

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. XXXX-25**

(Official Plan Amendment No. xx – Additional Dwelling Unit Policies)

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the *Planning Act* hereby enacts as follows:

1. Amendment No. xx to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text is hereby adopted.
2. Amendment No. xx to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this xxth day of xxx, 2025.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. xxx to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE

Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.

PART B – THE AMENDMENT

Part B constitutes Amendment No. 100 to the Official Plan for the Town of Niagara-on-the-Lake.

**PART C – ADDITIONAL
INFORMATION**

Part C does not constitute part of this amendment but outlines additional information available upon request.

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PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to provide policies regarding Additional Dwelling Units (ADUs) in the Town's Official Plan that conform with Provincial changes to planning legislation documents, policies, and plans (*Planning Act*, Provincial Planning Statement, Greenbelt Plan, and Niagara Escarpment Plan). The amendment also provides minor revisions to definitions and references throughout the document. This amendment applies to all the lands within the Town of Niagara-on-the-Lake, specifically to the Urban Area and Specialty Crop Area.

BASIS

The basis of the amendment is as follows:

1. Bill 23, the *More Homes Built Faster Act*, was granted Royal Assent on November 28, 2022, as part of various legislative changes to support the Province's goal of creating more housing stock in Ontario. Bill 23 amended the *Planning Act* to introduce permissions for ADUs on lands where residential uses are permitted.
2. The *Planning Act* permits up to two (2) ADUs "as-of-right" on urban residential lands containing single-detached, semi-detached, and rowhouse dwellings that are fully serviced. ADUs on urban residential lands can be located within the existing residential dwelling and/or within an accessory building/structure, for a total of three (3) dwelling units per lot (including the main dwelling).
3. The *Planning Act* was not amended to permit ADUs "as-of-right" in agricultural areas; however, the Greenbelt Plan, 2017, and Provincial Planning Statement, 2024 (PPS), provide policy directives for ADUs in agricultural areas. While the PPS allows up to two (2) ADUs in Prime Agricultural Areas (in addition to the primary dwelling unit), the Greenbelt Plan has not been updated to implement the policies of the PPS and as such, only one (1) ADU in existing dwellings and structures is currently supported by provincial direction in the Town's agricultural areas.
4. Bill 108, the *More Homes, More Choice Act*, was granted Royal Assent on June 6, 2019, and requires local municipalities to update their Official Plans accordingly to permit ADUs. There is no required timeline for municipalities to implement such updates under the *Planning Act*.
5. Community and Development Services Staff recommend amendments to the Official Plan, pursuant to the various provincial legislative changes, to bring the Town's local planning policies into conformity with such legislative changes. The zoning by-law regulations for ADUs are addressed through the associated

Housekeeping Zoning By-law Amendment for the urban and rural areas of the Town.

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PART B - THE AMENDMENT

All of this part of the document entitled “Part B – The Amendment”, consisting of the following text, constitutes Amendment No. **xx** to the Official Plan of the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. That Section 2.3 (Definitions) is hereby amended as follows:
 - a. That the definitions for “Accessory Apartment” and “Accessory Dwelling” are deleted.
 - b. That the definition for “Accessory Buildings and Structures” is replaced with the following:

Accessory Buildings and structures: means a building or structure that is clearly related to and subsidiary to the main use of the lot. The zoning by-law may contain restrictions with respect to size, location and the amount of floor area. Accessory buildings and structures may be used as an Additional Dwelling Unit subject to satisfaction of criteria outlined in the specific residential designations of properties.
 - c. That a new definition for “Additional Dwelling Unit” is added alphabetically:

Additional Dwelling Unit: means a separate and self-contained dwelling unit with a separate access, kitchen, bathroom facilities and sleeping areas that is secondary to a primary dwelling on the same lot. An additional dwelling unit can be located within or attached to a principal dwelling or within an accessory building and structure that is detached from the principal dwelling.
2. That Section 6.32.1 Special Policy Area A-1 (Queenston) is hereby amended as follows:
 - a. That “accessory apartments” and “granny flats” are removed under subsections 4.2.2, 4.3.2, and 4.4.2 and replaced with “additional dwelling units.”
 - b. That the following wording is added to the end of subsections 4.2.6, 4.3.7, 4.4.8, and 10.3.6:

In the instance where there is an additional dwelling unit on a property, the total combined lot coverage can be no greater than 45%.
 - c. That subsections 10.2.2, 10.3.8, and 10.5.2 are replaced with the following wording:

Residential units in the form of single detached dwellings, semi-detached,

duplex, townhouses, and additional dwelling units, are permitted, to which the setbacks and other provisions of the Village Residential designation shall apply.

