

OFFICIAL PLAN AMENDMENT NO. 162

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of the amendment is to update existing policies and introduce new policies within the City of Niagara Falls Official Plan to reflect the *More Homes Built Faster Act, 2022* which amended parts of the *Planning Act* to permit Additional Dwelling Units (ADU) ‘as of right’ on certain residential lots within the Urban Area Boundary of the City and implement Action 5 of the City of Niagara Falls Housing Strategy.

(ii) Location of the Amendment

The amendment applies to all lands within the City of Niagara Falls.

(iii) Details of the Amendment

Text Change

- The amendment introduces
- The following minor revisions were also made

(iv) Basis of the Amendment

The *More Homes Build Faster Act, 2022* has made amendments to the *Planning Act* which does not permit Municipalities to pass Official Plan policies or Zoning By-law provisions to restrict three residential units on a parcel of urban residential land containing a detached dwelling, unit in a semi-detached dwelling or an on-street townhouse dwelling unit, one of which may be in an associated accessory building. The provisions would permit ADUs in the following way:

- a) Up to two ADUs in the existing dwelling, provided there are no ADUs within an accessory building; or
- b) One ADU within the existing dwelling and one ADU within an accessory building.

The *Planning Act* does not allow minimum size requirements for the ADUs and limits parking requirements to one additional parking space per ADU.

The amendments also permit municipalities to introduce provisions to permit additional dwelling units in rural areas.

The Planning Act does not permit appeals to the implementing Official Plan Amendment or Zoning By-law Amendment, with the exception of the Minister. Councils are also not permitted to pass Official Plan or Zoning By-law amendments to restrict ADUs on urban residential land.

In 2018, City Council implemented policies and provisions to permit Accessory Dwelling Units within residential areas up to a maximum of one ADU per lot.

The City of Niagara Falls Housing Strategy, 2022 has several action items to help meet the various housing needs of current and future residents of Niagara Falls. Action #5 recommended providing opportunities for the creation and ongoing monitoring of Additional Dwelling Units (Second Units) to provide efficient opportunities for affordable housing options within existing dwellings and within already developed areas and areas where new developments will take place. ADUs increase the supply of market and affordable rental housing by providing more diverse housing options and are a way to provide the 'missing middle' of housing. The Housing Needs and Supply Report found there is significant potential for the introduction of ADUs among the City's existing housing stock.

Based on the current practices with Accessory Units and general planning guidelines, the Planning Department makes the following recommendations on implementing Additional Dwelling Units within the City of Niagara Falls, including:

- a) ADUs will be permitted in both the Urban Area Boundary and within Rural areas:
 - i. A maximum of two additional dwelling units per lot on a parcel of urban residential land for a total of three units.
 - ii. A maximum of one additional dwelling unit per lot on a parcel of rural residential land for a total of two units.
- b) 1 additional parking space will be required for each ADU; and
- c) Satisfying all applicable requirements of Zoning By-law, Building Code, Fire Code and Property Standards By-law

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – Body of the Amendment, consisting of the following text, constitute amendment No. 162 to the Official Plan of the City of Niagara Falls

DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. TEXT CHANGES

a) PART 2, SECTION 1

Existing	Proposed
Part 1 Section 4 Housing	
4.3.5 Accessory dwelling units in single-detached, semi-detached and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.	4.3.5 Accessory Additional dwelling units in single-detached, semi-detached, duplex , and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.
4.12 The City supports the provision of accessory dwelling units. Accordingly, accessory dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached or townhouse dwellings. Zoning regulations shall be based on the following: <ul style="list-style-type: none"> 4.12.1 An additional dwelling unit in the principal building and an additional dwelling unit in an ancillary building, for a total of three residential dwellings on one property, shall be permitted. 4.12.2 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the accessory dwelling unit(s). 4.12.3 The accessory dwelling unit(s) meets all applicable law. 	4.12 The City supports the provision of accessory additional dwelling units. Accordingly, accessory additional dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached, duplex , or townhouse dwellings. For clarity, where in conflict with any other policies in this plan, these policies prevail. Zoning regulations shall be based on the following: <ul style="list-style-type: none"> 4.12.1 An additional dwelling unit in the principal building and an additional dwelling unit in an ancillary accessory building, for a total maximum of three residential dwellings units on one property, shall be permitted. 4.12.2 Within the Good General Agriculture designation, an additional dwelling unit in a detached dwelling or an additional dwelling unit in an accessory

4.12.4 The overall appearance and character of the principal dwelling shall be maintained.

4.12.5 Accessory structures that have an accessory dwelling unit shall not be severed from the principal dwelling.

building, for a maximum of two residential dwelling units on one property, shall be permitted.

4.12.3 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the ~~accessory~~ **additional** dwelling unit(s).

4.12.4 The ~~accessory~~ **additional** dwelling unit(s) meets all applicable law.

4.12.5 The overall appearance and character of the principal dwelling shall be maintained.

4.12.6 Accessory structures that have an ~~accessory~~ **additional** dwelling unit shall not be severed from the ~~principal~~ **existing** dwelling.

Within this Plan additional dwelling units may be referenced as second units or accessory dwelling units.