

Explanation of the Purpose and Effect of
By-law 4316FZ-25

Purpose

The general purpose of the amendment is to incorporate provisions for Additional Residential Units within the urban area of the Town. The intent is to permit implementation of Additional Residential Units on urban residential parcels and align applicable zoning provisions with provincial direction.

Effect

The By-law includes amendments to:

- Section 5 (Definitions) – To amend the definition for “Accessory Building or Structure,” delete the definition of “Secondary Apartment” to replace it with a new definition for “Additional Residential Unit,” and to remove “Secondary Apartment” from the definition of “Apartment Dwelling.”
- Section 6 (General Provisions) – To add provisions throughout the Section for *additional residential units*.
- Sections 7-11 (Community Zoning Districts) – To add *additional residential unit(s)* as a permitted use for each applicable residential zone.

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FZ-25**

General Amendment for Additional Residential Units in the Urban Area

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Section 5 – Definitions is hereby amended as follows:

- a. By removing and replacing wording in the definition for “ACCESSORY BUILDING or STRUCTURE”:

ACCESSORY BUILDING or STRUCTURE means a detached building or structure on the same lot as the main building, the use of which is clearly secondary to the main building or use and includes a detached garage, detached deck, gazebo, private greenhouse, dock, boat house above ground swimming pool, in ground swimming pool and satellite dish greater than 1.2 m (3.94 ft) in circumference. The accessory building or structure may be used for human habitation in accordance with Section 6.62 (*Additional Residential Units*) and for farm help accommodation located in the Agricultural (A) Zone.

- b. By deleting the definition for “SECONDARY APARTMENT” and replacing it with the following:

ADDITIONAL RESIDENTIAL UNIT(S) means a separate and self-contained dwelling unit with a separate access, kitchen, bathroom facilities and sleeping areas that is secondary to a main dwelling on the same lot on a parcel of urban residential land. An *additional residential unit* can be provided within the main dwelling or within a detached accessory building or structure on the same parcel, in accordance with Section 6.62 (Additional Residential Units).

- c. By deleting “SECONDARY APARTMENT” from the definition of “APARTMENT DWELLING.”

2. That Section 6 – General Provisions is hereby amended as follows:

- a. That subsection 6.1(c) is deleted and replaced with the following:
 - (c) No accessory building or structure shall be used for human habitation except an *additional residential unit* in accordance with Section 6.62 (*Additional Residential Units*) and for a building or mobile home used for farm help accommodation in an Agricultural (A) Zone;
- b. That the following row is added to Table 6-5 - RESIDENTIAL PARKING RATIOS alphabetically:

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES
Additional Residential Unit	1 per unit

- c. That a new subsection is added as follows:

6.62 Additional Residential Units

6.62.1 Configurations

Additional residential units shall be secondary to a single-detached, semi-detached, townhouse, or duplex dwelling. *Additional residential units* are

permitted in the following configurations for a total of one (1) main dwelling unit and two (2) *additional residential units* on an urban residential parcel:

- a) one (1) *additional residential unit* in the main dwelling unit and one (1) *additional residential unit* in a building accessory to the main dwelling unit, or
- b) two (2) *additional residential units* in the main dwelling unit, provided there are no dwelling units in a building accessory to the main dwelling unit, or
- c) one (1) *additional residential unit* in a building accessory to the main dwelling unit if the main dwelling unit contains no more than two (2) dwelling units.
- d) Only one (1) *additional residential unit* is permitted on a lot with a duplex dwelling.

6.62.2 General

- a) *Additional residential units* are only permitted on lands that are zoned for residential uses, which are connected to municipal water and sanitary services, and have direct frontage on a public roadway.
- b) *Additional residential 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 prior to its construction.
- c) *Additional residential units* shall comply with the Ontario Building Code and Fire Code, as applicable.

6.62.3 Zone Requirements

- a) *Additional residential units* in the main dwelling are permitted in accordance with the zoning requirements of the corresponding zone and encroachment requirements under Section 6.44 of this by-law.

