

Attachment 1: Revised Draft Zoning By-law

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2022-033

A BY-LAW TO AMEND BY-LAW NUMBER 023/18, AS AMENDED, BEING THE ZONING BY-LAW OF THE TOWNSHIP OF PUSLINCH

WHEREAS, the Council of the Corporation of the Township of Puslinch deems it appropriate and in the public interest to amend By-Law Number 023-2018 as amended, pursuant to Sections 34 of the Planning Act, R.S.O. 1990 as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PUSLINCH ENACTS AS FOLLOWS:

1. THAT Section 3.0 Definitions, is amended by deleting the definition for 'Accessory Apartment' in its entirety and adding the following two definitions in alphabetical order:

"Additional Residential Unit (Attached): a self-contained *dwelling unit* with a private kitchen, bathroom facilities and sleeping areas, which is within a *single detached, semi-detached*, or *townhouse dwelling* and is clearly secondary and subordinate to the principal *dwelling unit*."

"Additional Residential Unit (Detached): a self-contained *dwelling unit* with a private kitchen, bathroom facilities and sleeping areas, which is within part of or whole of a *building* ancillary to a *single detached, semi-detached*, or *townhouse dwelling* and is clearly secondary and subordinate to the principal *dwelling unit*. For the purpose of this use, ancillary means a shed, *private garage*, carriage house or barn, and does not mean a temporary *building* or structure."

2. THAT Section 3.0 Definitions, is amended by adding the following definition in alphabetical order:

"Habitable Room: For the purposes of Section 4.2, shall mean any finished room in a *dwelling unit* used or capable of being used by one or more persons for living, sleeping, eating, food preparation or sanitation."

3. THAT Section 4.2, Accessory Apartments, is amended by deleting the section in its entirety and replacing it with the following:

4.2 "ADDITIONAL RESIDENTIAL UNITS

A maximum of two *additional residential units* shall be permitted per *lot* in any *Zone* where a *single detached, semi-detached* or *townhouse dwelling* is permitted, subject to the following provisions:

- a. General Provisions for Attached and Detached Additional Residential Units:

- i. The maximum total *floor area* of an *additional residential unit* shall not exceed 45 percent of the total *floor area* of the principal *dwelling unit* up to a maximum of 130 m². The calculation of *floor area* shall include any part of a *dwelling unit* that meets the definition of a *habitable room*;

- ii. The **height** of the **additional residential unit(s)** shall not exceed the **height** of the principal **dwelling unit**;
- iii. **Driveway** access to both the principal **dwelling unit** and the **additional residential unit** shall be shared and limited to one so that no new entrance from the street shall be created;
- iv. That appropriate, **individual on-site sewage and water services** are approved for the **lot** and there is adequate capacity for the **additional residential unit(s)** and any other uses on the **lot**;
- v. Shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations;
- vi. Shall be required to conform to Minimum Distance Requirements (4.16.1), where applicable;
- vii. Shall not be permitted within hazardous lands as identified and regulated by the applicable Conservation Authority; and
- viii. An **additional residential unit** shall not be permitted within a **bed and breakfast establishment**.
- ix. An existing principal **dwelling unit** may be considered as an **additional residential unit** once a new principal **dwelling unit** has been constructed, provided that the existing **dwelling unit** meets Section 4.2.

b. Additional Residential Unit (Attached)

Where permitted by this By-law, one **additional dwelling unit (attached)** shall be permitted, subject to 4.2 a) and the following:

- i. Shall be permitted within the principal **dwelling unit** or attached to the principal **detached dwelling**;
- ii. When exterior alterations to the principal **detached dwelling** are proposed for an attached **additional residential unit**, the following applies:
 - i. Shall comply with the minimum required **yard** standards of the **Zone** in which such **building** is situated; and
 - ii. Shall not be located in front of the principal **detached dwelling** on a **lot** with a **lot area** of 0.8 ha or less unless buffered and/or screened from the **street** to the satisfaction of the Township.
- iii. Each **dwelling unit** shall have a separate, private entrance;
- iv. Notwithstanding Section 4.2.a) i), if located in a **basement**, the **additional residential unit** may occupy the whole of the **basement**.

c. Additional Residential Unit (Detached)

Where permitted by this By-law, one **additional dwelling unit (detached)** shall be permitted in an **ancillary building** subject to 4.2 a) and the following:

- i. Shall be located on the same **lot** as the principal **detached dwelling, semi-detached dwelling unit, or townhouse dwelling** and shall not be severed from the principal **dwelling unit**.
- ii. Shall comply with the minimum required **yard** standards in which the unit is situated;
- iii. The **additional residential unit** shall be within the existing building cluster and located within 40 metres of the principal **dwelling unit** on the **lot**.
- iv. In addition to item 4.2 a) ii), the maximum **building height** for an **ancillary building**:
 - i. Shall be no more than 5 m if the **additional residential unit** occupies a majority of or the entirety of an **ancillary building**;
 - ii. May be up to 8 m if the **additional residential unit** is above the **first storey** of the **ancillary building**.
- v. All provisions within Section 4.4 are applicable, except for provisions that conflict with Sections 4.2 c) ii) and c) iv); and
- vi. **A garden suite** must not be located on the same lot”

1. THAT Section 4.25.b.iii, Short Term Accommodation, is amended by replacing the term ‘accessory apartment’ with ‘**additional residential unit (attached or detached)**’
2. THAT Section 5, Parking and Loading Regulations, Table 5.2, Residential Parking Space Requirements, is amended by deleting and replacing the term ‘Accessory apartment’ with ‘**Additional Residential Units (Attached and Detached)**’ in the Use column,
3. THAT Section 5, Parking and Loading Regulations, Table 5.2, Residential Parking Space Requirements, Minimum Parking Space Requirement column is amended by deleting the term ‘dwelling unit’ and replacing it with ‘**additional residential unit**’ and including the following sentence after principal dwelling unit:

“A **parking space** that is provided and maintained for the sole use of the occupant of the **additional dwelling unit** may be a tandem **parking space**.”
4. THAT Section 6.2 Table 6.1, Residential Zone Permitted Uses, is amended by replacing the term ‘Accessory Apartment’ with ‘**Additional Residential Unit (Attached)**’ and ‘**Additional Residential Unit (Detached)**’.
5. THAT Section 7.2, Table 7.1, Core Mixed-Use Zone Permitted Uses (Residential Uses), is amended by replacing the term ‘Accessory Apartment’ with ‘**Accessory Dwelling Unit**’.

6. THAT Section 11.2, Table 11.1, Agricultural Zone Permitted Uses, is amended by replacing the term 'Accessory Apartment' with '**Additional Residential Unit (Attached)**' and '**Additional Residential Unit (Detached)**'.
7. THAT Section 12.2, Table 12.2, Permitted Uses Other Zones, is amended by adding the term 'Accessory Apartment' with '**Additional Residential Unit (Attached)**' and '**Additional Residential Unit (Detached)**' and permitting these uses within the FD2 Zone category.
8. THAT Section 13.4.d.i, Aberfoyle Flood Plain Overlay, is amended by replacing the term 'Accessory Apartment' with '**Additional Residential Unit (Attached and Detached)**'.

READ A FIRST AND SECOND TIME THIS 13th DAY OF July, 2022.


MAYOR


CLERK

READ A THIRD TIME AND PASSED THIS 13th DAY OF July, 2022.


MAYOR


CLERK

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

EXPLANATION OF BY-LAW NO. 2022-033

By-law Number 2022-033 amends the Township of Puslinch Comprehensive Zoning By-law 023-2018

THE PURPOSE AND EFFECT OF THE ZONING BY-LAW AMENDMENT is to provide for changes to the Comprehensive Zoning By-law regarding Additional Residential Units as generally itemized below:

- I. Replace the definition of 'Accessory Apartment' with new definitions for 'Additional Residential Unit (Attached)' and 'Additional Residential Unit (Detached)'.
- II. Replace the term 'Accessory Apartment' throughout the by-law with the new terms 'Additional Residential Unit (Attached)' and 'Additional Residential Unit (Detached)'.
- III. Deleting the existing provisions for 'Accessory Apartments' in its entirety and replacing it with a new Section 4.2 that includes general provisions applicable to all 'Additional Residential Units' and establishes additional provisions specific to the type of Additional Residential Unit (i.e. attached or detached).
- IV. Adjust the parking provisions for 'Additional Residential Units' to allow tandem parking.
- V. Clarify the term for a dwelling unit in the Core Mixed Use (CMU) Zone.

For the purpose of clarity, all terms, including those both bolded and italicized, that are also listed in Section 3 – Definitions are subject to the corresponding definitions.