



Town of Niagara-on-the-Lake

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REPORT #: CDS-25-157 **COMMITTEE DATE:** 2025-12-02
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2025-12-09
SUBJECT: Additional Residential Units (ARUs) Housekeeping Amendments
Zoning By-law Amendment ZBA-16-2025 & Official Plan Amendment OPA-08-2025 – Recommendation Report

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Official Plan Amendment (File No. OPA-08-2025) for the Additional Residential Unit (ARU) Policies **BE APPROVED**, for reasons outlined in this report and that the draft Official Plan Amendment, attached as **Appendix I**, be forwarded to Council for adoption; and,
- 1.2 The Zoning By-law Amendment (File No. ZBA-16-2025) for the Additional Residential Unit (ARU) Policies for Zoning By-laws 500A-74 and 4316-09 (both as amended) **BE APPROVED**, for reasons outlined in this report and that the draft Zoning By-law Amendments, attached as **Appendix II** and **Appendix III**, respectively, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to the Committee and Council regarding housekeeping amendments (the “Amendments”) to Zoning By-laws 4316-09 and 500A-74 (both as amended), as well as to the Town Official Plan, with respect to the implementation of policies for Additional Residential Units (“ARUs”).
- The Amendments are proposed to ensure that local planning policies align with provincial direction for ARUs due to legislative changes that have occurred over the last several years.
- The Amendments apply to the entirety of the Town of Niagara-on-the-Lake, including urban residential parcels that are fully serviced and rural/agricultural parcels that allow for residential uses.
- Staff recommends approval of the Amendments, as detailed in this report, as they conform to *Planning Act* requirements, are consistent with the Provincial Planning Statement, and conform with provincial and local planning policies and objectives.

3. PURPOSE

This report is prepared to provide a recommendation to Committee and Council regarding Housekeeping Amendments to the Town’s Zoning By-laws (4316-09 and 500A-74, both as amended) and to the Town’s Official Plan for Additional Residential Units (ARUs).

In consultation with various Town Departments, External Agencies, and the Public, Staff have prepared Housekeeping Amendments to the Official Plan and Zoning By-laws that will provide an appropriate policy framework for ARUs in the Town, in conformity with Provincial legislation and policies.

The *Planning Act* defines an ARU as “a self-contained dwelling unit which consists of kitchen and bathroom facilities and is intended to be used for residential purposes, secondary to a main dwelling.”

The proposed Amendments are attached as **Appendix I, Appendix II, and Appendix III** to this report. All relevant materials can be found at the following Town webpage:

<https://www.notl.com/business-development/public-planning-notice/additional-dwelling-units-housekeeping-amendments-opa>

4. BACKGROUND

Bill 108, the *More Homes, More Choice Act (2019)*, first introduced the concept of ARUs and required municipalities to update their local planning legislative documents to permit these ARUs.

Bill 23, the *More Homes Built Faster Act (2022)*, amended the *Planning Act* to permit a total of three (3) residential dwelling units on parcels of urban residential land that allow for single-detached, semi-detached, or townhouse dwellings. Parcels of urban residential land are defined as lots that are within the urban boundary, where residential uses are permitted and are connected to municipal services.

Bill 185, the *Cutting Red Tape to Build More Homes Act (2024)*, enhances Ministerial regulation-making authority to remove zoning barriers regarding the construction of ARUs, including eliminating maximum lot coverages and limits on the number of bedrooms allowed per lot.

Ontario Regulation 462/24, Additional Residential Units (“O.Reg 462/24”), implemented amendments to Ontario Regulation 299/19, Additional Residential Units (“O.Reg 299/19”), to provide for more specific requirements for ARUs under the *Planning Act*. O.Reg 462/24 expanded authority granted under Bill 185, including amendments to the *Planning Act* to reduce restrictive zoning by-law requirements for ARUs. These amendments include: removing angular plane requirements, allowing a maximum lot coverage of 45% for lots with ARUs, overriding floor space index requirements, eliminating minimum lot area requirements, and limiting building distance separation requirements for buildings with ARUs.

On December 3, 2024, an ARU Guide (titled as **Additional Dwelling Units Guide**) was created and posted to the Town’s website to outline the current policy framework for implementing ARUs, as well as providing responses to frequently asked questions.

On July 8, 2025, a Staff Report was brought forward to advise of the intention to bring forward the Housekeeping Amendments noted in this report. The proposed Amendments contain

wording related to ARUs, instead of Additional Dwelling Units, to ensure consistency with Provincial legislation.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Amendments have been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix IV**.

