

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

#### Official Plan

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

Current Official Plan policies	Proposed changes to Official Plan	Explanatory comment
	policies	
Accessory Apartments  6.3.5 An accessory apartment is permitted in Urban Areas within a detached or semidetached dwelling or townhouse subject to the following:  a) Only one accessory apartment is permitted; b) One additional parking space is required for the accessory apartment in accordance with the Zoning Bylaw; c) Sufficient water supply and sanitary servicing capacity exists; d) The accessory apartment complies	Additional Dwelling Units  6.3.5 One additional dwelling unit is permitted on a lot within a permitted single detached, semi-detached, or townhouse dwelling. One additional dwelling unit is permitted within a detached accessory building on the same lot.	Reflects the changes to Section 16(3) of the Planning Act as a result of Bill 108, More Homes, More Choice Act.
with the provisions of the Ontario Building Code, Ontario Fire Code and any other relevant regulations; and		

Current Official Plan policies	Proposed changes to Official Plan	Explanatory comment
	policies	
e) The accessory apartment is registered with the Municipality.		
6.3.6 An accessory apartment is permitted	6.3.6 Notwithstanding 6.3.5, within the Oak	Required to be in conformity with the
outside of Urban Areas within a detached	Ridges Moraine, as shown on Map H of this	Oak Ridges Moraine Conservation
dwelling or above or within a detached	Plan:	Plan (ORMCP). In 2017, the ORMCP
accessory building, subject to the following:	<ul> <li>a) within the Natural Core and Natural</li> </ul>	was amended with a revised definition
<ul> <li>a) That the accessory building use is maintained;</li> <li>b) That the accessory apartment complies</li> </ul>	Linkage Areas, additional dwelling units are not permitted; and b) b) within the Countryside and Settlement Areas, a maximum of one	of "single dwelling" that limits where ADUs may be permitted.
with the development criteria of Section 6.3.5; and	additional dwelling unit is permitted on a	
c) That in the case of an accessory apartment above or within an accessory building, the accessory building is in close proximity to the dwelling and is clearly secondary to the principal dwelling.	lot and only within a single detached dwelling.	
cocondary to the principal awailing.	6.3.7 Notwithstanding 6.3.5, within the	Conforms with policy 3.4.8 of the
	Natural Heritage System as identified on	Official Plan.
	Map D this Official Plan, additional dwelling	
	units are not permitted.	
	6.3.8 Notwithstanding 6.3.5, within the	Required to conform to Section 4.5.3
	Protected Countryside of the Greenbelt Plan,	of the Greenbelt Plan.
	but outside of the Natural Heritage System	The revised Greenbelt Plan came into
	as identified on Map D of this Official Plan,	effect on July 1, 2017.
	additional dwelling units are only permitted	
	within single detached dwellings and	
	accessory buildings that existed on (or	
	building permits were issued prior to) July 1,	
	2017.	
	6.3.9 Notwithstanding 6.3.5, additional	Conforms with policies in 3.7 of the
	dwelling units are not permitted within	Official Plan to prevent personal
	Hazard Lands as identified on Map F of this	injury, property damage, or damage to
	Official Plan.	the natural environment.

Current Official Plan policies	Proposed changes to Official Plan	Explanatory comment
	policies	
	6.3.10 Additional dwelling units shall:	Confirms need to conform to
	a) comply with the provisions of the Zoning	appropriate regulations. Provisions of
	By-law, Ontario Building Code, Ontario Fire	the Ontario Building Code ensure
	Code and any other relevant regulations;	ADUs are properly serviced with
	b) be registered with the Municipality; and	sanitary and water servicing.
	c) be compatible with <i>adjacent</i> uses.	Registering ADUs helps ensure
		conformity to regulations.
	6.3.11 Where an additional dwelling unit is	Supports good urban design.
	within an accessory building, the accessory	
	building must be secondary in size and scale	
	to the principal residential building.	
	6.3.12 An accessory building containing an	To prohibit potential severances of
	additional dwelling unit may not be severed	ADUs in accessory buildings.
	from the lot accommodating the principal	
	residential building.	
Garden Suites	Garden Suites	Only changes are to policy numbers.
6.3.7 Except for areas within the Oak Ridges	6.3.12 Except for areas within the Oak	Garden Suites will continue to be
Moraine, one <i>garden suite</i> may be permitted	Ridges Moraine, one <i>garden suite</i> may be	permitted. Due to their temporary
in association with any single detached	permitted in association with any single	nature, they may be permitted in
dwelling, through a temporary use by-law,	detached dwelling, through a temporary use	those areas of the Greenbelt where
subject to Section 6.3.8. The garden suite will	by-law, subject to Section 6.3.13. The	ADUs in new accessory buildings are
be permitted for a period of no more than 20	garden suite will be permitted for a period of	not permitted.
years provided that there is an agreement	no more than 20 years provided that there is	
between the owner and the Municipality	an agreement between the owner and the	
regarding the occupant, the period of	Municipality regarding the occupant, the	
occupancy, the installation, maintenance and	period of occupancy, the installation,	
removal of the suite, and any financial	maintenance and removal of the suite, and	
conditions.	any financial conditions.	
6.3.8 In applying for a temporary use by-law	6.3.13 In applying for a temporary use by-	Updated to reflect new regulatory
for a garden suite, the applicant shall	law for a garden suite, the applicant shall	language for garden suites in section
demonstrate that:	demonstrate that:	39.1 of the Planning Act. Provisions of

