

**The Corporation of the City of Port
Colborne By-law no. ____
Being a by-law to adopt Amendment No. XX to the
Official Plan for the City of Port Colborne**

WHEREAS it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

THEREFORE the Council of The Corporation of the City of Port Colborne under Section 17(22) and 21 of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached schedules and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this __ day of _____, ____.

Mayor

Clerk

**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

Accessory Dwelling Units

Date: _____

**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

Accessory Dwelling Units

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. XX to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. XX
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

Accessory Dwelling Units

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PART A - THE PREAMBLE

Purpose

The purpose of Official Plan Amendment No. XX is to revise certain elements of the text of the City of Port Colborne Official Plan to implement Provincial legislation related to additional dwelling units (ADUs); and, fulfill Housing Accelerator Fund (HAF) obligations relating to expanding housing options by permitting additional dwelling units 'as of right'. This includes:

- expanding permissions to allow three (3) additional dwelling units in the urban area, for a total of four (4) units permitted 'as of right';
- two (2) additional dwelling units on residential lots within the hamlet and rural areas, for a total of three (3) units permitted 'as of right'; and,
- one (1) additional dwelling unit on agricultural lots where residential uses exist or are permitted, for a total of two (2) units permitted 'as of right'.

Location

This amendment applies to all lands within the City of Port Colborne where ground-related residential uses are permitted.

Basis

The More Homes Build Faster Act, 2022 has made amendments to the Planning Act to remove barriers for the development of additional dwelling units, where two additional dwelling units are permitted 'as of right' on parcels of urban land containing a detached dwelling, a semi-detached dwelling or an on-street townhouse dwelling unit, for a total of three units. One of the additional dwelling units is permitted to be in an accessory building. This legislation also permits municipalities to introduce provisions to permit additional dwelling units in rural and agricultural 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. The proposed Official Plan Amendment is required to bring the City's planning policies and regulations into alignment with provincial policy and legislation.

In December of 2024, the City of Port Colborne entered into a funding agreement with the federal government, through the Canada Mortgage and Housing Corporation (CMHC) to receive \$4 million through the Housing Accelerator Fund (HAF). Permitting four units 'as of right' on parcels of urban residential land is a condition that must be met in order for the City to receive the HAF funding.

The City of Port Colborne Housing Strategy, 2023, has several recommendations intended to help the City meet identified housing gaps and needs. Recommendation 5 directs the City to ensure that the Official Plan is not overly restrictive in its policies, and Recommendation 8 directs the City to promote accessory dwelling units, both of which were identified as being "short term (1-3 years)" implementation items. The proposed Official Plan Amendment is in keeping with the recommendations and timeframes for action set out in the City's Housing Strategy.

Based on the current practices with additional dwelling units and general planning guidelines, the Planning Department makes the following recommendations on implementing additional dwelling Units within the City of Port Colborne:

- Within the urban area, on lots where ground-related housing is permitted, up to three (3) additional dwelling units may be created, for a total of four (4) units per lot;
- Within the rural and hamlet areas, on lots where ground-related housing is permitted, up to two (2) additional dwelling units may be created, for a total of three (3) units per lot;
- Within the agricultural areas, on lots where ground-related housing is permitted, one (1) additional dwelling unit may be created, for a total of (2) units per lot; and,
- Specific criteria for the establishment of accessory dwelling units are set out both in policy (through the Official Plan as set out in Part B- the Amendment) and regulation (through the Zoning By-law, which form part of a separate and concurrent amendment).

PART B - THE AMENDMENT

All of this part of the document entitled PART "B" – "The Amendment" consisting of the following text constitutes **Amendment No. XX** to the Official Plan for the City of Port Colborne.

Introductory Statement

This part of the document entitled Details of the Amendment, consisting of the following text **constitutes Amendment No. XX** to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Text Changes

The amendment includes changes to the text of the City of Port Colborne Official Plan, as described in the following table:

