



RICHMOND HILL ZONING BY-LAW REVIEW

Residential Accessory Structures Discussion Paper

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1. INTRODUCTION

Residential accessory structures are secondary buildings or structures on a residential property that are detached from the main dwelling and are used exclusively by the owner or occupants of the dwelling or main building on the same property. Residential accessory structures are not used for human habitation and are typically located at the side or rear of detached, semi-detached and townhouse dwellings.

Examples of residential accessory structures include, but are not limited to, sheds, gazebos, pergolas, shade structures, saunas, pool change rooms, pump sheds and temporary tent structures that are used to cover vehicles.

In some municipalities, detached garages are also considered to be a residential accessory structure. However, there are also examples of Ontario municipalities, such as the City of Richmond Hill, that include separate provisions for detached garages that are intended to be used for the parking of motor vehicles. This paper will not consider detached garages.

Residential accessory structures are regulated in the Zoning By-law. Over time, the City's many parent Zoning By-laws have included zoning provisions that regulate such structures to varying degrees. However, in 2010 the City passed a Zoning By-law that updated many of the older and inconsistent provisions across the City to include updated and consistent City-wide zoning provisions dealing with height and lot coverage that apply to residential accessory structures.

Since 2010, the City has received approximately 40 minor variance applications to vary one or more of the standards that apply to residential accessory structures. Approximately 70% of these applications were to vary the maximum building height that applies to residential accessory structures.

On the basis of the above, a review of the applicable zoning provisions for residential accessory structures has been identified as a topic area for the City's ongoing Zoning By-law Review. It is noted that this Discussion Paper will not deal with secondary residential uses in an accessory structure as this has been addressed in By-law 13-21 related to additional residential units, which was the subject of a separate discussion paper.

The purpose of this Discussion Paper is to:

- Review current zoning provisions that apply to accessory structures in the City of Richmond Hill;
- Review the Minor Variances that have been granted since 2010;
- Consider the nature of residential accessory structures, their form, scale and location; and,
- Identify examples from other municipal Zoning By-laws that regulate residential accessory structures.

The intent of this Discussion Paper is not to recommend a course of action. Instead, the intent of this Discussion Paper is simply to identify options, and then determine which ones are feasible and which ones are not (based on the review of these options by Council, staff, stakeholders and members of the general public and business community). Once feedback has been received, the next step involves the making of recommendations on what the appropriate course of action should be.

On the basis of the above, this Discussion Paper is organized as follows:

Section 2 reviews the Planning Act and City of Richmond Hill Official Plan as it relates to the type of development anticipated in the City's residential areas;

Section 3 reviews the current Zoning By-law provisions that apply to residential accessory structures in the City of Richmond Hill;

Section 4 includes an area municipal comparison review of the zoning provisions that apply to residential accessory structures in a number of municipal Zoning By-laws, including an analysis of trends;

Section 5 includes an overview of the responses received on the City's survey on accessory structures. and the comments that were made at an Open House held on March 31, 2022;

Section 6 discusses the zoning options for the City of Richmond Hill to consider; and

Section 7 includes concluding remarks and describes the next steps.

2. LEGISLATIVE CONTEXT AND POLICY CONTEXT

2.1 Planning Act

Section 34 of the Planning Act enables municipalities to pass Zoning By-laws to legally control land uses. A Zoning By-law implements the objectives and policies of a municipality's Official Plan. A Zoning By-law provides a legal way of managing land use and future development by controlling how land may be used, where buildings and other structures may be located and the types of buildings that are permitted and how they may be used. A Zoning By-law also establishes provisions that apply to lot sizes and dimensions, parking requirements, building heights and setbacks for buildings.

According to Section 34(1) of the Planning Act, a Zoning By-law can among other things:

- Prohibit the use of land or buildings for any use that is not specifically permitted by the by-law;
- Prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the by-law;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing and use of buildings or structures; and,
- Regulate the proportion of a lot that any building or structure may occupy.

On the basis of the above, Zoning By-laws can permit residential accessory structures and apply provisions with respect to their use, location, size and height.

2.2 City of Richmond Hill Official Plan

The City of Richmond Hill Official Plan ('RHOP') does not contain specific policies for accessory structures; however it does contain a definition for Accessory/Accessory use as follows:

Accessory/Accessory Use: means a use of land, buildings or structures that is normally incidental or subordinate to and exclusively devoted to the principal use, building or structure located on the same lot.

