



DRAFT

Corporation of the Municipality of Clarington

By-law Number 20____ - _____

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

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

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

By-law 84-63 is amended as follows:

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

“Additional Dwelling Unit

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

3. Section 2 – Definitions is amended as follows:

“Garden Suite

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

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

“Additional Dwelling Units

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By-law 2005-109 is amended as follows:

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

“Additional Dwelling Unit

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

4. Section 3 – Definitions is amended as follows:

“Garden Suite

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

5. Section 5.6.5 is amended as follows:

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

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

“Additional Dwelling Units

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

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

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

- 7. Section 5.7.4 is amended as follows:

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

- 8. Section 6.2.2 is amended as follows:

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