- b) *Additional residential units* in the main dwelling shall not exceed 50% of the main dwelling gross floor area.
- c) *Additional residential units* in an accessory building or structure are permitted in accordance with the requirements of Section 6.1 and 6.44 of this by-law.
 - i. An *additional residential unit* in a detached accessory building or structure shall not exceed 50% of the main dwelling gross floor area.
 - ii. An *additional residential unit* in a detached accessory building or structure shall not exceed 4.5 metres in height.
 - iii. An *additional residential unit* in a detached accessory building or structure shall be a minimum of 3 metres from other buildings on the same lot.
 - iv. Notwithstanding the zone requirements, the minimum rear and interior side yard setbacks for *additional residential units* in a detached accessory building or structure shall be 1.5 metres.
 - v. An *additional residential unit* in a detached accessory building or structure is not permitted in the front yard.
- d) Unless otherwise zoned to allow for a greater lot coverage, all parcels with *additional residential units* shall have a maximum overall lot coverage of 45%.
- e) Parking for *additional residential units* is subject to the requirements of Table 6-5 (Residential Parking Ratios).
- f) Required parking may be provided in tandem with other required parking spaces on-site, for a maximum of two (2) parking spaces provided in tandem.
- g) Required parking spaces and accesses are subject to the setback and sizing requirements of Section 6.38 and 6.40 of this by-law.

6.62.4 Other

- a) The construction of *additional residential units* may be subject to any applicable urban design guidelines prescribed for the specific area.
 - b) A home occupation or home profession is not permitted in an *additional residential unit*.
 - c) An *additional residential unit* is not permitted in conjunction with a group home.
3. That Sections 7.1.1, 7.2.1, 7.2A.1, 7.3.1, and 7.5.1 are amended by adding the following permitted use:
(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.
 4. That Section 7.4.1 is amended by adding the following permitted use:
(g) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.
 5. That Section 7.6.1 is amended by adding the following permitted use:
(b) *Additional residential unit(s)* in the main building in accordance with the provisions of Section 6.62 of this by-law.
 6. That Sections 8.1.1 and 8.2.1 are amended by adding the following permitted use:
(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.
 7. That Section 8.3.1 is amended by adding the following permitted use:
(f) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.
 8. That Section 8.4.1 is amended by adding the following permitted use:

(g) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

9. That Sections 9.1.1 and 9.2.1 are amended by adding the following permitted use:

(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

10. That Section 9.3.1 is amended by adding the following permitted use:

(f) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

11. That Section 9.4.1 is amended by adding the following permitted use:

(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

12. That Section 9.6.1 is amended by adding the following permitted use:

(b) *Additional residential unit(s)* in the main building in accordance with the provisions of Section 6.62 of this by-law.

13. That Sections 10.1.1 and 10.2.1 are amended by adding the following permitted use:

(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

14. That Section 10.3.1 is amended by adding the following permitted use:

(f) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

15. That Section 10.4.1 is amended by adding the following permitted use:

(i) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

16. That Section 10.6.1 is amended by adding the following permitted use:

(b) *Additional residential unit(s)* in the main building in accordance with the provisions of Section 6.62 of this by-law.

17. That Section 11.2.1, subsection (e) is deleted and replaced with the following permitted use:

(e) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

18. That Sections 11.3.1, 11.4.1, 11.5.1, and 11.7.1 are amended by adding the following permitted use:

(h) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

19. That Section 11.6.1 is amended by adding the following permitted use:

(i) *Additional residential unit(s)* in the main building or in an *accessory building or structure* in accordance with the provisions of Section 6.62 of this by-law.

20. That Section 11.8.1 is amended by adding the following permitted use:

(b) *Additional residential unit(s)* in the main building in accordance with the provisions of Section 6.62 of this by-law.

21. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 9TH DAY OF DECEMBER, 2025.


LORD MAYOR GARY ZALEPA


TOWN CLERK GRANT BIVOL