5.1.1 *Planning Act, R.S.O. 1990, c. P.13*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect. The *Planning Act* permits councils of local municipalities to pass amendments to a municipal official plan and/or zoning by-law. The various provincial Bills and Ontario Regulations that relate to ARUs are discussed in Section 4 above.

O.Reg.s 299/19 and 462/24 include the following applicable requirements for ARUs on parcels of urban residential land:

- One (1) parking space per ARU;
- Maximum lot coverage of 45% on lands with ARUs, unless a by-law is passed that allows for greater lot coverage; and,
- Building or structures with ARUs being at least 4 metres from another building (i.e. main dwelling, accessory building), unless a by-law is passed that allows for less separation.

The proposed Amendments ensure alignment with the provisions of O. Reg.s 299/19 and 462/24, as discussed further throughout this report and as detailed in the draft Amendments attached as **Appendix I**, **Appendix II** and **Appendix III** to this report.

The Amendments support the matters of provincial interest, are consistent with policy statements and conform to provincial plans, as demonstrated in the analysis provided in this report.

5.1.2 Provincial and Local Planning Documents

The Town is subject to the policies of the Provincial Planning Statement, 2024 (“PPS”), the Greenbelt Plan, 2017, the Niagara Escarpment Plan, 2017 (“NEP”), the Niagara Official Plan, 2022 (“NOP”), and the Town of Niagara-on-the-Lake Official Plan, 2017 consolidation (“Town OP”).

5.1.2.1 Provincial Planning Statement, 2024

The PPS does not provide specific policy direction related to ARUs in the urban area, as the *Planning Act* was amended to permit ARUs as-of-right on urban residential lands subject to certain requirements. The PPS primarily provides guidance for ARUs in the prime agricultural area, which includes the permission of up to two (2) ARUs.

The Greenbelt Plan was amended, through Amendment No. 4 (effective October 20, 2024), to reference policies contained in the Provincial Policy Statement, 2020, as it read before it was revoked. However, the 2020 PPS did not contain permissions for ARUs within the prime agricultural areas; therefore, the number of ARUs on rural lands is subject to the requirements of the Greenbelt Plan. The applicable ARU permissions for the prime agricultural area are described in more detail under Section 5.1.2.2 of this report

The PPS directs that ARUs in the prime agricultural area must be in accordance with provincial guidance, and shall comply with the minimum distance separation formulae, be compatible and not hinder surrounding agricultural operations, have appropriate servicing, not pose public health or safety concerns, be of a limited scale and either within or in proximity to the main dwelling or building cluster, and minimize lands taken out of agricultural production.

The PPS also restricts the severance of ARUs from the main dwelling. An ARU in a detached accessory structure is prohibited from severance. A main dwelling with an attached ARU may be severed, subject to being part of a surplus farm dwelling severance and meeting the criteria to be eligible for severance.

The PPS supports the role of ARUs to meet the objectives of housing policies by identifying them as part of the range and mix of housing options, pursuant to the notion of complete communities. This further aligns with the direction of the PPS that requires municipalities to provide for an appropriate range and mix of housing options, typologies, and densities, to meet current and future needs.

The proposed Amendments to the Town's Official Plan and Zoning By-law 500A-74 (as amended) regarding ARUs in rural/agricultural lands are reflective of the requirements in the PPS. The proposed Official Plan Amendment provides for further guidance on the intent and goals of allowing ARUs in the rural area, while the Zoning By-law Amendment provides for specific performance standards that must be satisfied in order to facilitate an ARU on a rural property. The Amendment to Zoning By-law 4316-09 (as amended) brings the Town's performance standards into alignment with the "as-of-right" permissions of the *Planning Act* for ARUs in urban residential parcels, further contributing to providing for a range and mix of housing options.

Town Staff are of the opinion that the Amendments are consistent with and conform to the PPS.

5.1.2.2 Greenbelt Plan, 2017

All lands in the Town within the Greenbelt Plan, outside of the urban area boundary and Niagara Escarpment Plan Area, are designated "Specialty Crop Area" within the "Protected Countryside."

ARUs are permitted in the Greenbelt Plan, as per Section 4.5.3 of the Plan, which allows for ARUs in permitted single-detached dwellings or in existing accessory structures on the same lot, provided that they are outside of the Natural Heritage System.

