

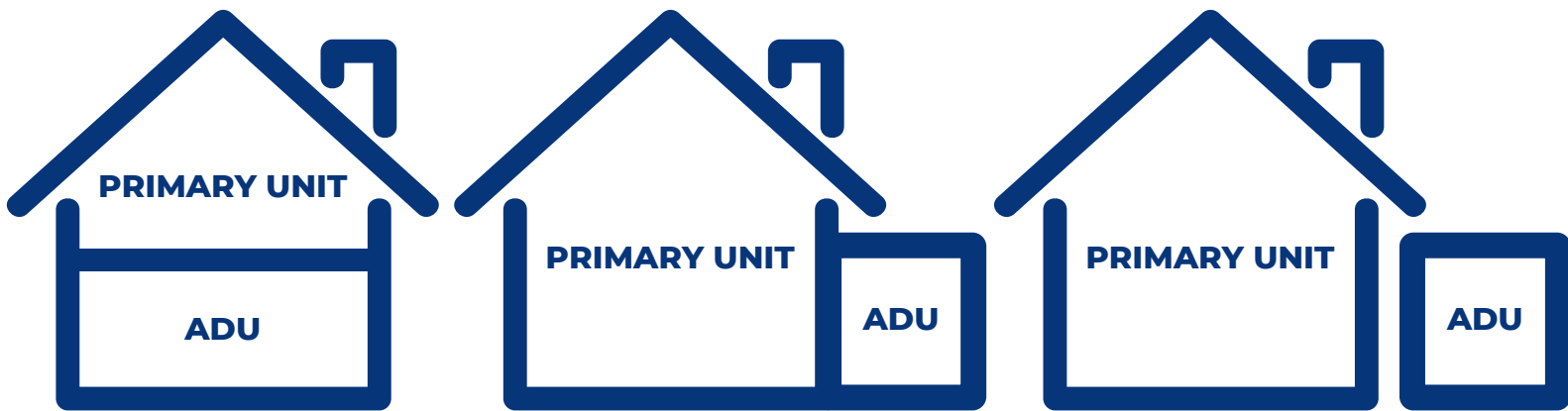
# Additional Dwelling Units





# What is an Additional Dwelling Unit?

An ADU is a dwelling unit that is separate from the main dwelling unit of the property. An ADU contains a kitchen, bathroom, and living/sleeping spaces. ADUs can vary in form, including being accommodated in the main dwelling or a separate building on the same lot. Examples of these forms can include a basement conversion, second-story addition, main dwelling building footprint expansion, the conversion of an existing detached garage, and/or the construction of a new detached structure.



## An ADU can also be referred to as:

- Additional Residential Unit
- Secondary Dwelling/Residential Unit
- In-Law Suite
- Garage Suite
- Accessory Apartment
- Basement Apartment





# Where and how many ADUs are permitted?

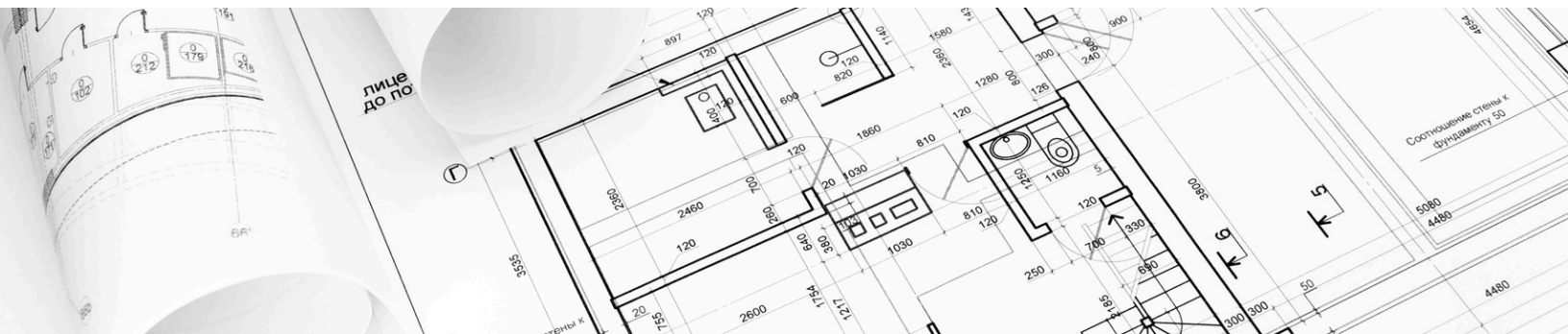
In the urban area, a parcel zoned for residential use permits a maximum of two (2) ADUs in addition to the main dwelling. This is provided that the lands are fully serviced by municipal water and sanitary connections and that the ADUs conform to applicable zoning regulations. This permission is as-of-right and does not require the need for further planning applications, subject to meeting the necessary criteria of the *Planning Act*.

