

By-law No.

The Corporation of the City of Port Colborne
By-law no.

Being a by-law to amend Zoning By-law 6575/30/18, as amended, respecting lands legally described as Lots 36 to 40, Registered Plan 826 and known as 242 to 246 West Side Road, City of Port Colborne, Regional Municipality of Niagara.

WHEREAS By-law 6575/30/18 is a By-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and,

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, through the City's Housing Accelerator Fund (HAF) agreement, the City is required permit up to four residential units 'as of right' on parcels of urban residential land on order to remain eligible for the funding;

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 and meet HAF requirements, it is necessary to amend the City's Zoning By-law 6575/30/18

AND WHEREAS, it is deemed desirable for The Corporation of the City of Port Colborne desires amend the said By-law.

NOW THEREFORE, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to all lands within the City of Port Colborne where ground-related residential uses are permitted
2. That Section 2.9 entitled "Accessory Uses to a Dwelling" of Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting 'Accessory Uses to a Dwelling' and replacing it with 'Additional Dwelling Units'
3. That Section 2.9.1, entitled "Accessory Dwelling Unit" of Zoning By-law 6575/30/18, as amended, is hereby further amended as follows:
 - a. The subsection title heading 'Accessory Dwelling Unit' is deleted and replaced with 'General Provisions'
 - b. Section 2.9.1 a) is amended as shown below, where new text is shown in red underline and text to be removed is ~~struckthrough~~

"a) Notwithstanding any other provisions of this By-law, any single detached, semi-detached, duplex and townhouse dwelling units permitted in any zone may ~~be internally converted or by way of an addition to the existing dwelling or creation of a standalone structure or building,~~ provide an ~~accessory~~ additional dwelling unit(s), subject to the applicable specific zone requirements and the following:

 - i) ~~Only one accessory~~ On any parcel of urban residential land, three (3) additional dwelling units are permitted, for a maximum of four (4) dwelling units
 - ii) On any parcel of land located outside of the urban area and within the hamlet or rural area, two additional dwelling units are permitted, for a maximum of three (3) dwelling units
 - iii) On any parcel of land located outside of the urban area and within the agricultural area, one additional dwelling unit is permitted, for a maximum of two (2) dwelling units dwelling unit is permitted per dwelling unit.

- ii)iv) Where the parcel proposed for an ~~accessory~~ additional dwelling unit is not serviced by municipal sewer and/or municipal water services, the minimum lot size shall be 0.4 hectares, ~~and~~ all relevant requirements of the Region of Niagara, and all applicable laws are complied with.
- iii)v) The cumulative maximum floor area for the ~~accessory~~ additional dwelling unit(s) shall not exceed ~~40~~ 45% of the gross floor area of the primary dwelling.
- vi) Notwithstanding anything in this By-law for all buildings with Additional Dwelling Units the maximum lot coverage may be the greater of the applicable zone requirement or 45%.
- iv)vii) One additional on-site parking space shall be provided for ~~the~~ each ~~accessory~~ additional dwelling unit, and parking spaces may be stacked.
- v)viii) All relevant requirements of the Ontario Building Code and Ontario Fire Code are complied with."

c. Section 2.9.1.1 is amended as shown below, where new text is shown in red underline and text to be removed is ~~struckthrough~~

"2.9.1.1 Additional Dwelling Unit, ~~Interior~~ attached ~~Accessory~~

- a) Notwithstanding any other provisions of this By-law, ~~one interior accessory dwelling unit is permitted in any detached dwelling, semi-detached dwelling unit or townhouse dwelling unit provided it complies with Section 2.9.1 i) to (v) and:~~ for interior additional dwelling units, in addition to the provisions of Section 2.9.1, the following shall apply:
 - i) The interior ~~accessory~~ additional dwelling unit is entirely within the exterior walls of the principal dwelling unit.
 - ii) The external appearance and character of the ~~single~~

~~detached~~ dwelling, landscaped area and outdoor amenity areas are to be preserved.

- iii) Additions shall be architecturally similar to the existing dwelling unit and use similar exterior building materials.
- iv) The entrance to the accessory dwelling unit shall be located only in the interior side or rear yard and no exterior stairway to the second floor of the dwelling or accessory dwelling unit shall be permitted in the front or corner side yard."

d. Section 2.9.1.2 is amended as shown below, where new text is shown in red underline and text to be removed is ~~struckthrough~~:

"2.9.1.2 Additional Dwelling Unit, Detached ~~Accessory~~

- a) Notwithstanding any other provisions of this By-law, one for detached ~~accessory~~ additional dwellings, in addition to the provisions of Section 2.9.1, the following shall apply: unit is permitted in any residential zone provided it complies with Section 2.9.1 (i) to (v) and shall not:
 - i) Only one (1) detached additional dwelling unit is permitted
 - ii) A detached additional dwelling unit is not permitted in a required front yard
 - i) ~~Be located in a required front yard or corner side yard.~~
 - ii) iii) A detached additional dwelling unit shall not be ~~Be~~ located within any sight triangle.
 - iv) A detached additional dwelling unit is not permitted within a building or structure used for any agricultural use
 - iii) v) Maximum height: Exceed a building height of 7 metres.
 - iv) vi) Minimum side and rear yard: 1 metre ~~Be located less~~

~~than 1 metres from an interior side or rear lot line.~~

vii) Minimum corner lot setback: 4.5 metres to the side lot line abutting a street line

viii) Minimum distance from the principal dwelling: 1.5 metres
~~Be located closer than 1.5 metres to a main building."~~

4. That Section 3.1.1, entitled "Parking Space Requirements for Residential Uses" of Zoning By-law 6575/30/18, as amended, is hereby further amended as shown below, where new text is shown in red underline and text to be removed is ~~struck through~~:

Permitted Use	No. of Spaces Required per Unit
Apartment Building	1.25
Apartment Building, Public	1 space per 3 units
Bed and Breakfast	1 space per guest room
Dwelling, Accessory	1
Dwelling, Detached	1
Dwelling, Duplex	1
Dwelling, Fourplex	1
Dwelling, Semi-Detached	1
Dwelling, Townhouse Block	1
Dwelling, Townhouse Street	1
Dwelling, Triplex	1
Dwelling Unit, Accessory <u>Additional (attached or detached)</u>	1 (can be tandem)
Long Term Care Facility	0.4 per dwelling unit and per care bed
Supportive Living Facility	0.5

5. That Section 38, entitled "Definitions" of Zoning By-law 6575/30/18, as amended, is hereby further amended by deleting the defined term "Dwelling Unit, Accessory" and replacing it with the defined term "Dwelling Unit, Additional" following the defined term 'dwelling unit' and before the defined term 'Dynamic Beach Hazard' as shown below:

"Dwelling unit, Additional: means a separate self-contained dwelling unit that is subordinate in nature to the principal dwelling unit; and, located either:

- within a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, townhouse unit or street townhouse unit (dwelling unit,

- additional attached); or,
 - on the same parcel of land as a principal dwelling unit and located within a building accessory to a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, townhouse unit or street townhouse unit (dwelling unit, additional detached)
6. That Section 38, entitled "Definitions" of Zoning By-law 6575/30/18, as amended, is hereby further amended as shown below, where new text is shown in red underline and text to be removed is ~~struckthrough~~:

"Tandem Parking: means the parking of one motor vehicle directly behind another. In the case of Additional Dwelling Units (ADUs), a maximum of two (2) vehicles may be parked in a tandem configuration."

7. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.
8. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the Planning Act.

Enacted and passed this ____ day of _____, 2025.

Mayor

Clerk