law.
2. By-law 2005-109 is amended as set out in Sections 12 through 16 of this By-law.
3. Section 2 – Definitions is amended, as follows:

a) By deleting the definition “Apartment-In-House”.

b) By adding the following definition:

**“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*.”**

c) By deleting the definition “Garden Suite” and replacing it as follows:

**“Garden Suite**

**A self-contained temporary *dwelling* unit designed to be portable and is clearly secondary to the principal residential *dwelling* unit on the same *lot*.”**

4. By deleting Section 3.2 and replacing it as follows:

**“3.2 Additional Dwelling Units**

- 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*.

- b. Notwithstanding 3.2 a., *additional dwelling units* are not permitted within the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area, as identified in the Clarington Official Plan.
- c. Notwithstanding 3.2 a., *additional dwelling units* are only permitted within *single detached dwellings* or *accessory buildings* that existed on (or where building permits were issued prior to) July 1, 2017 for lands within the Protected Countryside within the Greenbelt Plan, if located outside of the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area as identified in the Clarington Official Plan.
- d. Where an *additional dwelling unit* is located within a principal residential *building*, the *floor area* of the *additional dwelling unit* must be less than the *floor area* of the principal *dwelling* unit.
- e. Within *Urban Residential Zones* and *Mixed Use 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.
- f. Where an *additional dwelling unit* is located within an *accessory building*:
  - i) The *floor area* of the *additional dwelling unit* must be less 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) Not exceed, whichever is less:
      - i) *lot coverage* of 10% for the *additional dwelling unit*, or
      - ii) the zone regulation's *lot coverage* maximum; and
    - d) Have a maximum *height* of 6.5 metres within *Agricultural and Rural Residential Zones*, and 5.25 metres within *Urban Residential Zones*.
- g. *Additional dwelling units* must be registered with the Municipality.
- h. A *home occupation* is permitted within an *additional dwelling unit*, subject to Section 3.11B.”

5. 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) <del>Apartment-in-house</del> <b>Additional dwelling unit</b> or Garden Suite	1 parking space <b>for each additional dwelling unit or garden suite.</b>
b) <del>Apartment-in-house</del> <b>Additional dwelling unit</b> in existence prior to November 16, 1995	Nil

6. Section 6.4.85 Agricultural Exception (A-85) Zone and Section 6.4.93 Agricultural Exception (A-93) Zone are deleted.

7. Section 12.2.1 f. iv) and Section 13.4.87 are deleted.

8. Section 16.5.37 a. ii) is deleted and replaced as follows:

**“One single detached residential dwelling provided that no additional dwelling unit is contained therein.”**

9. Schedule ‘1’ is amended by changing the zone from “Agricultural Exception (A-85) Zone” to “Agricultural Exception (A-1) Zone” as illustrated on the attached Schedule ‘A-1’ hereto.

10. Schedule ‘2’ is amended, by changing the zone from “Agricultural Exception (A-93) Zone” to “Agricultural Exception (A-1) Zone” as illustrated on the attached Schedule ‘A-2’ hereto.

11. Schedule ‘A’ attached hereto shall form part of this By-law.

12. The Table of Contents is amended by deleting the term “In-House Apartment Dwellings” and replacing it with “Additional Dwelling Units”.

13. Section 3 – Definitions is amended as follows:

a) By deleting the definition “In-House Apartment Dwelling”.

b) By adding the following definition:

**“Additional Dwelling Unit  
A self-contained *dwelling* unit within a permitted *single detached dwelling*.”**

c) By deleting the definition “Garden Suite” and replacing it as follows:

**“Garden Suite**

**A temporary *dwelling* unit designed to be portable and accessory to a *single detached dwelling* on the same lot.”**

14. By replacing Section 5.6.5 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*.”

15. By deleting Section 5.7 and replacing it as follows:

**“5.7 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.**

**5.7.2 The floor area of an *additional dwelling unit* must be less than the floor area of the principal *dwelling unit*.**

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

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.”

16. 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>
<b>Residential</b>	
<del><i>In-House Apartment</i></del> <b><i>Additional dwelling unit</i></b>	Section 5.7

17. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 and *Section 24.2* of the Planning Act.

By-Law passed in open session this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Adrian Foster, Mayor

\_\_\_\_\_  
June Gallagher, Municipal Clerk