In the "description of change" column, text that is shown in red underline is new text to be inserted into the City of Port Colborne Official Plan, by way of changes to the in-effect policies. Text that is highlighted and crossed out ("~~strikethrough~~") is to be deleted from the plan

| Item no. | Section | Description of Change | Modification |
|----------|---|--|--|
| | 2.4.3 Intensification and Infill (Strategic Policies) | | |
| 1 | 2.4.3 b) | Is modified by replacing the term "accessory dwelling" with the term "additional dwelling units" | b) The Municipality supports the intensification through accessory dwellings <u>additional dwelling units</u> and garden suites, provided that development is consistent with the applicable policies of this Plan. |
| 2 | 2.4.3 c) v) | Is modified by replacing the term "accessory dwelling" with the term "additional dwelling units" | v) Provide policies that allow for accessory dwelling units <u>additional dwelling units</u> and garden suites. |
| | 3.2.2 Intensification and Infill (Urban Residential) | | |

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| 3 | 3.2.2 a) | Is modified by deleting items i) through iii) and renumbering item v) to item i) accordingly | <p>a) The following methods of intensification will be permitted for an existing single-detached dwelling, subject to the applicable Design Guidelines in this Plan and the provisions of the Zoning By-law:</p> <ul style="list-style-type: none"> i) A basement apartment; ii) An accessory apartment; iii) An apartment above an attached garage; or iv) i) The conversion to a duplex dwelling. |
| 4 | 3.2.2 | Is modified by adding new policy sub-section b) i) through x) in its entirety as shown in the "modification" column to the right: | <p><u>b) Where one single-detached dwelling, semi-detached dwelling, duplex dwelling, townhouse unit or street townhouse unit is permitted on a parcel of urban residential land, additional dwelling units may be permitted in accordance with the following:</u></p> <ul style="list-style-type: none"> <u>i) A maximum of three (3) additional dwelling units may be permitted, in addition to the principal dwelling unit, for a total of four (4) residential units</u> <u>ii) The maximum number of additional dwelling units may not be achievable on every site, due to site specific factors, such as lot size, building size, servicing capacity, and other zoning considerations</u> <u>iii) A maximum of one (1) additional dwelling unit may be located within a building or structure accessory to the principal dwelling unit.</u> <u>iv) Notwithstanding policy 3.2.2 b) iii, the City may consider circumstances where allowing a second additional dwelling unit within the same building accessory to the principal dwelling unit, without the need for a Zoning By-law amendment, where the total maximum additional dwelling units is not exceeded and where it can be demonstrated that two additional dwelling units located within the same accessory building is appropriate.</u> <u>v) Where a property has an existing</u> |

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| | | | <p><u>garden suite, a maximum of two (2) additional dwelling units may be permitted, only within the principal building</u></p> <p><u>vi) Additional dwelling units located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling</u></p> <p><u>vii) The density provisions of this Plan shall not apply to the development of additional dwelling units</u></p> <p><u>viii) The lot size and configuration are sufficient to accommodate adequate parking, green spaces, servicing requirements and amenity areas for the principal dwelling unit and additional dwelling units</u></p> <p><u>ix) Additional dwelling units shall meet all applicable law</u></p> <p><u>x) Additional dwelling units shall not be permitted within a hazardous site or hazardous lands, unless where specifically permitted by the conservation authority, and shall have flood-free safe access.</u></p> <p><u>xi) Additional dwelling units shall have adequate servicing</u></p> |
| 5 | 3.2.2 | Is modified by adding new policy sub-section c) in its entirety as shown in the "modification" column to the right: | <p><u>c) New developments that propose ground-related housing, including single-detached dwellings, semi-detached dwellings, townhouse units, or street townhouse units are encouraged to account for the potential for additional dwelling units by providing design options that allow purchasers the ability to have additional dwelling units incorporated through the construction process.</u></p> |
| 6 | 3.2.2 | Is modified by renumbering subsequent sub-sections accordingly | <p>b) <u>d) Intensification that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted.</u></p> <p><u>e) The following infill is permitted within a Registered Plan of Subdivision, subject to the provisions of the Zoning By-law:</u></p> <p><u>i) The severance of one (1) existing</u></p> |

