

CITY OF NIAGARA FALLS**By-law No. 2025-XXX**

A by-law to amend By-law No. 79-200, as amended, to update Additional Dwelling Unit regulations within the City of Niagara Falls, to align with Provincial policies (AM-2024-034).

WHEREAS Bill 23 amended the Planning Act, R.S.O. 1990, C.P.13 to permit two Additional Dwelling Units 'as of right' on parcels of urban residential land containing a detached, semi-detached or on street townhouse dwelling for a total of three dwelling units on a lot;

AND WHEREAS Bill 185 amended the Planning Act, R.S.O. 1990, C.P.13 to remove barriers for the development of Additional Dwelling Units by enhancing the Minister's ability, through subsequent regulation, to exempt Additional Dwelling Units from certain zoning by-law requirements that may be limiting the development of Additional Dwelling Units;

AND WHEREAS Ontario Regulation 462/24 amended Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, made under the Planning Act, to remove zoning by-law requirements that limit the development of Additional Dwelling Units;

AND WHEREAS the Provincial Planning Statement, 2024 was adopted to permit up to two Additional Dwelling Units on a lot in a prime agricultural area where a residential dwelling is permitted;

AND WHEREAS to bring City Additional Dwelling Unit policies and regulations into alignment with provincial policy, it is necessary to amend the City's Zoning By-law No. 79-200;

AND WHEREAS it is deemed desirable to amend By-law No. 79-200 accordingly.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. SECTION 2 – DEFINITIONS is amended as follows:

(a) by deleting the definition for "ADDITIONAL DWELLING UNIT" and replacing with the following:

"ADDITIONAL DWELLING UNIT" means a dwelling unit contained within a detached dwelling, semi-detached dwelling unit, townhouse dwelling unit, back-to-back townhouse dwelling unit, or an on-street townhouse dwelling unit or within an accessory building accessory to a detached dwelling, semi-detached dwelling unit, townhouse dwelling unit, or an on-street townhouse dwelling unit;

- (b) by deleting the definition for “PARCEL OF RURAL LAND” and replacing with the following:

“PARCEL OF RURAL LAND” means a parcel of land that is outside the urban area boundary, on which a residential use is permitted, and which is served by private sewer and water services;

2. SECTION 4 – GENERAL PROVISIONS is amended by deleting Section 4.45 and replacing it with the following:

“4.45 ADDITIONAL DWELLING UNITS

4.45.1 PARCEL OF URBAN RESIDENTIAL LAND

(a) two additional dwelling units may be permitted on a parcel of urban residential land where a detached dwelling, semi-detached dwelling, townhouse dwelling unit, back-to-back townhouse dwelling unit, or an on-street townhouse dwelling unit is permitted, subject to the regulations of 4.45.3 and 4.45.4. This may be either:

i. two additional dwelling units within a detached dwelling, semi-detached dwelling unit, townhouse dwelling unit, back-to-back townhouse dwelling unit, or an on-street townhouse dwelling unit;
or

ii. one additional dwelling unit in a detached dwelling, semi-detached dwelling unit, townhouse dwelling unit or an on-street townhouse dwelling unit and one additional dwelling unit in an accessory building to a detached dwelling, semi-detached dwelling unit, townhouse dwelling unit or an on-street townhouse dwelling unit.

(b) one additional dwelling unit may be permitted on a parcel of urban residential land where a duplex dwelling is permitted, subject to the regulations of 4.45.3 and 4.45.4. This may be:

i. one additional dwelling unit in a duplex dwelling or one additional dwelling unit in an accessory building to a duplex dwelling.

4.45.2 PARCEL OF RURAL LAND:

(a) two additional dwelling units shall be permitted on a parcel of rural land where a detached dwelling is permitted, on lands zoned A or R, subject to the regulations of 4.45.3 and 4.45.4. This may be either:

- i. two additional dwelling units within a detached dwelling, or
- ii. one additional dwelling unit in a detached dwelling and one additional dwelling unit in an accessory building to a detached dwelling.

4.45.3 PARKING: Parking and access requirements in accordance with Section 4.19.1

4.45.4 ADDITIONAL DWELLING UNITS IN ACCESSORY BUILDINGS: notwithstanding Section 4.13, additional dwelling units in an accessory building are subject to the following regulations:

- (a) May be permitted in a rear yard or interior side yard provided the unit shall be a minimum of 1.2 metres from the rear lot line and interior side lot lines, save and except for unsupported canopies, eaves or gutters which may project a distance of not more than 0.45 metres into the required yard;
- (b) A landscape strip is required to be provided within the required side yard adjacent to an accessory building containing an additional dwelling unit, and shall include grass, flowers, shrubbery and other landscaping and includes any surfaced walk, and may include a visual barrier;
- (c) Shall not be erected on a corner lot closer than 4.5 metres to the side lot line abutting a street line or a reserve;
- (d) No roofed-over one storey porch or deck shall be closer than 1.2 metres from the rear lot line;
- (e) The total lot coverage of all accessory buildings and accessory structures on a lot shall not exceed 93 square metres and in no case shall the total lot coverage of all buildings and structures exceed the maximum lot coverage regulation of the specific zone, save and except for an R4 Zone where a maximum lot coverage of 45% is permitted;
- (f) Shall not exceed 3.6 metres in height, provided that an accessory building containing an additional dwelling unit with a pitched roof may be erected to a height not exceeding 5 metres, but in no event shall any part

of the walls or supporting posts, excluding any gable or dormer, exceed 3.6 metres in height;

i. Section 4.45.4 (f) shall not apply to an accessory building existing as of the date of the passing of this bylaw, all other regulations contained in Section 4.45.4 shall apply

(g) On a façade facing an interior side or rear lot line, no openings are permitted at a height above 3.6 metres;

(h) The balance of regulations applicable to the zone shall apply; and,

(i) Additional dwelling units in accessory buildings on a parcel of rural land shall be subject to the following additional regulations:

i. An additional dwelling unit shall not be permitted within a building or structure used for any agricultural use;

ii. An additional dwelling unit must be in accordance with Section 4.32;

iii. An additional dwelling unit in an accessory building on a parcel of rural land shall be located no more than 15 metres from the detached dwelling; and,

iv. Notwithstanding Section 4.45.4 (f), an accessory building containing an additional dwelling unit on a parcel of rural land shall not exceed 7 metres in height, but in no event shall any part of the walls or supporting posts, excluding any gable or dormer, exceed 5.5 metres in height.”

3. Section 7.6.1 PERMITTED USES is amended by adding the following subsection:

“(e) Additional dwelling unit(s) in a detached dwelling, subject to the provisions of Section 4.45”

4. Section 7.9.1 PERMITTED USES is amended by adding the following subsection:

“(g) Additional dwelling unit(s) subject to the provisions of Section 4.45”

5. Section 8.7.1 PERMITTED USES is amended by adding the following subsection:

“(d) Additional dwelling unit(s) in a detached dwelling, subject to the provisions of Section 4.45”

6. Section 12.1 PERMITTED USES is amended by deleting subsection (f) and replacing it with the following:

“(f) Additional dwelling unit(s) subject to the provisions of Section 4.45”

7. Section 13.1 PERMITTED USES is amended by deleting subsection (f) and replacing it with the following:

“(f) Additional dwelling unit(s) subject to the provisions of Section 4.45”

Read a First, Second and Third time; passed, signed and sealed in open Council this XXth day of MONTH, 2025.

.....
WILLIAM G. MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR