

Explanation of the Purpose and Effect of
By-law 500YT-25

Purpose

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

Effect

The By-law includes amendments to:

- Section 2 (Definitions) - To amend the definition for "Accessory Building," adding a new definition for "Additional Residential Unit," removing "accessory apartments" from the definition of a Small Scale Tourist Accommodation, and prohibiting *Additional Residential Units* from converting to Small Scale Tourist Accommodations.
- Section 3 (General Provisions) - To add provisions throughout the Section for *Additional Residential Units*.
- Sections 4-11 for each applicable zone to add an *Additional Residential Unit* as a permitted use.

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500YT-25**

General Amendment for Additional Residential Units in the Agricultural Area

A BY-LAW TO AMEND BY-LAW NO. 500A-74, 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 2 – Definitions is hereby amended as follows:
 - By amending the definition of Accessory Building in Section 2.1 to read as follows:

2.1 Accessory Building: means a detached building or structure located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and includes a private garage and which is not used for human habitation, except for an *Additional Residential Unit* in accordance with Section 3.37, and a guest cabin or trailer licensed by the Municipality, which is located in a Rural (A) zone and further includes an above ground swimming pool, inground swimming pool and a satellite dish. (By-law 500GD-91). A Wind Energy System or any of its components is not considered an accessory building. (By-law

500UP-08)

- By adding a new subsection as follows:
2.29(i) – Additional Residential Unit: means a separate and self-contained dwelling unit with a separate access, kitchen, bathroom facilities and sleeping areas that are secondary to a primary dwelling on the same lot. An *additional residential unit* is only permitted within a main dwelling on existing lots of record, provided they were zoned for such use as of December 16, 2004, or within an existing and legally established detached *accessory building* or structure.

- By removing “accessory apartments” in the definition for Section 2.73A, subsection (viii), to read as follows:
2.73A Small Scale Tourist Accommodation
(viii) Small Scale Tourist Accommodation is not permitted in combination with any other type of accommodation such as roomers and boarders.

- By adding a new subsection under Section 2.73A to read as follows:
(xii) Small Scale Tourist Accommodation is not permitted within an *additional residential unit*.

2. That Section 3 – General Provisions is hereby amended as follows:

- The following subsections are added under Section 3.17 Number of Dwelling Units on One Lot:
 - (c) On parcels that are zoned to permit one family dwellings, up to one (1) *additional residential unit* is permitted in the main dwelling or in an existing and legally established detached *accessory building* which is secondary to the residential use of the main dwelling, provided that it is in accordance with Section 3.37 of this by-law.
 - d) On parcels that contain a main dwelling and a full-time farm help accommodation, one (1) *additional residential unit* shall be permitted

only in the main dwelling or in an existing and legally established detached *accessory building* which is secondary to the residential use of the main dwelling, provided that it is in accordance with Section 3.37 of this by-law.

- That the following is added to Section 3.19 – Parking Area Requirements alphabetically:

Dwelling – Additional Residential Unit 1 per unit

- That a new subsection is added as follows:

3.37 Additional Residential Units

One (1) *Additional Residential Unit* shall be permitted within the main dwelling on existing lots of record, provided they were zoned for such use as of December 16, 2004, or within an existing and legally established detached *accessory building* which is secondary to the residential use of the main dwelling. The following provisions apply to *Additional Residential Units*:

- a) An *additional residential unit* must be on a lot with direct frontage to a public roadway.
- b) An *additional residential unit* must be secondary to the existing main dwelling, and cannot exceed 50% of the gross floor area of the main dwelling.
- c) An *additional residential unit* in a detached *accessory building* must be located no more than 30 metres from the main dwelling.
- d) If an *additional residential unit* is located in the Niagara Escarpment Plan Area, approval must be obtained through a Development Permit issued by the Niagara Escarpment Commission.
- e) Parking and access requirements for an *additional residential unit* are subject to Section 3.19 of this by-law. Only one (1) required parking space may be provided in tandem with other required parking spaces on-site.

- f) An *additional residential unit* shall have a separate entrance from the main dwelling and direct access to its required parking area by an unobstructed walkway.
- g) An *additional residential unit* shall comply with the Ontario Building Code and Fire Code, as applicable.
- h) An *additional residential unit* shall comply with the Provincial Minimum Distance Separation formulae.
- i) An *additional residential unit* shall be prohibited, unless legally converted and in compliance with the remaining provisions of this Section, within or as part of a building or structure that supports an agricultural use, including but not limited to: a farm help accommodation, a barn, an agricultural storage building, a greenhouse, a stable, or any structure accommodating on-farm diversified uses.
- j) An *additional residential unit* 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.
- k) An *additional residential unit* shall 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.
- l) A Small Scale Tourist Accommodation license shall not be issued for an *additional residential unit*.
- m) A home occupation or home profession is not permitted in an *additional residential unit*.
- n) An *additional residential unit* is not permitted in conjunction with a group home.

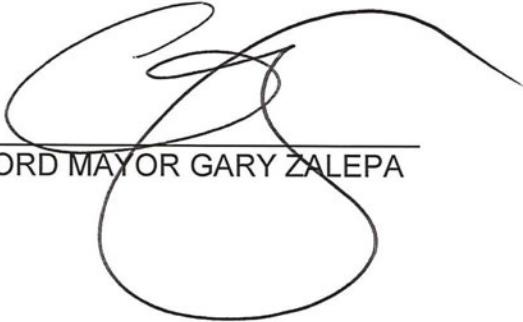
3. That Sections 4.1(b), 5.1(b), 6.1(a), 7.1(a), 8.1(a), and 8.3.1 are amended by adding the following permitted use:
 - An *additional residential unit* in the main dwelling or in a detached *accessory building* in accordance with the provisions of 3.37 of this by-law.

4. That Section 9.1(a) and 10.1(a) are amended by adding the following permitted use:
 - An *additional residential unit* in the main dwelling or in a detached *accessory building* in accordance with the provisions of 3.37 of this by-law and pertaining to a one family dwelling residential use only.

5. That Section 11.3.1 (Residential Uses) is amended by adding the following permitted use:
 - An *additional residential unit* in the main dwelling or in a detached *accessory building* in accordance with the provisions of 3.37 of this by-law and pertaining to a townhouse dwelling unit residential use only.

6. 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