3. That the word “accessory” under Section 6.32.6 (Special Policy Area A-7 – Glendale Secondary Plan), subsection 3.2(a) is replaced with “additional.”
4. That Section 6.32.7 (Special Policy Area A-8 – Dock Area) is hereby amended as follows:
 - a. That “accessory apartments” and “granny flats” are removed under subsections 4.1(b) and 4.2(b) and replaced with “additional dwelling units.”
 - b. That the following wording is added to the end of subsection 4.2(f):

In the instance where there is an additional dwelling unit on a property, the total combined lot coverage can be no greater than 45%.
5. That Section 6A (Growth Management Policies) is hereby amended as follows:
 - a. That the word “second” under subsection 4.4(d) (Intensification Objectives) is replaced with “additional.”
 - b. That subsection (b) under the Built-Up Area Intensification Policies is replaced with the following wording:
 - b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes, including additional dwelling units, and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.
 - c. That subsection 4.5 (Second Dwelling Units) is deleted in its entirety and replaced with the following new section:

4.5 Additional Dwelling Units

The Town also supports the potential for adaptive reuse of existing buildings, including garden suites and additional dwelling units provided the development is consistent with the applicable residential policies of this plan, meets requirements of the Ontario Building Code and Fire Code, that sufficient public services are available, that the overall character and stability of the surrounding neighbourhood is maintained and there is no adverse impact on adjacent heritage resources and/or heritage resources on the property. Also to be considered are such matters as: streetscape, location and sufficiency of parking, private amenity space, existing landscape, environmental features, loss of privacy associated with adjacent outdoor

amenity space, and other factors. The following policies apply to urban parcels designated and zoned for residential use:

- a) Additional dwelling units shall be permitted in any one of the following configurations for a total of three dwelling units located on an urban residential parcel:
 - i. one additional dwelling unit in the primary dwelling unit and one additional dwelling unit in a building accessory to the primary dwelling unit, or
 - ii. two additional dwelling units in the primary dwelling unit, provided there are no dwelling units in a building accessory to the primary dwelling unit, or
 - iii. one additional dwelling unit in a building accessory to the primary dwelling unit if the primary dwelling unit contains no more than two dwelling units.
- b) Two (2) additional dwelling units shall be permitted, within a single-detached, semi-detached, and on-street townhouse dwellings, or within a detached accessory building on the same lot.
- c) One (1) additional dwelling unit shall be permitted within a duplex dwelling or within a detached accessory building on the same lot, provided that the duplex dwelling is on one lot. Should the duplex dwelling be located on two separate lots, subsection 4.5(b) shall apply to the maximum permitted additional dwelling units.
- d) Parking for additional dwelling units shall be provided at the rate of one (1) space per unit and is subject to the sizing and setback requirements of the implementing Zoning By-law. Parking spaces for additional dwelling units are permitted in tandem with other required parking spaces on-site.
- e) Sufficient outdoor amenity space shall be provided for the primary dwelling and additional dwelling units on the same lot.
- f) Additional dwelling units must be serviced appropriately by municipal water and wastewater connections.
- g) Additional dwelling units shall not pose negative impacts to stormwater management and site drainage, including on abutting properties and the Town boulevard.
- h) Additional dwelling units will be regulated by the provisions of the implementing Zoning By-law with respect to setbacks, encroachments, heights, and/or accessory building provisions. The maximum total lot coverage permitted on residential lots with additional dwelling units is 45%.
- i) Additional dwelling units shall be compatible with and not pose adverse impacts to the residential nature of the property and surrounding neighbourhood.

- j) Additional dwelling units shall be subject to any applicable urban design guidelines prescribed for specific neighbourhoods.
- k) Additional dwelling units located on or adjacent to lands identified on the Municipal Heritage Register or designated under the Ontario Heritage Act must not detract from the cultural heritage value and attributes of the property and may be subject to obtaining a Heritage Permit.
- l) Any proposed additional dwelling unit shall obtain a building permit from the Town prior to its construction.
- m) All applicable permits and/or approvals are required to be obtained from the Niagara Peninsula Conservation Authority or any other agencies prior to the construction of additional dwelling units.

