

The Corporation of the Township of Southgate
By-law Number 2025-089

Being a By-law to amend Zoning By-law No. 19-2002, of the Township of Southgate

Whereas the Council of the Corporation of the Township of Southgate deems it necessary to pass a by-law to amend Zoning By-law No. 19-2002; and

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, by-laws may be amended by Councils of municipalities.

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. That the definition of "Accessory Building or Structure" in **Section 3 Definitions** of By-law No. 19-2002 as amended is hereby further amended by adding the words "except for an additional residential unit in compliance with applicable provisions in this by-law" after the words "...human habitation" and before the words "the use of which..." so as to read as follows:

"Accessory Building or Structure" means:

- (a) detached building or structure above ground or below ground not used for human habitation, except for an additional residential unit in compliance with applicable provisions in this by-law the use of which is naturally and normally incidental to, subordinate to, and exclusively devoted to a principal use or building and located on the same lot therewith, and
 - (b) includes, amongst others, a detached private garage or a detached carport.
2. That the **Section 3 Definitions** in By-law No. 19-2002 as amended is hereby further amended by adding the following definitions alphabetically:

"Carport" is an accessory building structure attached to a main residential building or in another case detached from the main residential building, the walls of which are open and unenclosed and without a main access door for the purposes of providing cover over a private motor vehicle.

"Setback Required" means the minimum front, rear, side, or exterior side setback required for a main building or structure in any zone which permits buildings or structures, within which an accessory building or structure to a residential use only as defined in this bylaw may encroach according to Section 5.1 of this by-law.

"Yard Required" means the minimum front, rear, side, or exterior side yard required for a main building or structure in any zone which permits buildings or structures, within which an accessory building or structure to a residential use only as defined in this by-law may encroach according to Section 5.1 of this bylaw.

3. That By-law No. 19-2002 as amended is hereby further amended by repealing **Section 5.1** in its entirety and replacing it with the following:

"5.1 Accessory Uses

(a) Permitted Uses

Where this By-law specifically permits in any zone "Uses, buildings or structures accessory to a permitted use", the following shall not be considered a permitted accessory use, building or structure:

- (i) a home occupation,
- (ii) any building used for human habitation, except where specifically permitted in this By-law,

- (iii) the open storage of goods or materials, except where specifically permitted in this By-law,
- (iv) one or more accessory buildings or structures where the total ground floor area exceeds 5% of the lot as calculated under 5.1(e)(ii) of this by-law,
- (v) if the building or structure is attached to the main building in any way,
- (vi) if the building or structure was erected prior to the main building except as permitted in Section 5.20(b) of this By-law,
- (vii) if a building or structure is located entirely underground,
- (viii) if a building or structure as defined in this By-law exceeds 7 m in Height.

(b) Location

No accessory building or structure as defined in this By-law shall be permitted in any existing front yard or exterior side yard or in any required front yard or required exterior side yard unless specifically permitted in Section 5.1 (c), (d).

(c) Permitted Accessory Features and Landscape Encroachments

Awnings, flag poles, garden trellises, retaining walls, permitted signs, or similar features shall be permitted in any existing or required yard as defined in this By-law subject to compliance with Section 5.17 Site Triangles.

(d) Garages or Carports

Notwithstanding any other provisions of this By-law to the contrary, a detached private garage or carport shall be permitted to be erected and used in an interior side or rear yard, provided that:

- (i) when such garage or carport is located in an interior side yard, it shall not be closer than 1 metre to the interior side lot line, except where a common or mutual detached garage is erected simultaneously on both sides of the lot line, as one building, in which case, no interior side yard to the accessory building is required,
- (ii) when such garage or carport is located in a required rear yard, it shall not be closer than 2 metres to an interior side lot line and a rear lot line, except where a common or mutual detached garage is erected simultaneously on both sides of the lot line as one building, in which case, no rear yard or interior side yard to the accessory building is required with respect to the common or dividing wall of said building, and
- (iii) all such garages or carports, whether located in a required rear yard or required interior side yard, shall comply with the setback provisions for an exterior side yard or for a through lot applicable to the principal or main building on the lot where such rear or exterior side yard abuts a public street.