In addition to the above, the RHOP includes several policies that apply to residential development that includes accessory structures.

Section 4 of the RHOP includes land use designations that apply throughout the City. The Neighbourhood designation applies to low-density residential areas and also permits a range of service uses and facilities such as commercial plazas, schools, day nurseries, places of worship, community centres, parks and urban open spaces. In this designation, small-scale infill development is also anticipated.

Schedule A2: Land Use from the RHOP (see Figure 1) shows the Neighbourhood designation (in light yellow).

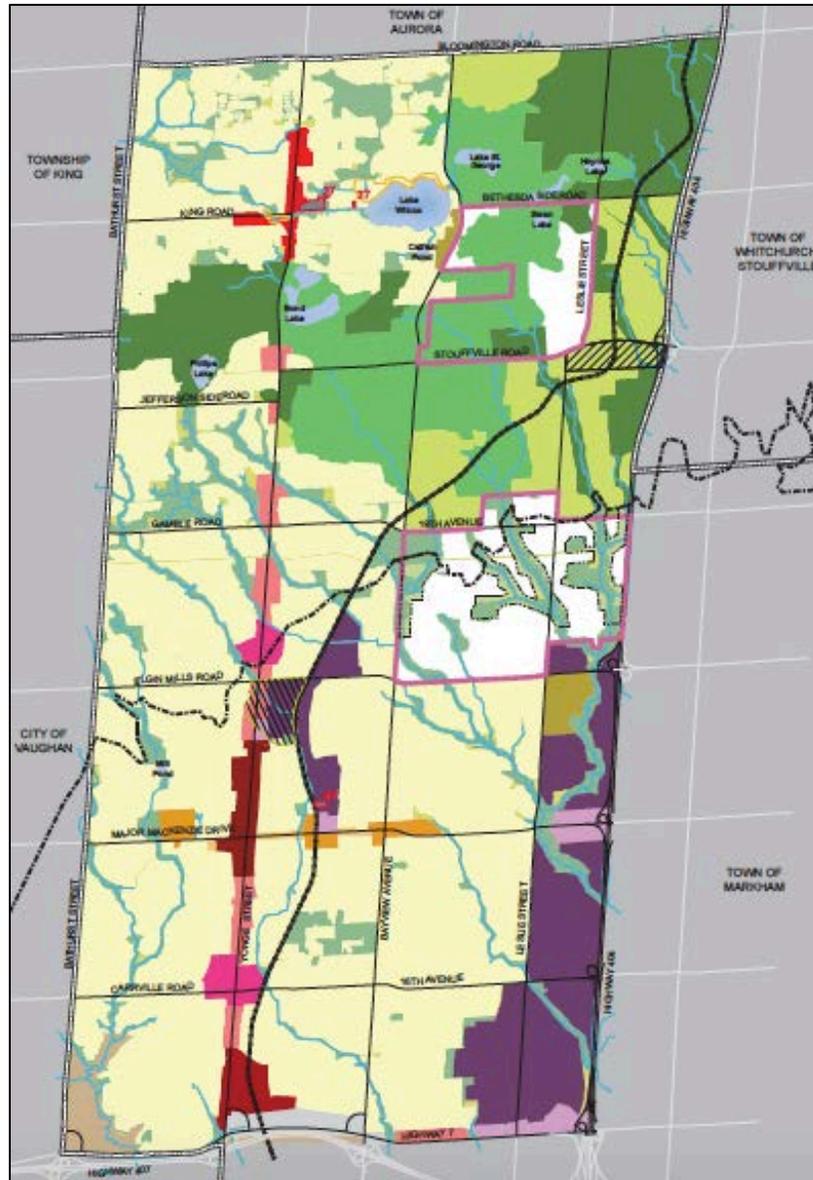


Figure 1: Schedule A2 from the Richmond Hill Official Plan

Section 4.9.1.2 of the RHOP permits low-density and medium density residential uses in the Neighbourhood designation. Low-density residential uses are defined as:

Low Density Residential: means single-detached, semi-detached and/or duplex forms of housing.

Medium-density residential uses are defined as:

Medium Density Residential: means triplex, fourplex, townhouse or multi-apartment forms of dwelling units.

