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The Corporation of the Municipality of Clarington
By-law Number 2021-082

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 the Council of the Municipality of Clarington enacts as follows (*note: **Bold** text represents an addition to the text and text with a ~~strikethrough~~ 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 Zone.
- 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.
- 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 the *Agricultural Zone* 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
a) Apartment-in-house Additional dwelling unit or Garden Suite	1 parking space for each additional dwelling unit or garden suite.
b) Apartment-in-house Additional dwelling unit in existence prior to November 16, 1995	Nil

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 n. 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 *additional dwelling unit*. A *parking space* is not required for an *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>
Residential	
<i>In-House Apartment</i> <i>Additional dwelling unit</i>	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.

Passed in Open Council this 13th day of December, 2021

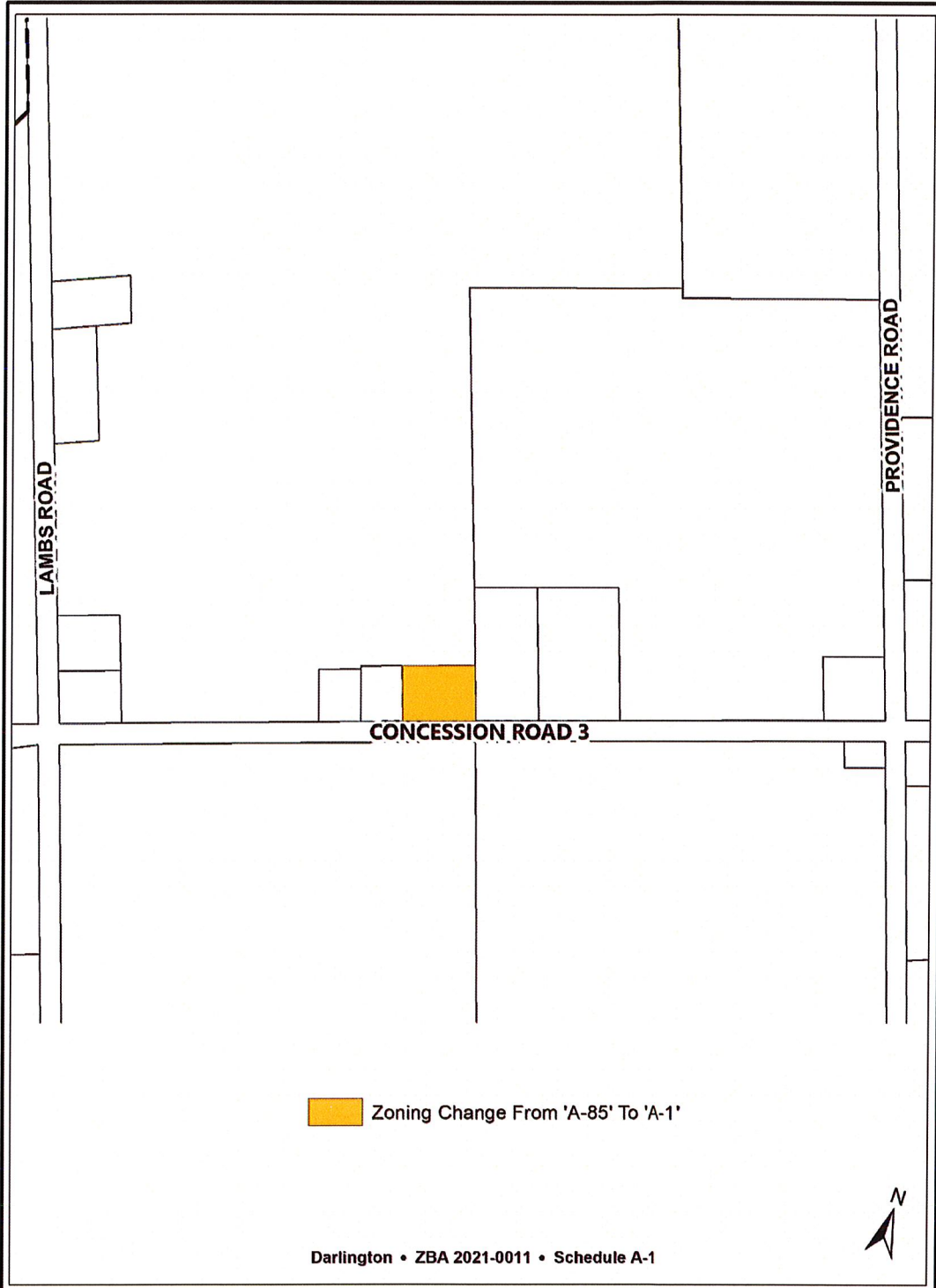


Adrian Foster, Mayor



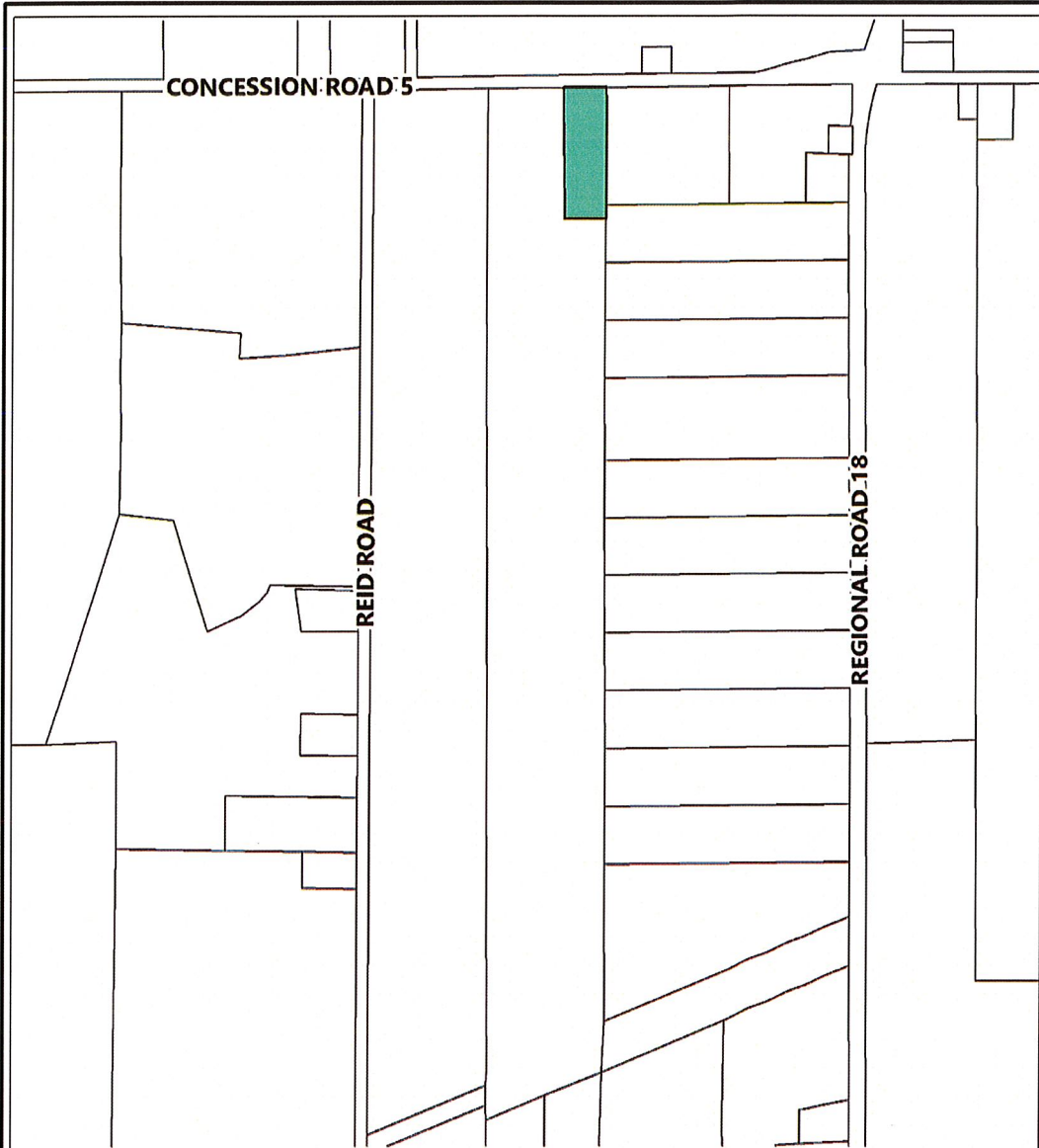
June Gallagher, Municipal Clerk

This is Schedule "A-1" to By-law 2021-082, passed this 13th day of December, 2021 A.D.



Darlington • ZBA 2021-0011 • Schedule A-1

This is Schedule "A-2" to By-law 2021-082, passed this 13th day of December 2021 A.D.



 Zoning Change From 'A-93' To 'A-1'

Clarke • ZBA 2021-0011 • Schedule A-2

