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The Corporation of the Municipality of Clarington
By-law 2021-086

Being a By-law to adopt Amendment No. 129 to the Clarington Official Plan

Whereas Section 17 (22) of the Planning Act R.S.O. 1990, as amended, authorizes the Municipality of Clarington to pass by-laws for the adoption or repeal of Official Plans and Amendments thereto;

And Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend the Clarington Official Plan to increase permissions for Additional Dwelling Units throughout the Municipality of Clarington;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. That Amendment No. 129 to the Clarington Official Plan being the attached Explanatory Text is hereby adopted.
2. This By-law shall come into force and take effect on the date of the passing hereof.

Passed in Open Council this 22nd day of November, 2021.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

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 ~~strikethrough~~ represents deleted text.)

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

“Additional Dwelling Units

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

6.3.6 Notwithstanding 6.3.5, within the Oak Ridges Moraine, as shown on Map 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 6.3.10 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, 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 Additional dwelling units shall:

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

6.3.9 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.

6.3.10 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 6.3.11 is renumbered to reference 6.3.12.

4. Renumbered policy 6.3.12 is amended as follows:

“6.3.12 ~~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*;
- c) **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 and all subsequent policies are renumbered accordingly.
8. Section 24.2 Definitions, policy 24.2.1 is amended by deleting the term “Accessory Apartment” and its definition.
9. Section 24.2 Definitions, policy 24.2.1 is amended as follows:

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

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

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

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

File number: COPA2021-0003