



Report To:	Township of Southgate Council
Meeting Date:	2025-08-06
Report Number:	PL2025-063
Title:	Township Zoning By-law Amendment - Section 5.1 Accessory Buildings and Structures, Attached Garages and Carports, Swimming Pools
Open/Closed Session:	Open Session
Prepared By:	Bill White, MCIP, RPP, Triton Engineering Senior Planning Consultant
Approved By:	Phil Schram, Chief Building Official
Approved By:	Kenneth Melanson, MCIP, RPP, Senior Manager of Development & Community Services
Approved By:	Jim Ellis Chief Administrative Officer

Executive Summary:

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 agreed to minor wording changes to clarify rules for deck and patios, calculating lot coverage for such accessory structures. To accommodate these wording changes Council is asked to consider a resolution that no further notice is needed. **Attachment 1** provides the amendments (red line), which are outlined in the proposal section of this report.

Interpretation challenges and inconsistencies in current accessory buildings rules will be corrected with the amendments. The new rules allow accessory buildings to encroach into a required side or rear yard. Rules in R1 through R6 zones (except R4) make space in side yards for an attached garage or carport. New back yard swimming pool zoning provisions increase safety around pools and including self closing gates.

The proposed amendments *have regard to* Provincial Interests in the [Planning Act](#), are *consistent with* [Provincial Planning Statement 2024](#) and *comply with* the County and Township Official Plan.

Recommendation:

Be it resolved that Council receive Staff Report PL2025-063 for information; and

That the changes in Attachment 1 to Sections 3 (definitions), 5.1 (accessory uses), 5.18 (swimming pools) and interior side yards in some Residential Zones (R1, R2, R3, R5 and R6) in the Zoning By-law be considered through By-law 2025-089; and

That pursuant to Section 34(17) of the Planning Act that Council determine that no further notice is required regarding By-law 2025-089.

Reasons for Recommendation:

Zoning rules should be clear for staff to interpret and consistent so the public can understand. The proposed rules in Attachment 1 and set out in By-law 2025-089 have regard to Section 2 of the [Planning Act](#), are consistent with [Provincial Planning Statement 2024](#), and comply with the County and Township Official Plans.

Proposal:

At the open house November 28, 2024 and Public Planning [February 19, 2025](#) no citizen or agency comments were received on the following amendments outlined in [PL2024-091](#):

- define "Carport" and apply the same rules for Garages to Carports,
- define "Required Setback" and "Required Yard" to distinguish from an existing setback or yard when applying zoning rules,
- amend regulations in the R1, R2, R3, R5, and R6 zones to increase one interior side yard setback for homes built without attached garages or carports,
- amend rules for accessory buildings and structures in Section 5.1 to make them clearer for the public and staff, and
- update rules for swimming pools to require self closing gates and other safety features.

Staff recommends Council consider By-law 2025-089 to implement the proposed changes.

Background:

Zoning By-law 19-2006 was adopted February 15, 2006, and amended many times. Over the years rules for accessory buildings and structures (porches, decks, garages, sheds and architectural features), swimming pools and setbacks for attached and detached garages in certain residential zones need clarification. The proposed changes were explained in [PL2024-091](#) considered by Council October 10, 2024.

Accessory uses must be incidental, subordinate, and exclusively devoted to a main use. The Zoning By-law permits accessory buildings and structures in most zones. Current required interior side yards in residential zones do not leave space for parking beside a home. The interior side yard on one side should be increased unless an attached garage or carport is attached to the home.

Rules for accessory buildings and structures impact the look of public spaces, streets, abutting lands and how owners enjoy their private property in the following ways:

- distance an eave can extend into a side yard between neighbouring homes,
- how far a covered porch or deck can project into a front or back yard,
- percent of lot area accessory structures can cover,
- distance a detached garage can be from a side street on a corner lot,
- location height and safety features of fencing around in-ground and above ground pools,
- where mechanical equipment may be allowed, or
- allow one additional residential unit in a detached accessory building.

Attachment 1 and By-law 2025-089 contain the details of the recommended zoning amendments. This includes minor wording changes and clarifications suggested by Staff.

