



**Date:** January 17, 2023  
**To:** Mayor Sherry Senis and Council Members  
**From:** Per Lundberg, Planner  
**Subject:** Zoning By-law Amendment – Housekeeping Amendment  
**Status:** For Direction  
**Roll No:** N/A

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## Recommendation

That the report of the Planner related to the proposed Housekeeping Zoning By-law Amendment be received for information;

That staff be directed to draft a Housekeeping Zoning By-law Amendment, considering Council's input; and

That staff be directed to schedule and provide public notice for the statutory public hearing, in order to solicit public input related to the proposed amendment.

## Information

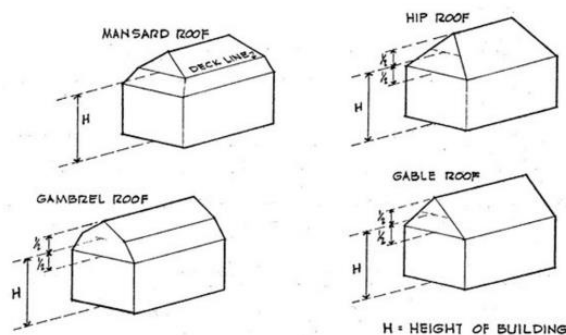
The intent of this report is to provide Council with a summary of a proposed housekeeping amendment to the Township's Comprehensive Zoning By-law No. 2009-021, as amended. The housekeeping amendments are intended to be technical amendments to provide clarity, ease administrative burden and improve the overall quality of the Township's Zoning By-law. In addition, we've taken account of regulations that have generated the need for variances that are routinely granted and have proposed amendments intended to reduce the need for these types of routinely granted variances. These technical amendments affect primarily the definition and general provision sections of the Township's Comprehensive Zoning By-law No. 2009-021, as amended. No new zone categories are proposed. Likewise, no changes to the zoning schedule 'A' of the Township's Comprehensive Zoning By-law No. 2009-021, as amended, affecting the applicable zoning of individual properties in the Township are proposed. Given the technical nature of the amendments, the amendments will not affect the consistency and conformity of the Township's Comprehensive Zoning By-law No. 2019-021, as amended, with the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe, County Official Plan and the Local Component of the County Official Plan (i.e. the Township's Official Plan) as required by the Planning Act.

The proposed amendments are summarized as follows:

- 1) **Utility sheds** - are currently regulated to be a maximum of 11.5 m<sup>2</sup> in area in the Township's Zoning By-law. The Ontario Building Code (OBC) has recently been updated to exempt sheds up to 15 m<sup>2</sup> in area and 1 storey from building permits. It is proposed that the maximum utility shed size be increased to 15 m<sup>2</sup> and 1-storey in accordance with the OBC. This change is needed in order to ensure that the change to the Ontario Building Code does not create non-compliance issues with our Zoning By-law for utility sheds which are constructed without permit in accordance with the OBC.
- 2) **Building height** - is currently measured to the midpoint of a roof. Due to slope and style of roof, this can be a confusing way to measure building height. For ease of administration, it is proposed that building height going forward will be measured to the peak of a roof. This will require a change to definition of "Height of a Building" in the Zoning By-law (see illustrations below). The general maximum building height is also being increased from 10 metres to 11 metres in all zones to accommodate the change in how building height will be measured. The illustration below shows mid-point vs peak building height measurements.

### Illustration: Midpoint Measurement

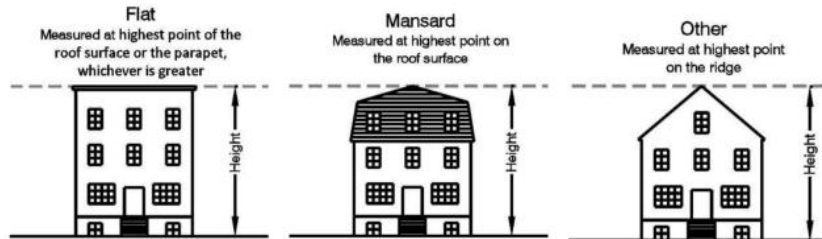
Roof Midpoint Measurement Method



*Building Height:* Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. . . .

## Illustration: Midpoint Measurement

### Peak Height Measurement Method



- 3) **Accessory Structure Height** - Section 3.1.4 currently limits the height of accessory structures to 4 metres or one storey. The Township receives many inquiries and minor variance applications for detached garages exceeding the 4-metre building height. It is proposed that the maximum building height be increased to 6 metres and the restriction of one storey be removed.
- 4) **Half Storey Definition** - Due to the changes proposed as per above regarding 1-storey garages, the definition of a half storey is no longer needed and so it is proposed to remove the definition of a half storey from the definition section of the by-law. The definition of a half storey is particularly confusing to staff and the public. The definition states:
 

“**Storey, One Half**” Shall mean that portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 m below the line where roof and outer wall meet and in which there is sufficient space to provide a distance between finished floor and finished ceiling of at least 2.1 m over a floor area equal to at least 50% of the area of the floor next below.
- 5) **Shed Location** - The Township’s Zoning By-law currently restricts utility sheds to be located in the rear or side yard of a property. Township Building Dept. staff have observed that many utility sheds are being located in the front yard as well and particularly so on waterfront properties. It is therefore proposed that utility sheds be permitted in the front yard for waterfront properties in the (LR) Zones.
- 6) **Self-Storage Facility Parking** - The Parking Regulations in the Township’s Zoning By-law do not currently contain specific parking space provisions for self-storage facilities. It is proposed that a minimum parking space requirement for self-storage facilities be set at 1 space per 750 m<sup>2</sup> (8073 ft<sup>2</sup>) of gross floor area to

a maximum of 8 spaces. Self-storage facilities do not require a large amount of parking. Under our current general parking provisions, self-storage facilities would require 1 space per 28 m<sup>2</sup> (301 ft<sup>2</sup>) of gross floor area. As an example under the proposed regulation, a 5000 m<sup>2</sup> (54000 ft<sup>2</sup>) self storage facility would require 7 parking spaces.