In the rural area, a parcel zoned to allow for residential uses permits a maximum of one (1) ADU in addition to the main dwelling, within an existing dwelling, or in an existing accessory building, provided that there are sufficient private and/or municipal water and sanitary services. An ADU in a rural area remains subject to the applicable zoning regulations. ADUs in the rural area are not an as-of-right permission. At this time, subsequent planning applications, including an Official Plan Amendment and Zoning By-law Amendment, are required to facilitate an ADU on rural lands. This will be reviewed and incorporated into policy through the Official Plan conformity work.

**The table below summarizes the permissions:**

Restrictions	Urban Residential Land	Rural Land
<b>Permitted Zones</b>	<ul style="list-style-type: none"><li>Established Residential (ER), (ER2) &amp; (ER3)</li><li>Residential (R1) &amp; (R2)</li><li>Residential Multiple (RM1)</li><li>Residential Development (RD)</li></ul>	<p>ADUs are not permitted on any rural lands in the Town's Zoning By-law 500A-74. To permit an ADU in a rural area, a Zoning By-law Amendment is required and the applicable zone of the lot must permit residential uses.</p> <p><b>Note:</b> ADUs are not permitted in the rural area in the Town's Official Plan. An Official Plan Amendment is required to permit an ADU in the rural area.</p>

Restrictions	Urban Residential Land	Rural Land
<b>Permitted Dwelling Type</b>	<ul style="list-style-type: none"> <li>• Single-detached dwelling</li> <li>• Semi-detached dwelling</li> <li>• Duplex dwelling</li> <li>• Townhouse dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Single-detached dwelling</li> </ul>
<b>Maximum Number of ADUs</b>	<b>2</b>	<b>1</b>
<b>ADU Composition</b>	<p><b>Single-detached, semi-detached and on-street townhouse dwellings:</b></p> <ul style="list-style-type: none"> <li>• Two interior/attached ADUs, OR</li> <li>• One interior/attached ADU AND one exterior/detached ADU</li> </ul> <p><b>Duplex dwelling:</b></p> <ul style="list-style-type: none"> <li>• One interior/attached ADU, OR</li> <li>• One exterior/detached ADU</li> </ul>	<p><b>Single-detached dwelling:</b></p> <ul style="list-style-type: none"> <li>• One interior/attached ADU, OR</li> <li>• One exterior/detached ADU</li> </ul>
<b>Total Maximum Number of Dwelling Units on a Lot</b>	<b>3</b>	<b>2</b>



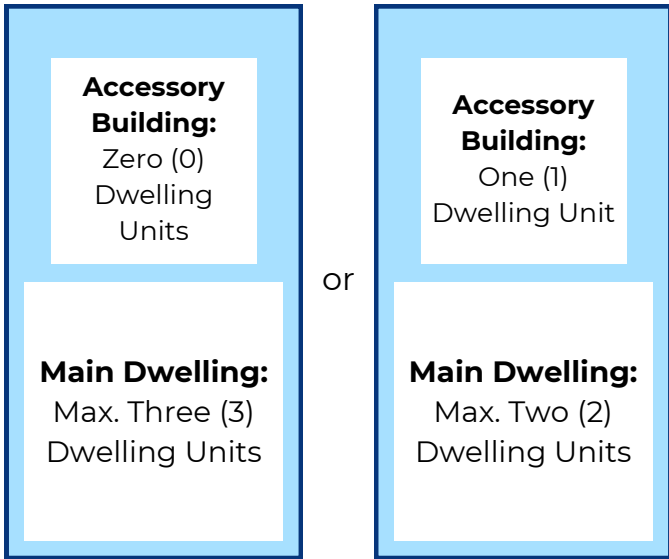


# ADU Configurations

## Single-Detached & Duplex Configurations:

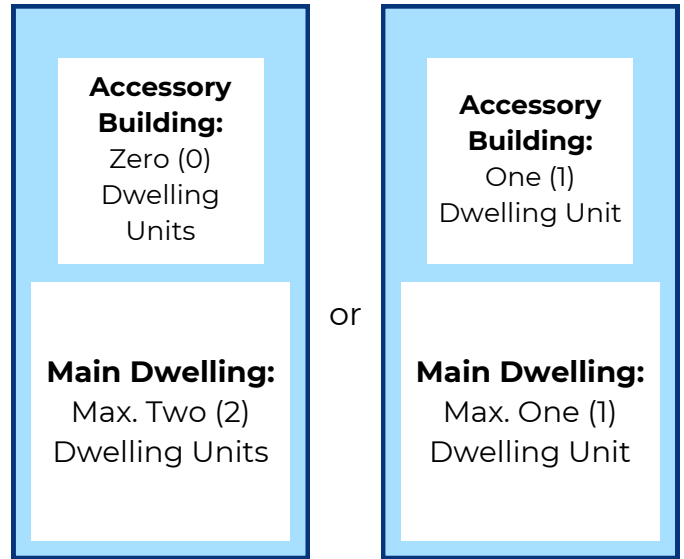
### Parcel of Urban Residential Land

Maximum total of three (3) dwelling units

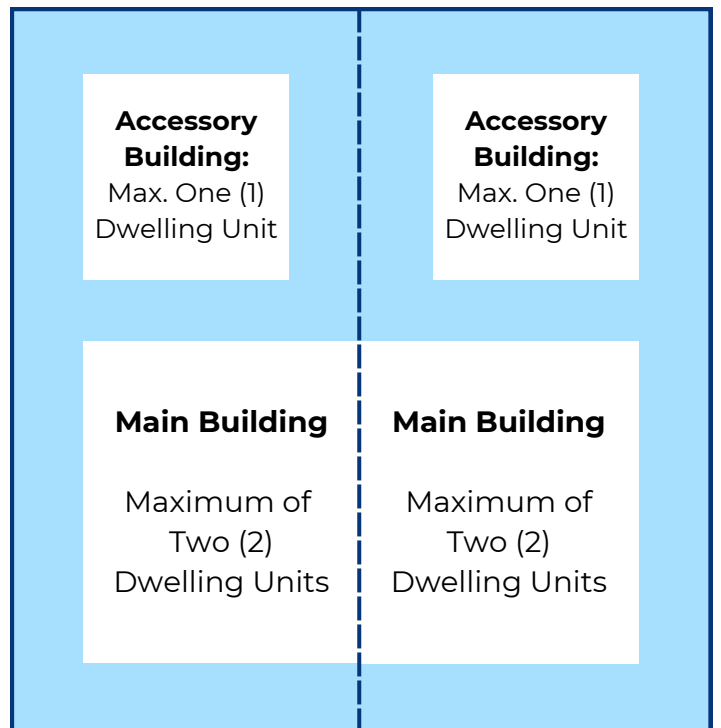
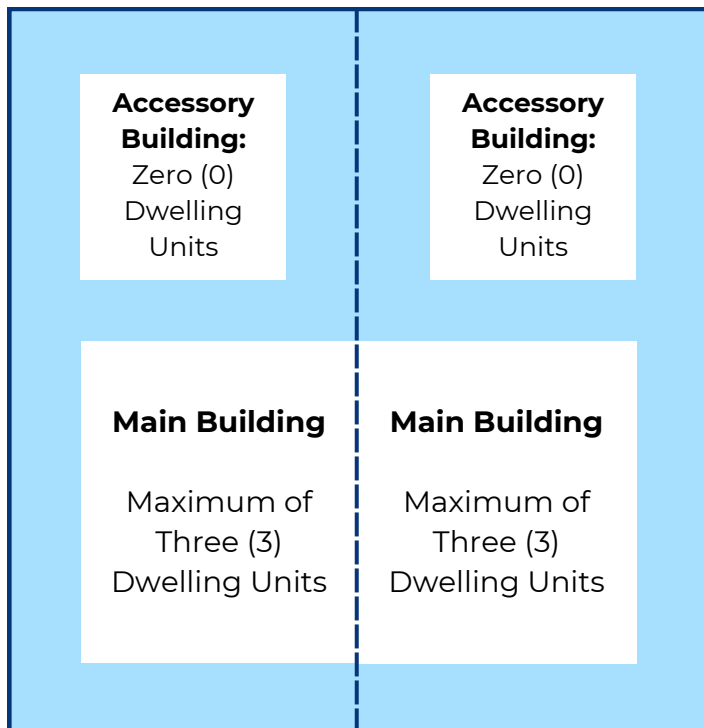


### Parcel of Rural Land

Maximum total of two (2) dwelling units



## Semi-Detached Configurations:





# What Regulations Continue to Apply?

The Province recently implemented changes through an Ontario Regulation (O. Reg. 462/24) to require consistent zoning provisions for ADUs across Ontario. The below provisions reflect the Provincial requirements and local zoning requirements:

## Parking

- One off-street parking space is required per ADU\*, in addition to the minimum requirements of the main dwelling.