Contrary to the direction provided in the PPS, the Greenbelt Plan permits only one (1) ARU in the Specialty Crop Areas, while the PPS allows for two (2) ARUs in the prime agricultural area. The Greenbelt Plan has not been updated to implement the policies of the PPS with respect to ARUs. As such, given that the Town's agricultural/rural lands are designated as "Specialty Crop Areas" in the Greenbelt Plan, as applicable, only one (1) ARU is permitted. The ARU may be located within the single-detached dwelling, provided that the lot was zoned to allow for residential uses as of the date of the Greenbelt Plan coming into effect (December 16, 2004), or within an existing accessory building on the same lot as the main dwelling.

The proposed Amendments to Zoning By-law 500A-74 (as amended) and the Town's Official Plan align with the policies and direction provided in the Greenbelt Plan.

5.1.2.3 Niagara Escarpment Plan, 2017

The NEP applies to lands designated as Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area in the Town's Official Plan. The NEP allows municipalities to set standards and policies that are more restrictive than the NEP, unless such policies would conflict with the NEP. Zoning By-laws do not apply to the NEP designations in the Town; however, NEP designation policies are provided in the Town's Official Plan. The proposed Official Plan Amendment is the only proposed Amendment that would affect lands subject to the NEP.

The NEP generally allows for "secondary dwelling units" (i.e., ARUs) within a single-detached dwelling or an addition to such dwelling; however, secondary dwelling units are not permitted in accessory structures. ARUs under the NEP designations are subject to the development criteria of the NEP.

The proposed Amendments implement policies that require landowners to obtain approval from the Niagara Escarpment Commission ("NEC") for any ARUs within their development control areas. Outside of the NEC's development control areas, primarily in Minor Urban Centres (which is the NEP designation of the St. Davids and Queenston urban areas), the policies of the NEP would still have to be satisfied in order to facilitate an ARU on a property within such designation. NEC Staff have reviewed the proposed policies and are supportive of the Amendments that relate to the requirements of the NEP.

5.1.2.4 Niagara Official Plan, 2022

The NOP recognizes ARUs as a tool to achieve affordable and attainable housing in the Region. The NOP directs that local area municipalities shall permit up to two (2) ARUs as-of-right within new or existing urban residential development, subject to provincial legislation and criteria. The NOP encourages site standards to facilitate the creation of ARUs, such as reduced setbacks, narrower lot sizes, and reduced parking requirements.

In addition to the Natural Heritage System, as set out in provincial legislation, the Town also contains lands within the Natural Environment System, as defined by the NOP. In alignment with the direction contained in Provincial Plans, ARUs are only permitted outside of the Natural Heritage System and Natural Environmental System.

The proposed Amendments align with and conform to the policies set out in the NOP.

5.1.2.5 Town of Niagara-on-the-Lake Official Plan, 2017 consolidation, as amended

The Town OP contains policies with respect to “Second Dwelling Units.” Second Dwelling Units are currently permitted in urban areas, more specifically “accessory dwellings” and “garden suites.” Accessory dwellings are subject to criteria and a zoning by-law amendment, while garden suites are subject to criteria, must be a temporary use and are established through a temporary use by-law. A property shall not contain both an accessory dwelling and a garden suite. The current Second Dwelling Unit policies do not align with Provincial legislation and direction.

As part of the proposed Amendments, Staff are proposing to create a new definition for an ARU, which specifies that such use is a separate and self-contained unit, is secondary to the primary dwelling on the same lot, and can be located either within or attached to the primary dwelling or within an accessory building on the same lot. The Amendments are clear that an ARU shall not be used as a short-term rental accommodation.

The Official Plan is meant to outline the overall goals and objectives of designations, their permitted uses, and the overall vision for the Town. The proposed Official Plan Amendment sets out an appropriate guiding framework for ARUs, and further reduces the need for subsequent privately-initiated Official Plan Amendments to facilitate ARUs in the rural area. The Housekeeping Amendment to the Town OP, as discussed further in Section 5.4.1 of this report, aligns with provincial directives for ARUs.

5.1.3 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect, but represents Council intent. The proposed Official Plan recognizes residential intensification through the implementation of “Second Dwelling Units.” The proposed Official Plan Amendment for ARUs, once adopted, will be incorporated into the new Official Plan and provide for a full range of policies for ARUs specific to the urban and rural/agricultural areas of the Town.

5.2 Niagara-on-the-Lake Zoning By-law 500A-74, as amended

Zoning By-law 500A-74 (as amended) contains a definition for “Dwelling Unit” and mentions “Accessory Apartments” throughout the by-law, but there is no definition established for “Accessory Apartments.” Zoning By-law 500A-74 (as amended) does not contain provisions for ARUs.