On the basis of the above, the zoning provisions that apply to residential accessory structures would generally apply to low and medium density residential uses as described above.

Section 4.9.1.3 of the RHOP requires that development within the Neighbourhood designation to be compatible with the character of the adjacent and surrounding area in accordance with the Section 4.9.2.4.

The RHOP defines development as:

Development: means any land use proposal or application for which an approval is required under the Planning Act, including but not limited to the creation of a new lot, a change in land use, or the erection of a building or structure, but does not include:

- a. Activities that create or maintain infrastructure authorized under an Environmental Assessment, Planning Act, or Condominium Act process; or
- b. Works subject to the Drainage Act.

On the basis of the above, residential accessory structures could be considered as development in accordance with the definition above if a minor variance was required to facilitate the construction of a residential accessory structure.

Section 4.9.2 of the RHOP also includes policies that apply to the design of development in the Neighbourhood designation. In this regard, Section 4.9.2.4 of the RHOP requires that building form and type, massing, landscaped areas and the general pattern of yard setbacks be considered when new development is proposed.

3. RESIDENTIAL ACCESSORY STRUCTURE PROVISIONS IN RICHMOND HILL

Zoning By-laws adopted by the City can be traced back to the early 1950's when the Village of Richmond Hill adopted Zoning By-law 635 in 1952. Through a series of annexations leading up to and including 1971 when the Regional Municipality of York was established, the Town grew to 27,000 acres (10,800 hectares) encompassing many smaller communities. The implication of this rapid growth was that the Zoning By-laws in these former municipalities were also now applicable within the City.

Many of these Zoning By-laws (also referred to as parent Zoning By-laws), along with a number of amendments, remain in effect across the City today. As a result, there are inconsistencies between in-effect Zoning By-laws for a number of different types of development and applicable standards.

Following the adoption of the City's new Official Plan in 2010, City staff initiated a comprehensive review of the City's Zoning By-law to bring it into conformity with the new Official Plan. With the assistance of the City's Zoning Interpretation Committee, City staff identified a number of definitions and development standards in Residential zones that would benefit from being updated, such as detached accessory structures.

City staff found that many of the parent Zoning By-laws included inconsistent definitions and standards for detached accessory structures and garages within Residential zones. In this regard, height, setbacks and lot coverage requirements have varied throughout the City. As an example, in some Zoning By-laws, garages were included as accessory structures and in others they were not. When considered as an accessory structure, the development standards were the same for detached garages and accessory structures such as sheds.

In addition to the above, City staff was becoming concerned with the tendency of accessory structures and garages being constructed to the maximum standards as set out in the Zoning By-law. However, City staff noted that there was an increasing regularity of very large accessory structures and garages being constructed with peaked roofs that were several metres higher than the permitted maximum height of 4.5 metres, to the midpoint of the roof, even while maintaining the required setback. Though permitted under the applicable Zoning By-law, the intent and spirit of the development standards to respect the adjoining properties were being compromised. In response to the above, in 2010 the City passed an Omnibus Zoning By-law Amendment, referred to

as ZBL 100-10, which updated some of the zoning provisions that apply to residential accessory structures. ZBL 100-10 added a new definition for detached accessory structures to harmonize the various definitions across the City, and included a new maximum lot coverage and maximum building height requirement for detached accessory structures.

Separate provisions were also prepared for detached garages, among other zoning matters, but because they are not the focus of this Discussion Paper, they have not been included in the following sections.

The provisions contained in ZBL 100-10 supersede the existing accessory structure zoning provisions in 40 parent Zoning By-laws for only those standards, while the remainder of standards remain in-effect. This is discussed further in Section 3.2 of this Discussion Paper.

As part of the preparation of this Discussion Paper, City staff provided a sample of Zoning By-laws that contain provisions that apply to accessory structures. The following section reviews the accessory structure provisions in the sample of Zoning By-laws provided by the City that continues to apply in many areas of the City.

3.1 Background on Zoning Provisions for Accessory Structures

The purpose of this section is to review a sample of parent Zoning By-laws that include zoning provisions for residential accessory structures that apply in specific geographic areas in the City. In this regard, below is a summary table (see Table 1) of the Zoning By-laws that were reviewed. Appendix A to this Discussion Paper contains a detailed summary table that includes the definition of accessory building or structure and the zoning provisions in each Zoning By-law.

Table 1: Summary of in-effect Zoning By-laws that address accessory buildings and structures.