## Servicing

- Urban Area
  - ADUs must connect to existing municipal services.
- Rural Area
  - ADUs must connect to existing services such as septic systems, provided that there is capacity to accommodate the additional flows. Upgrades to the septic system may be required to permit an ADU.
  - If there are municipal service connections (e.g., water) on a rural lot, the ADU must connect to the existing services on the property.

## Zoning

- Zoning By-law 4316-09, as amended (Urban Area)
  - ADUs within the main dwelling are subject to the setback and height provisions of the corresponding zone category under Sections 7-11.
  - ADUs in an accessory building are subject to the requirements of Section 6.1, in addition to the requirements of the corresponding zone category.
  - Lots with ADUs are permitted to have overall lot coverages of up to 45%, meaning that the total footprint of all buildings cannot exceed 45% of the lot size.\*
  - A minimum building separation of 4 metres is required between buildings on the same lot with an ADU (i.e., a 4.0-metre separation is required from a main dwelling to a detached ADU).\*

### ***\*Provincial Requirement***



# What Regulations Continue to Apply?

- Zoning By-law 500A-74, as amended (Rural Area)
  - ADUs are not currently permitted in the rural zoning by-law. A Zoning By-law Amendment is required to facilitate an ADU in the rural area. In addition to the applicable zoning, ADUs are not permitted in the rural area based on the Town's current Official Plan. To permit an ADU in the rural area, an amendment to the Town Official Plan is also required.



## Building Permit

- A Building Permit must be obtained before the construction of an ADU. This includes, but is not limited to, the submission of complete applications and supporting documents required by the Town, construction, and engineering drawings, compliance with the Ontario Building Code, and applicable permit fees.

### ***\*Provincial Requirement***





# Frequently Asked Questions

## General Questions

### **What is not considered an ADU?**

ADUs are not rooming or boarding houses, which are homes containing individual rooms for rent that provide communal facilities, such as washrooms and cooking facilities.

### **Why are ADUs in rural areas not permitted as-of-right similar to ADUs in urban areas?**

The rural areas in the Town are within the Specialty Crop Area of the Greenbelt Plan, 2017, and are subject to the policies and direction contained in the Greenbelt Plan. While the Provincial Planning Statement (2024) allows up to two (2) ADUs in the rural area, the Greenbelt Plan only permits up to one (1) ADU. Since ADUs are not permitted in rural areas as-of-right, approvals must still be granted by the Town to facilitate any ADU on a rural residential property. Based on the current in-force and effect policies, a landowner is required to obtain the necessary planning approvals (i.e., an Official Plan Amendment and Zoning By-law Amendment) before applying for a Building Permit to facilitate the ADU. The Town will be updating the Official Plan through a conformity exercise in the coming months and will include permissions for ADUs in the agricultural area in line with provincial direction.

### **Can an ADU be used as a Short-Term Rental?**

An ADU is not permitted to be used as a Short-Term Rental (i.e. Bed & Breakfast, Cottage Rental, Country Inn and Villa) and will not be issued a Short-Term Rental License, as per the policies set out in the Town Official Plan and Zoning By-law.

### **What are the Garbage Limits for an ADU?**

If your accessory dwelling designation with the Municipal Property Assessment Corporation (MPAC) does not change from single-family, you are only permitted two containers for the entire property. If your MPAC property designation changes to duplex, apartment, etc., you are allowed two containers per unit on the property. If you have any more questions regarding garbage collection, please visit the Region's webpage at <https://www.niagararegion.ca/waste/collection/items/garbage.aspx>.

### **Will an ADU Affect my Property Taxes?**

Your property taxes may be affected by the creation of an ADU as the number of dwelling units on a property contributes to its valuation. Property taxes are based on the value of your property. Please contact the Municipal Property Assessment Corporation for more information on your property's assessment at [www.mpac.ca](http://www.mpac.ca).



### **Can a Recreational Vehicle (RV) be used as an ADU?**

No, ADUs are not permitted to be recreational vehicles (RV), mobile homes, boat houses, or any temporary structures.

## **Planning Requirements & Questions**

### **What if my proposed ADU does not meet all requirements of the Zoning By-law?**

Should the proposed ADU not conform to the requirements of the applicable zone in the urban area, an application may be submitted for a Zoning By-law Amendment or Minor Variance to address the deficient provisions.

ADUs are not permitted in the rural areas of the Town based on the applicable Zoning By-law. To permit an ADU in the rural area, a Zoning By-law Amendment is required. ADUs are also not permitted in the rural areas of the Town based on the Official Plan. To permit an ADU in the rural area, an Official Plan Amendment is also required.