Application Review: Planning Act – Provincial Interest:

The [Planning Act](#) requires Council *have regard to* the Provincial Interests as set out in Section 2:

- (h) orderly development of safe and healthy communities.
- (h.1) accessibility for persons of disabilities
- (o) protection of public health and safety

- (p) appropriate location of growth and development
- (r) promote well-designed built form encouraging a sense of place and attractive high quality public spaces

The proposed amendment will *have regard to* Provincial Interests in the Planning Act.

Application Review – Provincial Policy Statement (PPS 2024):

[Provincial Planning Statement 2024](#) states healthy, active and inclusive communities are promoted by planning public streets and spaces to be safe (3.9.1) and keeping zoning by-laws up to date with development standards to accommodate growth and development (6.1.6). Zoning by-law amendment 2025-089 *is consistent with* Provincial Planning Policy.

Application Review – County of Grey Official Plan:

General Policies in the County Official Plan encourage compatible built form and land uses. Section 3.5 promotes high quality urban form through site design and urban design in settlement areas. Recommended By-law 2025-089 complies with the County Official Plan.

Application Review – Southgate Township Official Plan:

The [Township Official Plan](#) encourages compatible and compact built form in various land uses and densities through zoning provisions with appropriate development standards. By-law 2025-089 complies with the [Township Official Plan](#).

Application Review – Southgate Zoning By-law:

By-law 2025-089 changes the following sections of the [Township Zoning By-law](#):

- Changes the definition of *Accessory Building and Structure* and add new definitions of *Carport*, *Required Setback*, and *Required Yard* in Section 3.
- Section 5.1 (a) through (h) clarify specific rules for accessory buildings and structures.
- Section 5.18 update safety provisions and rules for swimming pools.
- Increased side yards for detached homes without attached garages and carports in Sections 8, 9, 10, 12 and 13 for the R-1, R-2, R-3, R-5, and R-6.

Application Circulation and Public Comments:

No public comments were received at the November 28, 2024 open house or the [February 19, 2025](#) public planning meeting. Under Section 34(17) of the Planning Act Council can determine whether further notice is required to pass the recommended zoning by-law amendment. That decision of Council to not require further notice cannot be appealed.

Conclusion:

It is recommended Council consider By-law 2025-089 to implement the changes shown in **Attachment 1**.

Link to Township of Southgate Strategic Plan:

Priority: Operational Excellence

Goal: Goal 11: Provide Excellent Customer Service to Southgate Ratepayers and Community Members

Action Item: 11 c). Continue to Collaborate Across Township Departments to Streamline By-laws, Policies, and Programs to Ensure Services are in Line with Legislative Requirements and Industry Standards

Attachment(s):

Attachment 1 –Proposed Amendments in By-law 2025-089

Attachment 1 - Proposed Amendments in By-law 2025-089

Section 3.0 Changes to Definitions

"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.

"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 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 bylaw.

"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 bylaw may encroach according to Section 5.1 of this bylaw.

5.1 Accessory Uses Changes to regulations

(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)(2) 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) (non-conforming use) of this By-law,
- (vii) if a building or structure if located entirely underground,
- (viii) if a building or structure as defined in this Bylaw 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(a)(i) and where a deck or patio is attached to a main building, the maximum 5% 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 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 1.2 meters into any required yard or required setback but no closer than 0.25 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.

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.

Residential Type 1 Zone (R1) Section 8.2

	Interior Lot	Corner Lot
f) Minimum Interior Side Yard	1.5 m one side 4.0 m other side	1.5 m 4.0 m
	With an attached garage or carport, the interior side yard may be reduced to 1.5 m minimum.	
	Interior Lot	Corner Lot
g) Minimum Exterior Side Yard	n/a	4.5 m
	With an attached garage or carport interior side yard may be reduced to 1.5 m minimum.	

Residential Type 2 Zone (R2) Section 9.2

- 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

Residential Type 3 Zone (R3) Section 10.3

	Interior Lot	Corner Lot
e) Minimum Interior Side Yard	2.0 m with an attached garage or carport 4.5 m without attached or carport	2.0 m with attached garage or Carport 4.5 m without attached garage or carport

Residential Type 5 Zone (R5) Section 12.2

- 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

Residential Type 6 Zone (R6) Section 13.2

- 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 minimum on the other without an attached garage or carport, except that a minimum side yard abutting an improved public street shall be 10 metres.