To further align zoning standards for ARUs on rural lands that permit residential uses, several changes are proposed throughout Zoning By-law 500A-74 (as amended), including but not limited to: introducing a new definition for ARUs, amending definitions and general provisions for better alignment with the ARU definition and intent, introducing a new subsection for ARU performance standards, and amending specific zoning categories to permit ARUs. As previously discussed, the proposed Amendment ensure that Small Scale Tourist Accommodations (i.e., Short Term Rentals).

The proposed Amendment to Zoning By-law 500A-74 (as amended), as discussed further in Section 5.4.2 of this report, aligns with provincial direction on ARUs, including the policies noted in the PPS and Greenbelt Plan.

5.3 Niagara-on-the-Lake Zoning By-law 4316-09, as amended

Zoning By-law 4316-09 (as amended) contains a definition for “Secondary Apartment” which is described as a “second dwelling unit” but there are minimal requirements and provisions for such use in the majority of the zoning districts. Within the Glendale Zoning District and more specifically within the “Queenston Road Residential (QR) Zone,” “second units” are permitted in accordance with specific criteria. As such, Zoning By-law 4316-09 (as amended) does not contain specific provisions for ARUs outside of the Glendale area. No other zoning districts currently permit for secondary units, apartments, or dwelling units, as-of-right.

Since the *Planning Act* was amended to permit ARUs as-of-right on urban residential parcels, the proposed Amendment to Zoning By-law 4316-09 (as amended) has been prepared to bring the Town’s zoning standards in line with the province’s standards for ARUs in the urban area.

The proposed Amendment to Zoning By-law 4316-09 (as amended), as discussed further in Section 5.4.3 of this report, aligns with provincial direction and policies on ARUs, and that the specific height and setback provisions would mitigate adverse land use compatibility issues.

5.4 Proposed Amendments

The following subsections discuss the proposed Official Plan and Zoning By-law Amendments for ARUs.

5.4.1 Official Plan Amendment

The proposed Amendment to the Town OP includes updates to permissions in several designations, as well as the implementation of a revised subsection for ARUs.

The Secondary Plans for Queenston, Glendale, and the Dock Area in Old Town are proposed to be updated to permit ARUs, instead of the current permissions for “accessory apartments,” “accessory dwellings,” and “granny flats,” and implement Provincial legislation and regulations.

Section 6A(4.5) of the Town OP contains policies with respect to “second dwelling units.” Currently, a second dwelling unit may only be established through a zoning by-law amendment. The proposed Amendment revises this subsection to permit ARUs on urban residential lands subject to criteria including, but not limited to: the number of ARUs per lot (and their configurations), required parking, the provision to provide sufficient amenity space, facilitating appropriate servicing connections, overall compatibility, and other zoning matters being tied back to the implementing zoning by-law.

More specific policies and criteria have been included in the Amendment specific to the Agricultural Designation section. As noted, only one (1) ARU is supported by the Greenbelt Plan in the Town’s rural areas. Staff have proposed a new subsection of the OP, which includes the following criteria for permitting an ARU in the Agricultural Designation: the potential configurations of an ARU, limitations on its size, being secondary/subordinate to a

main use, being within a building cluster (for detached ARUs), accommodating required parking, compliance with the Minimum Distance Separation (MDS) formulae, overall compatibility with and not hindering agricultural uses, and prohibiting its severance.

Other terminology changes are proposed throughout the designations of the Town OP that support ARUs in order to maintain consistency throughout the document and with provincial legislation.

The draft Official Plan Amendment is attached as **Appendix I** to this report.

5.4.2 Zoning By-law Amendment 500A-74, as amended

The proposed Amendment to Zoning By-law 500A-74, as amended, introduces new permissions for ARUs and ensures that the permissions of the Greenbelt Plan are maintained.

The definition for Accessory Buildings is amended to include ARUs as permitted uses in accessory buildings, in accordance with the newly introduced subsection for ARUs further into the Amendment. The amended definition ensures that ARUs may be facilitated in accessory buildings; however, must meet all applicable criteria in order to implement its use.

The new definition for an ARU is similar to the proposed definition in the Official Plan Amendment, but is tailored more to the rural area, outlining that ARUs may only be within a single-detached dwelling on existing lots of record, provided they were zoned for such use as of the date the Greenbelt Plan came into effect (being December 16, 2004), or within an existing and legally established accessory building. The proposed definition aligns with provincial direction on ARUs in the rural areas, primarily with respect to the requirements of the Specialty Crop Area in the Greenbelt Plan.