Applications for Official Plan Amendment, Zoning By-law Amendment, and Minor Variance are part of a public planning process, subject to Town and Agency Staff review, and must be approved by Town Council or the Committee of Adjustment, respectively.

### **How do I Apply for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance to facilitate an ADU?**

Town Planning Staff encourage applicants to request Pre-Consultation Meetings ahead of any formal *Planning Act* (planning) application submission. The purpose of a Pre-Consultation Meeting is to allow Town and Agency Staff the opportunity to review the proposal on a preliminary basis to provide feedback and advise on the requirements to form a complete application in the future. To request a Pre-Consultation Meeting, please follow the [steps outlined here](#). Steps regarding how to apply for *Planning Act* applications are found on the same webpage. Planning applications are subject to a public process, meaning that there will be public circulation and engagement in the proposal.

Please note that the submission of any *Planning Act* application may require the landowner to hire consultants (e.g., planning, engineering, architecture) to provide the necessary policy justification and supplementary application requirements.

### **Can I have an ADU on my heritage-designated or listed property?**

If your property is designated under the *Ontario Heritage Act*, a Heritage Permit is required before the issuance of a Building Permit to facilitate an ADU. A Heritage Permit requires the submission of scoped documentation, which is subject to review by Town Heritage Staff and the Municipal Heritage Committee. Heritage Permits are subject to final approval from Council.

If your property is listed under the Municipal Heritage Register, a Heritage Permit may not be required before applying for a Building Permit. It is recommended that landowners contact Heritage Staff to confirm any requirements for permitting an ADU in a listed heritage building. When applying for a Building Permit to facilitate an ADU on a listed property, Town Building Staff will consult with Heritage Staff before the issuance of the Building Permit.

### **What if my property is regulated by another authority (i.e., Niagara Peninsula Conservation Authority or Niagara Escarpment Commission)?**

Your property may be regulated by the Niagara Peninsula Conservation Authority (NPCA) and/or the Niagara Escarpment Commission (NEC). Landowners are encouraged to contact the NPCA and NEC directly to discuss requirements for an ADU. Subsequent permits from the approval authorities may be required.

### **How Many Bedrooms are permitted in an ADU?**

There is no limit on the number of bedrooms permitted in an ADU.

### **Can I sever off an ADU from my lot?**

ADUs are not eligible to be severed.

## **Building Requirements & Questions**

### **Will Development Charges Apply to an ADU?**

Development Charges do not apply to the creation of ADUs under Bill 23.

### **How do I Apply for a Building Permit for an ADU?**

Please visit the following webpage to initiate your application for a Building Permit: [Building Services | Town of Niagara-on-the-Lake](#).

Building Permit submissions are done through CloudPermit, an online permitting system that allows applicants to submit their information digitally and provide revisions to materials, as needed. The following brochure also includes a full range of information for Building Permits: [Building Services Brochure](#).

### **Who Do I Contact to Facilitate Services to an ADU?**

The [Building Services Brochure](#) outlines Town departments and agencies that should be contacted ahead of time to ensure that your ADU can be adequately serviced.

### **What Fees and Costs are associated with an ADU?**

Planning fees associated with an ADU can be found [here](#). Building fees are outlined in the [Building Services Brochure](#) and would be taken at the rate of \$1.41/ft<sup>2</sup>. Development Charges do not apply to ADUs.



# Helpful Contacts

## Contact the Town of Niagara-on-the-Lake

### Planning Services

✉ [planning.development@notl.com](mailto:planning.development@notl.com)

### Building Services

✉ [building.division@notl.com](mailto:building.division@notl.com)

☎ 905-468-3266 Ext. 332

### Heritage Planning

✉ [heritage@notl.com](mailto:heritage@notl.com)

## Contact the Niagara Escarpment Commission (NEC)

🌐 [www.escarpment.org](http://www.escarpment.org)

✉ [nec@ontario.ca](mailto:nec@ontario.ca)

☎ 905-877-7524

## Contact the Niagara Peninsula Conservation Authority (NPCA)

🌐 [www.npca.ca](http://www.npca.ca)

✉ [planninginfo@npca.ca](mailto:planninginfo@npca.ca)

☎ 905-788-3135

## Contact the Niagara Region

🌐 [www.niagararegion.ca](http://www.niagararegion.ca)

☎ 905-980-6000

## Contact the Municipal Property Assessment Corporation (MPAC)

🌐 [www.mpac.ca](http://www.mpac.ca)