(e) Other Accessory Buildings, Structures, Patios and Decks

An accessory building or structure including a patio and deck other than a private garage or carport allowed under 5.1(d) shall be permitted to be erected and used in a required interior side yard or required rear yard, provided that:

- (i) an accessory building, structure, deck, or patio may be located in a required interior side yard, or a required rear yard provided such accessory structures cumulatively do not exceed 5% lot coverage and are located no closer than 1 metre minimum from the interior side lot line or rear lot line.
- (ii) an accessory building, structure, deck, or patio that is constructed 0.18 metres or less above adjacent grade shall not be included in the lot coverage calculation for the purposes of 5.1(e)(i) and where a deck or patio is attached to a main building, the maximum 5% lot coverage lot

- coverage shall only apply to that portion of the deck or patio projecting beyond the main building yard requirements in the applicable zone.
- (iii) no accessory building, structure, deck or patio shall be permitted to encroach into any yard or setback provision applicable to the principal or main building on the lot where such rear or side yard abuts a public street.
 - (iv) Subject to Section 5.24 of this by-law and other applicable sections and definitions, an accessory building or structure that is an Additional Residential Unit as defined in Section 3 of this By-law may be permitted to encroach into required yards as specified in Section 5.1 (e) (i), (ii) and (iii) except that the maximum 5% lot coverage shall not apply.

(f) Boat House, Boat Lift, or Dock

Notwithstanding the yard and setback provisions of this By-law to the contrary, a boat house, boat lift, or dock for pleasure boats may be erected and used in the rear yard of a lot backing on a navigable waterway, provided such accessory buildings or structures are located no closer than 2 metres to the side lot line, and the documented approval of the appropriate Conservation Authority having jurisdiction has been obtained.

(g) Ornamental Structures, Architectural Features and Fences

Notwithstanding the yard and setback provisions of this By-law to the contrary the following ornamental structures and architectural feature projections shall be permitted:

- (i) Windowsills, chimneys, cornices, eaves, gutters, parapets, pilasters, or other architectural features attached to a main or accessory building or structure may project a maximum of 1.0 meters into any required yard or required setback but no closer than 0.5 meters from any lot line.
- (ii) Mechanical equipment such as air conditioners, heat pumps and similar necessary for servicing the main or accessory use on the property may project 0.9 meters into any required yard or required setback but no closer than 0.5 meters from any lot line.
- (iii) Canopies or awnings with a clear height of 2.0 meters minimum may project 1.8 meters maximum into any required yard or required setback but no closer than 0.5 meters minimum from any lot line.
- (iv) Fences up to 2.0 meters maximum in height may be located on a lot line or on private property adjacent to any lot line except a lot line constituting part of a Street Triangle in which case no fence shall exceed 1.0 meter in height above the elevation of the adjacent street line.

(h) Unenclosed Porches, Balconies, Steps, Barrier Free Ramps or Patios

- (i) Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed porches, balconies, steps, barrier free ramps and patios, shall be permitted to project into any required yard a maximum of 1.2 metres provided that, in the case of porches, steps, or patios, such uses are not more than 2.0 metres above grade.
 - (ii) A porch or deck accessory to a semi-detached or street townhouse dwelling may be setback 0.0 meters from an interior side lot line where the main dwelling units are separated by a common party wall provided that a common privacy fence 1.5 meters minimum in height is provided from the common party wall along the full length or width of the said porch or deck.
 - (iii) A patio, porch or deck that is less than 0.75 meters above grade shall not be included in maximum lot coverage calculations."
4. That By-law No. 19-2002 as amended is hereby further amended by repealing Section **5.18 Swimming Pools** in its entirety and replacing it with the following:

"5.18 Swimming Pools

Notwithstanding any other provisions of this By-law to the contrary, a swimming pool and any building or structure, other than a dwelling required for changing clothing or for pumping or filtering facilities or other similar accessory use, shall be permitted as an accessory use to any lawfully existing residence or permitted residential use subject to the following requirements:

- (a) no part of such pool, or accessory building or structure shall be located in any required front yard or closer to any required interior side lot line or exterior street line than the minimum distance required for the principal building located on such lot.
 - (b) no part of such pool, or accessory building or structure shall be located closer to any lot line than the accessory building yard and setback provisions in Section 5.1 (e).
 - (c) no swimming pool shall be permitted within any rear or side yard unless:
 - (i) in the case of an in-ground pool such pool is fully enclosed by a fence minimum 1.2 meters in height of sturdy construction with a self-closing and latching gate designed to prohibit climbing or other unauthorized entry such fence to have no opening large enough to permit entry or climbing by a child, such fence to be minimum 0.9 meters minimum from the edge of said in-ground pool.
 - (ii) in the case of an above ground pool such pool shall be minimum 1.2 meters above adjacent grade level so that no entry shall be permitted into the above ground pool except from one platform accessed by ramp or stairs protected by a self-closing and latching gate, and where the height of such pool and associated access platform is 1.5 metres maximum above the average finished grade level of the adjacent ground.”
5. That **Section 8.2** (f) Minimum Interior Side Yard and (g) Minimum Exterior Side Yard for the **Residential Type 1 Zone** be repealed and replaced with the following:
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| “(f) Minimum Interior Side Yard | 1.5 m one side | 1.5 m |
| | 4.0 m other side | 4.0 m |
| With an attached garage or carport, the interior side yard may be reduced to 1.5 m minimum | | |
| g) Minimum Exterior Side Yard | n/a | 4.5 m |
| With an attached garage or carport, the interior side yard may be reduced to 1.5 m minimum” | | |
6. That **Section 9.2** (f) Minimum Interior Side Yard and (g) Minimum Exterior Side Yard for the **Residential Type 2 Zone** be repealed and replaced with the following:
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| “(f) Minimum Interior Side Yard | 1.5m on both sides with a garage or carport attached to the main building or 4.0 m on one side without an attached garage or carport |
| (g) Minimum Exterior Side Yard | 4.5m without an attached garage or carport or 3.0 m with a garage or carport attached to the main building” |
7. That **Section 10.3** (e) Minimum Interior Side Yard and (f) Minimum Exterior Side Yard for the **Residential Type 3 Zone** be repealed and replaced with the following:
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| “(e) Minimum Interior Side Yard | 2.0 m with an attached garage or carport | 2.0 m with an attached garage |
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|--|---|---|
| | 4.5 m without an attached garage or carport | or carport
4.5 m without an attached garage or carport |
| (f) Minimum Exterior Side Yard | n/a | 4.5 m |
| With an attached garage or carport, the interior side yard may be reduced to 1.5 m minimum." | | |
8. That **Section 12.2** (e) Minimum Interior Side Yard for the **Residential Type 5 Zone** be repealed and replaced with the following:
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| "e) Minimum Side Yard | 2.0 m on both sides with a garage or carport attached to the main building or 4.0 m on one side and 2.0 m on the other without an attached garage or carport, except that a minimum side yard abutting an improved public street shall be 6 metres" |
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9. That **Section 13.2** (e) Minimum Interior Side Yard for the **Residential Type 6 Zone** be repealed and replaced with the following:
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| "e) Minimum Side Yard | 5.0 m on both sides with a garage or carport attached to the main building or 8.0 m on one side and 5.0 m on the other without an attached garage or carport, except that a minimum side yard abutting an improved public street shall be 10 metres" |
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10. This by-law shall come into force and take effect upon being passed by Council subject to any approval necessary pursuant to the Planning Act R.S.O. 1990, as amended.

Read a first, second, and third time and finally passed this 6th day of August 2025.

Brian Milne – Mayor

Lindsey Green – Clerk

Explanatory Note

October 10, 2024 Council considered [PL2024-091](#) with draft zoning by-law changes for decks and accessory structures. At the open house November 28, 2024 and statutory public meeting [February 19, 2025](#) no citizen or agency comments on the proposed amendments came forward. The Director of Development and Community Services and Chief Building Official supported minor wording changes to clarify rules for deck and patios, calculating lot coverage for such accessory structures. The recommended changes apply to the following general areas:

- Section 3 add definition of Carport, Required Yard, Required Setback, and allow human habitation of an accessory structure for one Additional Residential Unit.
- Rewrite Section 5.1 for accessory structures, carports, porches, decks and architectural features for clarity.
- Revised Section 5.18 regarding swimming pools for safety and consistency
- Clarify side yards for homes with attached garages and carports in Residential Type 1 (R1), Residential Type 2 (R2), Residential Type 3 (R3) Residential Type 5 (R5) and Residential Type 6 (R6) Zones.