Section 3.17 of Zoning By-law 500A-74 (as amended) speaks to the number of dwelling units on one lot, including farm help accommodations. New subsections are proposed to facilitate the permission for one (1) ARU per parcel, in addition to the main dwelling and any applicable farm help accommodation, for eligible lots of record. This subsection ties the requirements for ARUs back to the performance standards provided in the new subsection, discussed in detail below.

A new subsection under the General Provisions of Zoning By-law 500A-74 (as amended) is proposed to introduce permissions and zoning standards for ARUs on existing lots of record that permit residential uses. ARUs must be on a lot with direct frontage to a public road, must comply with MDS, be compliant with the Ontario Building Code (OBC) and Fire Code, cannot be issued a Small Scale Tourist Accommodation license, cannot contain a home occupation or home profession, and are not permitted in conjunction with a group home. ARUs are also required to be serviced appropriately, and would be subject to the requirements of the Town and/or the Niagara Region, including any permits required to construct or upgrade private sewage systems. Other specific provisions that are proposed and noted are discussed in detail below:

Proposed Provision	Discussion
An additional residential unit must be secondary to the existing main dwelling,	To ensure that an ARU is secondary to a main use, Staff propose a size limitation based on the

Proposed Provision	Discussion
and cannot exceed 50% of the gross floor area of the main dwelling.	size of the main dwelling. This would pertain to an attached or detached ARU, whether in the main dwelling or in a detached accessory structure. At the Building Permit stage for an ARU, floor plans of the main dwelling are to be provided as part of the proposed ARU permit application to further demonstrate compliance with this provision.
An additional residential unit in a detached accessory building must be located no more than 30 metres from the main dwelling.	In order to mitigate any impacts ARUs may pose to the agricultural/rural area and farmlands with respect to its location, Staff propose a maximum distance that a detached ARU may be from the main dwelling, so as to not encourage sprawl on agricultural parcels. This provision is pursuant to the PPS policy for ARUs, which specifies that such use is to be located in close proximity to the principal dwelling. In Staff's review of many rural residential properties across the Town, existing accessory buildings have varying distances from the main dwelling, but are primarily within 30 metres from each other. Staff believe that 30 metres provides leeway for existing structures, and that the construction of an accessory structure that is anticipated to be converted to an ARU shall be within the 30-metre distance from the main dwelling. Any deviation from this provision would require a <i>Planning Act</i> application, where it must be further justified how the proposed ARU does not impact agricultural uses due to its location.
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.	Zoning By-laws do not apply to the NEP designations in the Town and any ARUs proposed in the NEP Area would be subject to the policies of the NEP and a Development Permit issued by the NEC.
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.	Section 3.19 is amended to include minimum parking requirements for ARUs. An ARU must have a minimum of one (1) parking space, and can be provided in tandem with other required spaces on-site. Parking spaces for ARUs are expected to meet the standard parking space sizing and setback provisions of the Zoning By-law.

Proposed Provision	Discussion
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.	Pursuant to the proposed definition of an ARU, such unit is to have its own separate entrance and living facilities from the main dwelling. The ARU must have direct access to its required parking space and connection to the public street through an unobstructed walkway, meeting OBC requirements.
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.	An ARU is not permitted in a building or structure that supports agriculture. However, recognition is made that such building or structure can be converted legally into an ARU, provided that it is brought up to Ontario Building Code requirements and a Building Permit is issued.
An additional residential unit located on or adjacent to lands identified on the Municipal Heritage Register or designated under the <i>Ontario Heritage Act</i> 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.	Any ARUs proposed on lands that retain cultural heritage value, or adjacent to lands that do, may be subject to a Heritage Permit prior to its construction. ARUs adjacent to established cultural heritage attributes must demonstrate that they will not pose adverse impacts to such attributes.

Other minor wording changes are proposed throughout the eligible zoning categories to further permit ARUs, subject to the criteria of the new subsection outlining performance standards for ARUs.

The draft Zoning By-law Amendment, to By-law 500A-74, as amended, is attached as **Appendix II** to this report.

5.4.3 Zoning By-law Amendment 4316-09, as amended

The proposed Amendment to Zoning By-law 4316-09, as amended, revises existing permissions for additional dwelling units and introduces a new subsection to provide zoning standards for ARUs.