- b. That subsection 5.2(c) (Greenfield Density Target) is replaced with the following wording:

Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi-detached, townhouses, additional dwelling units associated with the aforementioned housing types (subject to subsection 4.5 - Additional Dwelling Units), and apartment style housing.

- 6. That Section 7 (Agriculture) is hereby amended as follows:

- a. That the following point is added under subsection 7.3.1, Secondary Uses (Uses permitted with a Main Use):
 - one (1) additional dwelling unit in an existing dwelling or existing detached accessory structure subject to the requirements of Section 7.4(5) (Additional Dwelling Units)
- b. That the title "Additional Dwellings" under subsection 7.4(3)(c) is replaced with "Farm Help Accommodation."
- c. That the following subsection is added in alphabetical order under subsection 7.4(4) (Consents):
 - g) The severance of an additional dwelling unit in an existing detached accessory structure is prohibited.
- d. That a new subsection is added in numerical order under subsection 7.4:
 - (5) Additional Dwelling Units
 - a) One (1) additional dwelling unit is permitted on an agricultural lot, where the main use includes a single-detached dwelling, in an existing dwelling legally established as of December 16, 2004, or within an existing and legally established detached accessory building or structure that is

secondary to the residential use of the main dwelling, for a total of two (2) dwelling units on one lot.

- b) An additional dwelling unit shall only be permitted in the main dwelling that is existing OR in a detached accessory building or structure outside of the Natural Heritage System as defined by the Greenbelt Plan and outside of the Natural Environment System as defined by the Niagara Official Plan.
- c) The floor area of the additional dwelling unit shall be less than the gross floor area of the main dwelling unit to ensure that it remains secondary/subordinate to a main use.
- d) In the instance that an additional dwelling unit is located within an existing detached accessory building or structure, the unit should be located within the building cluster of the property.
- e) An additional dwelling unit must be appropriately serviced, subject to the requirements of the Town and/or Niagara Region, including any upgrades to existing private servicing or the construction of new on-site private sewage systems.
- f) One (1) parking space is required for an additional dwelling unit and must be accommodated on-site, subject to the provisions of the implementing Zoning By-law.
- g) An additional dwelling unit must comply with the minimum distance separation formulae.
- h) An additional dwelling unit must be compatible with and not hinder surrounding agricultural uses.
- i) The severance of an additional dwelling unit is prohibited.

7. That Section 8 (Non-Farm Rural) is hereby amended as follows:

- a. That the following point is added under subsection 8.3.1, Secondary Uses (Uses permitted with a Main Use):
 - One (1) additional dwelling unit in an existing dwelling or existing detached accessory building or structure subject to the requirements of Section 7.4(5) (Additional Dwelling Units)
- b. That a new subsection is provided under subsection 8.4 (General Non-Farm Rural Policies):
 - (6) An additional dwelling unit in an existing dwelling or existing detached accessory building or structure is permitted on Non-Farm Rural designated lands subject to the requirements of Section 7.4(5) (Additional Dwelling Units).

8. That Section 9 (Residential) is hereby amended as follows:

- a. That “accessory apartments” under subsections 9.3.1(1), 9.3.2(1) and 9.3.3(1), Secondary Uses (Uses permitted with a Main Use), are replaced with the following:
 - Additional dwelling units subject to the requirements of Section 6A(4.5) (Additional Dwelling Units)
- b. That “Accessory apartments” under subsections 9.3.1(2) and 9.3.3(2) are replaced with “Additional dwelling units.”
- c. That “accessory apartments” under subsection 9.3.6(1), Secondary Uses, is replaced with the following:
 - Additional dwelling units subject to the requirements of Section 6A(4.5) (Additional Dwelling Units)
- d. That a new subsection is added in numerical order under subsection 9.4 (General Residential Policies):
 - (5) Additional Dwelling Units are permitted subject to the requirements of Section 6A(4.5).

9. That the following wording is included under Section 17 (Niagara Escarpment Plan):

Additional dwelling units on eligible residential lots are subject to the requirements of the Niagara Escarpment Commission.

10. That a new subsection is added in numerical order under Section 21 (General Consent Policy):
 - (13) Additional dwelling units are not eligible for severance.

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community and Development Services Report CDS-24-173
2. Community and Development Services Report CDS-25-097
3. Committee of the Whole – Planning Meeting Minutes dated December 3, 2024
4. Committee of the Whole – Planning Meeting Minutes dated July 8, 2025
5. Additional Dwelling Unit Guide

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