- 7) **Accessible Parking Spaces**– The Township’s Zoning By-law currently provides for accessible parking spaces for commercial uses at the rate of 1 space per 500 sq. m with a minimum of 2 spaces. It is proposed to update this section to reflect that special needs parking will be provided at the rate prescribed by Ontario Regulation 191/11, as amended, made pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended.
- 8) **Parking Area Design** – An amendment was made in the previous Housekeeping Amendment By-law #2022-09 to address the maximum width of paved areas in the front yard on residential lots with narrow frontages. Staff have since recognized that this regulation has unintended consequences for larger Rural Residential (RR) zoned lots and could be easily misinterpreted with regard to its intended meaning. As such, the regulation has now been reworded for clarity as well as limiting its application to (R1), (R2) and (R3) zones.
- 9) **Refreshment Vehicle Zoning** - The Township’s Zoning By-law does not currently contain any reference to refreshment vehicles. A new definition of refreshment vehicle is proposed to be included in the Zoning By-law along with a new general regulation that directs that refreshment vehicles are regulated in accordance with the Township’s current Refreshment Vehicle By-law. Future changes to how Refreshment Vehicles are managed in the Township will be addressed through revisions to the Refreshment Vehicle By-law.
- 10) **Attic Definition** - For the definition of attic - “Attic” Shall mean the portion of a building situated wholly, or in part, within the roof and which is not a one-half storey – it is proposed to delete “which is not a one-half storey” from the definition since it is proposed to delete the definition of a half-storey.
- 11) **R1 Zone Dwelling Unit Area** - For the (R1) Zone, it is proposed to remove the separate minimum dwelling unit areas for one storey, one and half storey and two storey dwellings and just have one minimum dwelling unit area of 92 m<sup>2</sup> which is currently the minimum dwelling unit area for a one storey dwelling. This will be consistent with the residential zone regulations for the Rural Residential (RR) Zone, Lakeshore Residential (LR) Zone, Residential Type Two (R2) and Residential Type Three (R3) Zone.

- 12) **R1 Zone interior yard setbacks** - The interior side yard setback for the (R1) zone as outlined in section 4.9.3.1 is currently confusing for the public and staff to understand. For administrative ease and better public understanding, it is proposed to eliminate the 0.6 metre additional per storey setback requirement. Section 4.9.3.1 currently reads: *Minimum width shall be 4.8 m on one side, 1.2 m on the other side, plus 0.6 m on the narrow side for each additional or partial storey above the first, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 m plus 0.6 m for each additional or partial storey above the first.*
- 13) **Shipping Containers** – In response to the Township’s 2022 work plan for the Building and Planning Department, new regulations will be proposed to allow shipping containers to be used for storage. Section 3.42 of the Township’s Zoning By-law currently prohibits such use.

Shipping containers erected on a property and used for storage are deemed to be a building by the Ministry of Municipal Affairs and Housing, Buildings Branch, as defined in the Ontario Building Code Act, s.o. 1992, c.23. All buildings erected, extended, altered or installed are subject to a building permit and accordingly, subject to all applicable laws prior to issuance of the building permit.

The following two (2) recent court/tribunal cases support the fact that sea containers meet the definition of a building under the Building Code Act:

- i. (2004) Building Code Commission (Ruling 04-34-989), and
- ii. (2019) Ontario Court of Appeals case: R. vs 713758 Ontario Inc

In recent years, used or refurbished relatively cheap shipping cargo containers have become available to the public. This has resulted in the emergence of these same containers being used as storage facilities within various types of properties in the Selwyn area for both private and commercial use. The comparatively low container cost has prompted property owners to install these shipping containers for accessory storage sheds.

Effective April 29, 2022, buildings less than 15 m<sup>2</sup> (161.459 ft<sup>2</sup>) when measured from the outside surface of the exterior walls or any support posts will be exempt from the requirements to obtain a building permit. Provided they are not more than one story, not attached to a building or any other structure, used for storage purposes and do not contain plumbing. Structures that contain plumbing, and/or are more than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) and used for other than ancillary storage require permits.

Residential zones are proposed to permit a maximum of one (1) 15 m<sup>2</sup> storage building constructed from a shipping container to be in line with the regulatory changes.

Agricultural, Rural, Commercial, and Industrial zones are proposed to allow shipping containers for storage when the lot is a minimum of 0.4 hectares; with one shipping container per 0.4 hectare up to a maximum of four containers on any one lot. This proposed regulation aligns with By-laws in several other rural municipalities within Ontario including Cavan Monaghan, Trent Hills, Armour and North Kawartha.

### **Strategic Plan Reference**

Goal 3: Support a sustainable, balanced, and investment-ready community.

Official Plan and Zoning By-law updates that support environmental and agricultural stewardship, housing diversity and economic investment.

### **Financial Impact**

The recommendation in this report has no financial impact.

### **Environmental Impact**

There are no environmental impacts related to this report.

### **Attachment**

- Draft Zoning By-law Amendment prepared by Township Planning Staff

*Per Lundberg*

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**Prepared By: Per Lundberg, Planner**

***Robert Kelly***

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**Reviewed By: Robert Kelly, Manager of Building & Planning**

***Janice Lavalley***

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**Reviewed By: Janice Lavalley, CAO**