Similar to the definition for Accessory Building or Structure under 500A-74, the definition in 4316-09 is amended to recognize that ARUs may be within accessory buildings, subject to being in accordance with the ARU subsection that has been introduced. A subsection in the general provisions for accessory buildings was also amended to recognize that ARUs may be within an accessory building. A new definition for ARUs is proposed, and further ties it back to the requirements of the new ARU zoning requirements subsection.

The newly introduced ARU subsection is added at the end of the General Provisions section, and provides general requirements and zoning standards to facilitate ARUs on urban residential lands. This subsection details the possible configurations of ARUs, up to a maximum of three (3) dwelling units on an urban residential parcel (one main dwelling and two ARUs). ARUs are permitted on urban residential lots with single-detached, semi-detached, townhouse, or duplex dwellings. Only one (1) ARU is permitted in conjunction with a duplex dwelling.

ARUs within or attached to the main dwelling are required to meet all zoning requirements of the corresponding zoning category, as well as any encroachment requirements noted under Section 6.44 of the by-law. ARUs within or attached to the main dwelling must be a maximum of 50% of the gross floor area of the main dwelling in order to be secondary to the main use.

The following table represents the proposed provisions to facilitate ARUs in detached accessory structures, and further discussion on each provision is noted below:

Proposed Provision	Discussion
<p>An additional dwelling residential unit in a detached accessory building or structure shall not exceed 50% of the main dwelling gross floor area.</p>	<p>ARUs are meant to be secondary to a main use, in this case being the main dwelling. Any detached ARU is to demonstrate that its size is no greater than half of the size of the main dwelling in terms of gross floor area. Since two (2) ARUs are permitted on urban residential lands, such ARUs may be facilitated in separate detached structures, provided that neither of them individually exceeds half of the size of the main dwelling. Detached ARUs are subject to zoning requirements with respect to setbacks, heights, and coverages, which are discussed in more detail as part of the remaining provisions.</p>
<p>An additional dwelling residential unit in a detached accessory building or structure shall not exceed 4.5 metres in height.</p>	<p>Detached accessory buildings currently have a permitted height of up to 6 metres; however, the intent of the accessory buildings provisions is that such structures are to accommodate uses that are not meant for human habitation. For detached ARUs, a height limit of 4.5 metres has been applied to ensure that such use will not result in adverse privacy, overlook, or shadowing impacts to neighbouring lands.</p>

Proposed Provision	Discussion
<p>An additional dwelling residential unit in a detached accessory building or structure shall be a minimum of 3.0 metres from other buildings on the same lot.</p>	<p>Provincial legislation states that the minimum distance between buildings on the same lot with ARUs is 4 metres, unless a Zoning By-law was passed that allows for a lesser separation, which in that case the Zoning By-law provision would prevail. The general provisions for accessory buildings under the current Zoning By-law requires a minimum of 1.2 metres separation between a detached accessory building and a main building. In the case with detached ARUs, the separation distance of 3.0 metres has been applied to allow for adequate separation for maintenance and compatibility purposes, sufficient space to construct a pathway to the detached ARU as required under the OBC (should the main entrance of the ARU face other buildings on the lands), and implement any landscaping around the detached ARU.</p>
<p>Notwithstanding the zone requirements, the minimum rear and interior side yard setbacks for additional dwelling residential units in a detached accessory building or structure shall be 1.5 metres.</p>	<p>Some residential zones permit detached accessory buildings to be closer than 1.5 metres from interior side and rear yard lot lines. The intent of requiring detached ARUs to maintain this 1.5-metre setback is to ensure that habitable buildings do not adversely impact neighbouring lands, and that sufficient separation between abutting properties and the detached ARU is provided for maintenance of the building.</p>
<p>An additional dwelling residential unit in a detached accessory building or structure is not permitted in the front yard.</p>	<p>Similar to the general provisions for accessory buildings, such building cannot be located in the front yard, primarily in front of the main dwelling. This is to ensure that the streetscape is maintained and the character of the residential area is not adversely impacted by structures projecting past the front of the main dwelling façade.</p>

As per provincial requirements, urban residential lots with ARUs may facilitate a total lot coverage of 45%, unless a greater lot coverage is permitted on the property. The current 8% lot coverage for accessory structures in the general provisions of the Zoning By-law will not apply to ARUs.

Parking for ARUs is required at the rate of one space per ARU. O. Reg. 299/19 allows for such parking spaces to be in tandem with other parking spaces on the same property. Staff have implemented a provision that allows for such parking arrangement, up to a maximum of two (2) parking spaces in tandem.