Current Official Plan policies	Proposed changes to Official Plan	Explanatory comment
	policies	
<ul> <li>a) There is a need for the garden suite to provide supervised accommodation or care for an elderly, sick or disabled person; b) The site is adequate for the garden suite with regard to lot size, setbacks, layout and private amenity areas;</li> <li>b) The proposal is compatible with adjacent uses considering such matters as privacy, noise and appearance;</li> <li>c) There is adequate on-site parking;</li> <li>d) There is adequate water supply and sewage disposal</li> <li>e) services; and</li> <li>f) There is no accessory apartment on the lot.</li> </ul>	<ul> <li>a) The site is adequate for the garden suite with regard to lot size, setbacks, layout and private amenity areas;</li> <li>b) The proposal is compatible with adjacent uses considering such matters as privacy, noise and appearance;</li> <li>c) The garden suite complies with the provisions of the Zoning By-law, Ontario Building Code, Ontario Fire Code and any other relevant regulations; and</li> <li>d) There is no other accessory building on the lot containing an additional dwelling unit.</li> </ul>	the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing.
12.3.8 An accessory apartment is permitted in accordance with Section 6.3.6.	Deleted	Policy to allow "accessory apartments" in Rural Settlements no longer needed.
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:  One parking space per apartment;  a. Structural suitability of building to accommodate alterations for an additional unit;  b. Compliance with building and fire regulations and other	Deleted	This site-specific Official Plan exception is no longer needed as the proposed regulations are more permissive.

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

### Zoning By-laws 84-63 and 2005-109

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

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

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

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
Definitions		
Apartment-In-House	Additional Dwelling Unit	Revised definition to reflect new
Shall mean a self-contained second dwelling	A self-contained dwelling unit located within a	"additional dwelling unit" term and
unit within a permitted residential single	permitted residential dwelling or an accessory	removal of regulation from definition.
detached or semi-detached dwelling created	building secondary to the principal residential	
through converting part of or adding onto a	building on the same lot.	
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.		
Garden Suite	Garden Suite	Revised definition to conform to
A Garden Suite is a self-contained temporary	A self-contained temporary dwelling unit	definition of "garden suite" in section
dwelling unit designed to provide for the care	designed to be portable and is secondary to	39.1 of the Planning Act.
of an elderly, sick and disabled person which	the principal residential <i>building</i> on the same	
is located in the side or rear yard of a	lot.	

Proposed changes to ZBL 84-63	Explanatory comment
3.2 Additional Dwelling Unit	
3.2 a. Additional dwelling units are permitted within any legally permitted single detached, semi-detached or townhouse dwelling and within an accessory building on the same lot, for a maximum total of three dwelling units on a lot.	Reflects the changes to section 16(3) of the Planning Act as a result of Bill 108, More Homes, More Choice Act.
3.2 b. Notwithstanding 3.2 a., within the Natural Heritage System or Hazard Lands as identified in the Clarington Official Plan, additional dwelling units are not permitted.	Section 4.5.3 of the Greenbelt Plan does not permit ADUs in Natural Heritage System (NHS). The mapped NHS in the Official Plan is more accurate (and smaller) than mapped NHS in Greenbelt Plan. ADUs are not permitted in Hazard Lands, which include floodplains as continually updated by Conservation Authorities.  Removal of unnecessary legal nonconforming statement. Legal nonconforming rights exist regardless of zoning statements, and are already covered in section 3.6 of the Zoning
	3.2 Additional Dwelling Unit 3.2 a. Additional dwelling units are permitted within any legally permitted single detached, semi-detached or townhouse dwelling and within an accessory building on the same lot, for a maximum total of three dwelling units on a lot.  3.2 b. Notwithstanding 3.2 a., within the Natural Heritage System or Hazard Lands as identified in the Clarington Official Plan,

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

Current Zoning Regulations	Proposed changes to ZBL 84-63	Explanatory comment
Current Zoning Regulations	i) The floor area of the additional dwelling unit must be no more than the floor area of the principal residential building; and ii) Notwithstanding Section 3.1 c., the accessory building must:  a) Conform to the zone's front yard and exterior side yard setback requirements for residential uses; b) Have a minimum rear yard and interior side yard setback of 1.8 metres; c) Have a maximum lot coverage of 10%, or 120 square metres, or the zone's lot coverage maximum, whichever is less; and d) Have a maximum height of 6 metres within Agricultural and Rural Residential Zones, and 5.25 metres within Urban Residential Zones.	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.  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.  The max footprint of an accessory building containing an ADU is the lesser of: 10% lot coverage, 120 sq. m., or the zone's max lot coverage. 120 sq. m is the absolute maximum, and only possible if that is less than 10% of the lot, and all combined buildings and structures meet the zone's max lot coverage (usually
	3.2 g. All <i>dwelling</i> units are subject to the	40%). Emphasizes requirement to conform
	provisions of this By-law, the Ontario Building Code, Ontario Fire Code and any other relevant regulations.	to appropriate regulations. Provisions of the Ontario Building Code ensure ADUs are properly serviced with sanitary and water servicing.
	3.2 h. Additional dwelling units must be registered with the Municipality.	Registering ADUs helps ensure conformity to regulations.

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

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

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

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

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