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| | | | vacant and remnant single detached residential lot to create two (2) lots for single detached dwellings or to create two (2) lots for a semi-detached dwelling. |
| | 3.3.2 Intensification and Infill (Hamlets) | | |
| 7 | 3.3.2 | Is modified by adding new policy sub-section c) in its entirety as shown in the "modification" column to the right: | <p><u>c) Where residential uses are permitted within the Hamlet designation, <i>additional dwelling units</i> may be permitted in accordance with the following:</u></p> <p><u>i) A maximum of two (2) <i>additional dwelling units</i> may be permitted, in addition to the principal dwelling unit, for a total of three (3) residential units</u></p> <p><u>ii) The maximum number of <i>additional dwelling units</i> may not be achievable on every site, due to site specific factors, such as lot size, building size, septic capacity and other zoning considerations</u></p> <p><u>iii) A maximum of one (1) <i>additional dwelling unit</i> may be located within a building or structure accessory to the principal building;</u></p> <p><u>iv) Notwithstanding policy 3.3.2 c) iii, the City may consider circumstances where allowing a second additional dwelling unit within the same building accessory to the principal dwelling unit, without the need for a Zoning By-law amendment, where the total maximum additional dwelling units is not exceeded and where it can be demonstrated that two additional dwelling units located within the same accessory building is appropriate.</u></p> <p><u>v) Where a property has an existing garden suite, a maximum of one (1) <i>additional dwelling unit</i> may be permitted, only within the principal building</u></p> <p><u>vi) <i>Additional dwelling units</i> located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling</u></p> <p><u>vii) The density provisions of this Plan shall not apply to the development of</u></p> |

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| | | | <p><u>additional dwelling units</u></p> <p><u>viii) The lot size and configuration are sufficient to accommodate adequate parking, green spaces, servicing requirements and amenity areas for the principal dwelling unit and additional dwelling units</u></p> <p><u>ix) Additional dwelling units shall meet all applicable law</u></p> <p><u>x) Additional dwelling units shall not be permitted within a hazardous site or hazardous lands, unless where specifically permitted by the conservation authority, and shall have flood-free safe access.</u></p> <p><u>xi) Additional dwelling units shall be compatible with neighbouring properties and the surrounding hamlet area, taking into consideration scale and built form</u></p> <p><u>xii) Additional dwelling units shall be compatible with, and not hinder, surrounding agricultural operations and comply with the minimum distance separation formulae, as required</u></p> <p><u>xiii) Additional dwelling units must connect to the existing septic system if it was constructed with the capacity to accommodate the additional flows. Where it is determined that the septic system cannot accommodate additional flows, a new septic system will need to be constructed</u></p> |
| | 3.4.2 Intensification and Infill (Rural) | | |
| 8 | 3.4.2 | Is modified by adding new policy sub-section b) in its entirety as shown in the "modification" column to the right: | <p><u>b) Where residential uses are permitted within the rural designation, additional dwelling units may be permitted in accordance with the following:</u></p> <p><u>i) A maximum of two (2) additional dwelling units may be permitted, in addition to the principal dwelling unit, for a total of three (3) residential units</u></p> <p><u>ii) The maximum number of additional dwelling units may not be achievable on every site, due to site specific factors, such as lot size, building size, septic</u></p> |

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| | | | <p><u>capacity and other zoning considerations</u></p> <p><u>iii) A maximum of one (1) <i>additional dwelling unit</i> may be located within a building or structure accessory to the principal building;</u></p> <p><u>iv) Notwithstanding policy 3.4.2 b) iii, the City may consider circumstances where allowing a second additional dwelling unit within the same building accessory to the principal dwelling unit, without the need for a Zoning By-law amendment, where the total maximum additional dwelling units is not exceeded and where it can be demonstrated that two additional dwelling units located within the same accessory building is appropriate</u></p> <p><u>v) Where a property has an existing garden suite, a maximum of one (1) <i>additional dwelling unit</i> may be permitted, only within the principal building</u></p> <p><u>vi) <i>Additional dwelling units</i> located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling</u></p> <p><u>vii) The density provisions of this Plan shall not apply to the development of <i>additional dwelling units</i></u></p> <p><u>viii) The lot size and configuration are sufficient to accommodate adequate parking, green spaces, servicing requirements and amenity areas for the principal dwelling unit and <i>additional dwelling units</i></u></p> <p><u>ix) <i>Additional dwelling units</i> shall meet all applicable law</u></p> <p><u>x) <i>Additional dwelling units</i> shall not be permitted within a hazardous site or hazardous lands, unless where specifically permitted by the conservation authority, and shall have flood-free safe access.</u></p> |
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| | | | <p><u>xi) Additional dwelling units shall be compatible with neighbouring properties and the surrounding rural area, taking into consideration scale and built form</u></p> <p><u>xii) Additional dwelling units shall be compatible with, and not hinder, surrounding agricultural operations and comply with the minimum distance separation formulae, as required</u></p> <p><u>xiii) Additional dwelling units must connect to the existing septic system if it was constructed with the capacity to accommodate the additional flows. Where it is determined that the septic system cannot accommodate additional flows, a new septic system will need to be constructed</u></p> |
| | 3.5.1 General Policies (Agriculture) | | |
| 9 | 3.5.1 | Is modified by adding new policy sub-section j) in its entirety as shown in the "modification" column to the right: | <p><u>j) Additional dwelling units may be permitted within the Agricultural designation where a residential use is permitted, in accordance with the following:</u></p> <p><u>i) A maximum of one (1) additional dwelling unit may be permitted, in addition to the principal unit, for a total of two (2) residential units</u></p> <p><u>ii) Where a property has an existing garden suite, an additional dwelling unit is not permitted</u></p> <p><u>iii) A maximum of one (1) additional dwelling unit may be located within a building or structure accessory to the principal building</u></p> <p><u>iv) An additional dwelling unit shall not be permitted within a building or structure used for any agricultural use</u></p> <p><u>v) Additional dwelling units located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling</u></p> <p><u>vi) The density provisions of this Plan and those contained in the implementing Zoning By-law, shall not apply to the development of additional dwelling units</u></p> |