Other general provisions for ARUs include prohibiting the use of a home occupation or home profession within an ARU, and that ARUs are not permitted in conjunction with a group home on the same property.

Some urban areas have specific urban design guidelines prescribed for their neighbourhoods. A future ARU is encouraged to implement appropriate urban design features and may be subject to any applicable guidelines prescribed for the area.

The permitted uses subsections in all eligible zoning categories have been amended to add the permitted use of ARUs, subject to being in accordance with the provisions of the new ARU subsection noted above.

The draft Zoning By-law Amendment, to By-law 4316-09, as amended, is attached as **Appendix III** to this report.

5.5 Consultation

The Amendments were circulated to Town departments and external agencies for review and comment. Public Notice of the Amendments was provided as required by the *Planning Act*, via posting in the local newspaper and on social media platforms.

Comments submitted by Town departments and external agencies are included in **Appendix V** to this report, and summarized below.

5.5.1 Town Departments

Building – No objections. Lot grading and drainage is reviewed as part of the building permit process to facilitate an ARU on a property.

By-law Enforcement – No objections. The proposed Amendments are consistent with the Short-Term Rental By-law and existing regulations regarding accessory dwelling units. The expectation is that ARUs are not to be used for short term rental.

Finance – No objections.

Fire and Emergency Services – A minimum of 1.0 metre unobstructed path of travel is required from a public street to an ARU, as per the Ontario Building Code.

Heritage – No objections.

Infrastructure & Public Works – The Infrastructure and Public Works Department provided no objections to the proposed ARU Amendments, and does not have any concerns with the existing municipal services being able to support additional residential units. Reviews of municipal service

capacities are conducted approximately every 5 years to ensure that services can support existing and future development population growth and demands. At the time of the next review, capacity will be analysed through modelling to determine any impacts as a result of ARUs. Improvements to systems in specific areas to support ARU demands may be recommended, should they be required. It should be noted that, if every property was to have an additional residential unit at this time, the existing services could not support this increased demand.

5.5.2 External Agencies

Enbridge Gas – No objections.

Niagara Escarpment Commission (NEC) – No objections. Minor wording revisions were required to reference the Niagara Escarpment Plan rather than the Niagara Escarpment Commission.

Niagara Parks – No objections.

Niagara Peninsula Conservation Authority (NPCA) – No objections.

Niagara Region – No objections.

NOTL Hydro – No objections. Only one (1) service is permitted per property unless the buildings are greater than 50 metres apart. Any additional residential units within 50 metres of a building with an existing electrical service will need to be privately sub-fed from the existing service. Should additional power be required, the existing service will be required to upgrade.

TransCanada Pipelines – No objections.

5.5.3 Public

An electronic Open House was held on August 25, 2025, with two (2) members of the public in attendance to ask questions of clarification regarding the proposed Amendments. Questions were posed with respect to any impact that ARUs may have to the rural community, as well as conflicts to the agricultural area. Two (2) comments from one (1) resident were raised, concerning the interpretation of existing structures under the Greenbelt Plan for ARUs in the rural area. The comments received and Staff’s responses are summarized below.

Public Comment	Response
Impacts to the rural community and any conflicts to the agricultural area as a result of the ARU policies.	<p>Provincial legislation was amended to allow for ARUs in agricultural areas, provided that they meet criteria that aim to reduce impacts to agricultural lands and to ensure that the use can be appropriately supported.</p> <p>ARUs must have appropriate servicing, shall not hinder surrounding agricultural operations, be limited in scale, be within or in close proximity to the building cluster, and minimize land taken out of agricultural production.</p> <p>Staff do not anticipate any adverse impacts to the</p>

Public Comment	Response
	<p>rural/agricultural community as a result of the implementation of ARU policies for such areas. All future ARUs are required to adhere to the newly implemented provisions, which aim to minimize impacts to the ability to farm lands and facilitate normal farm practices.</p> <p>More detailed analysis and discussion on the specific requirements for facilitating ARUs in rural/agricultural areas is provided throughout this report.</p>
<p>Interpretation of “existing accessory buildings” under the Greenbelt Plan policies for ARU permissions.</p>	<p>The agricultural lands within the Town are considered to be within the Protected Countryside, as per the Greenbelt Plan. The Greenbelt Plan allows “second dwelling units” within single dwellings that are permitted in accordance with the Greenbelt Plan, and within existing accessory structures on the same lot.</p> <p>A rural lot may accommodate a single dwelling, provided that it was zoned for such use as of the date the Greenbelt Plan came into force and effect (being December 16, 2004). An ARU may be constructed within a single dwelling (whether it is new or existing), provided that it is constructed on a lot that permits residential uses.</p> <p>The term “existing” is not defined in the Greenbelt Plan; therefore, the interpretation of an ARU within an “existing accessory building” is left to the municipality to determine.</p> <p>Town Staff received feedback from the community on this determination, advising that an accessory building with a proposed ARU should not have to be existing as of the date of the Greenbelt Plan coming into force.</p> <p>Town Staff have determined that such accessory building must be existing prior to applying for a Building Permit to convert its use to an ARU. Therefore, a landowner may obtain a Building Permit for the construction of a detached accessory building for a use such as storage, and be able to apply for a subsequent Building Permit later on to allow for this building to be used as an ARU (provided it complies with all relevant policies and provisions prescribed therein).</p>

5.6 Other Comments and Considerations

During the statutory Public Meeting for these Amendments, members of Council raised questions and concerns around servicing and the relationship between ARUs and condominium tenure. The table below provides responses to the points raised by Council:

Comment	Staff Response
<p>Since ARUs would be permitted on the same property as a townhouse in the urban area, what happens in a condominium tenure? Does the zoning for ARUs override the Condominium Corporation?</p>	<p>ARUs in a condominium are still required to meet the zoning provisions for ARUs and other applicable provisions for the lands. ARUs are permitted as-of-right on urban residential lands. The details of specific Condominium Corporations may limit owners' abilities to have an ARU; these are not details that the Town is responsible for implementing or addressing.</p>
<p>Does the Town have servicing capacity to accommodate all these possible ARUs?</p>	<p>As per the Town's Infrastructure and Public Works Department comments under Section 5.5.1 of this report, no concerns are currently noted for the capacity of existing services. As part of the Building Permit process, servicing is reviewed and determined if its existing conditions can accommodate the additional flows generated from the ARU(s). Regular capacity reviews will assist with confirming demands on municipal services as a result of ARUs.</p>
<p>How are the ARUs connected to services?</p>	<p>For ARUs that are on lands that front municipal services, connections would rely on the existing connection to the main dwelling. Therefore, servicing to the ARU must be done through the main dwelling, rather than facilitating a new connection to the Town boulevard. If an ARU in the rural area is to be serviced through private means, separate septic systems may be required, should it be determined that the existing septic system cannot accommodate the added flows generated from the ARU.</p>

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 a) Official Plan

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the proposed Zoning By-law and Official Plan Amendments.

8. FINANCIAL IMPLICATIONS

There are no anticipated financial implications posed to the Town as a result of the Amendments. Landowners will be required to apply for the necessary permits to facilitate an ARU on their property, including any necessary servicing upgrades to further support the use. ARUs are exempt from Development Charges. Should a landowner wish to facilitate an ARU on their property that deviates from the policies and provisions of the Amendments, privately-initiated *Planning Act* applications may be required.

9. ENVIRONMENTAL IMPLICATIONS

Any environmental implications are discussed throughout the report.

10. COMMUNICATIONS

Once Council has made a decision on the Amendments, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

11. CONCLUSION

Planning, Building and Development Services Staff recommend approval of Zoning By-law Amendment ZBA-16-2025 and Official Plan Amendment OPA-08-2025, as the Applications meet *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with provincial and local planning policies.

12. PREVIOUS REPORTS/MATERIALS

- **Information Report CDS-24-173** – Additional Dwelling Unit (ADU) Permissions – December 3, 2024
- **Information Report CDS-25-097** – Housekeeping Amendments to the Official Plan and Zoning By-law for Additional Dwelling Units (ADUs) – July 8, 2025
- **Town Additional Dwelling Unit Guide**
- **Information Report CDS-25-122** – Public Meeting – Housekeeping Official Plan and Zoning By-law Amendments for Additional Dwelling Units (ADUs) – September 9,

2025

13. APPENDICES

- **Appendix I** – Draft Town Official Plan Amendment No. 102
- **Appendix II** – Draft Zoning By-law Amendment 500YT-25
- **Appendix III** – Draft Zoning By-law Amendment 4316FZ-25
- **Appendix IV** – Planning Legislation and Policies
- **Appendix V** – Town and Agency Comments
- **Appendix VI** – Public Comments

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