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| | | | <p><u>vii) The lot size and configuration are sufficient to accommodate adequate parking, green spaces, servicing requirements and amenity areas for the principal dwelling unit and <i>additional dwelling units</i></u></p> <p><u>viii) <i>Additional dwelling units</i> shall meet all applicable law</u></p> <p><u>ix) <i>Additional dwelling units</i> shall not be permitted within a hazardous site or hazardous lands, unless where specifically permitted by the conservation authority, and shall have flood-free safe access.</u></p> <p><u>x) <i>Additional dwelling units</i> shall be compatible with neighbouring properties and the surrounding agricultural area, taking into consideration scale and built form</u></p> <p><u>xi) <i>Additional dwelling units</i> shall be compatible with, and not hinder, surrounding agricultural operations and comply with the minimum distance separation formulae, as required</u></p> <p><u>xii) <i>Additional dwelling units</i> must connect to the existing septic system if it was constructed with the capacity to accommodate the additional flows. Where it is determined that the septic system cannot accommodate additional flows, a new septic system will need to be constructed</u></p> |
| | 3.6.2 Intensification and Infill (Downtown Commercial) | | |
| 10 | 3.6.2 a) i) | Is modified by replacing the text in its entirety as shown in the "modification" column to the right: | <p>i) As a basement apartment or an accessory apartment within an existing single detached dwelling <u><i>Additional dwelling units</i>, in accordance with the applicable policies of Section 3.2.2 of this Plan;</u></p> |
| | 5.3.3.2 Low Density Residential | | |
| 11 | 5.3.3.2 f) | Is modified by replacing the text in its entirety as shown in the "modification" column to the right: | <p>f) Single detached dwellings shall be permitted to include an accessory apartment provided all requirements of the zoning by-law can be met <u><i>Additional dwelling units</i> are permitted, subject to the policies of Section 3.2.2 of this Plan.</u></p> |
| | 5.3.3.3 Medium Density Residential | | |
| | 5.3.3.3 | Is modified by adding new sub- | <u>e) <i>Additional dwelling units</i> are permitted,</u> |

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| | | policy 5.3.3.3 e) as shown in the "modification" column to the right: | <u>subject to the policies of Section 3.2.2 of this Plan</u> |
| | Section 12: Definitions | | |
| 13 | | Is modified by adding the defined term for Additional dwelling unit following the defined term 'access standards' and before the defined term 'adjacent lands' as shown in the "modification" column to the right | <u>Additional dwelling unit</u> <u>A separate self-contained dwelling unit that is subordinate in nature to the principal dwelling until and, located either:</u> <ul style="list-style-type: none"> <u>within a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, townhouse unit or street townhouse unit (additional dwelling unit, attached); or,</u> <u>on the same parcel of land as a principal dwelling and located within a building accessory to a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, townhouse unit or street townhouse unit (additional dwelling unit, detached)</u> |

Implementation & Interpretation

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to implement these policies, as appropriate.

PART C – THE APPENDICES

The following schedules constitute part of Amendment No. XX and are included to support the Amendment.

Appendix 1 – Draft Minutes of the Public Meeting