Zoning By-law	In-effect Date	Area-Specific Zoning By-laws
1275	May 23, 1961	Former Township of King
1703	February 14, 1962	South Wilcox Zoning By-law
2325-68	-	Markham Township Rural Area Zoning By-law
66-71	February 24, 1975	Richmond Hill Zoning By-law
2523	September 28, 1979	Former Township of Vaughan

Zoning By-law	In-effect Date	Area-Specific Zoning By-laws
88-86	-	Bayview Hill Zoning By-law
184-87	-	Elgin East Planning District Zoning By-law
38-95	August 4, 1995	Former Township of Markham
313-96	March 26, 1997	North Urban Area Zoning By-law
42-02	June 24, 2002	Yonge West Secondary Plan Area By-law
128-04	May 31, 2004	Oak Ridges Moraine Zoning By-law
91-13	December 11, 2014	David Dunlap Observatory Secondary Plan Area Zoning By-law
55-15	December 7, 2015	North Leslie Secondary Plan Zoning By-law
54-15	March, 2016	West Gormley Zoning By-law

It is noted that Zoning By-law 100-10 ('ZBL 100-10') updated the definition and standards for maximum lot coverage and maximum building height. In this regard, as it relates to the above-mentioned standards, ZBL 100-10 supersedes the above-mentioned by-laws for those that were adopted prior to ZBL 100-10. This means that it does not apply to By-law 91-13, 54-15, 55-15 and 111-17 as they were adopted after ZBL 100-10.

Each of the Zoning By-laws in the table above includes a definition of accessory building or structure. The two most common definitions read as follows:

Accessory Building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.

Accessory Structure, Detached: means a building or structure which is not attached and not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.

Both of the above-mentioned definitions indicate that an accessory structure is not for human habitation and that it is subordinate to the principal use on the same lot. The latter definition excludes detached garage and outdoor swimming pools. Of the Zoning By-laws that used this definition, there are separate provisions that apply to detached garages and swimming pools.

With respect to standards that apply to accessory structures, all of the Zoning By-laws reviewed permit an accessory structure in the rear yard and side yard only or the rear yard only. Most of the Zoning By-laws reviewed apply a minimum setback from any rear lot line or side lot line of 0.6 metres and a maximum height of 4.5 metres (which was superseded by By-law 100-10 discussed in Section 3.2). Some of the more recent Zoning By-laws, such as the West Gormley Zoning By-law 54-15 and the David Dunlap Observatory Lands Secondary Plan Zoning By-law 91-13, include height provisions that are based on the type of roof. In this regard, these provisions read as follows:

c) The height of a detached accessory structure with a peaked roof (having a slope of equal to or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak of the roof with a maximum wall height of 2.44 metres;

d) The height of a detached accessory structure with a flat roof (having a slope less than 1:6 ratio) shall not exceed 2.75 metres to the top of the flat roof as illustrated on Appendix "2".

In addition to the above, there are also a few Zoning By-laws that also restrict the lot coverage of one or more accessory buildings to a maximum of 5% of the lot area. The more recent Zoning By-laws also clarify that an accessory building or structure is not considered to be accessory if the building or structure is attached, in any way, to the main building. In this regard, such a structure would form part of the principal building.

3.2 Zoning By-law 100-10

On November 22, 2010, Council passed Omnibus Zoning By-law Amendment (ZBL 100-10) to address a number of zoning matters in 40 different parent Zoning By-laws. The purpose of ZBL 100-10 was to harmonize the definitions and applicable development standards throughout the City and simplify the administration of the following terms:

- Commercial vehicles;
- Common element condominiums;
- Condominiums;
- Detached accessory structures;
- Detached garages;
- Medical offices;
- Clinics; and,
- Public authority.

On the basis of the above, ZBL 100-10 included a new definition for detached accessory structure in residential zones and included updated standards for maximum lot coverage and maximum building height for detached accessory structures. ZBL 100-10 amended nearly all of the Zoning By-laws reviewed in Section 3.1 of this Discussion Paper. In this regard, the definition and standards for maximum lot coverage and maximum building height in ZBL 100-10 supersede the provisions in nearly all of the parent Zoning By-laws reviewed in Section 3.1 of this Discussion Paper, however all of the other accessory structure standards contained in the parent Zoning By-laws continue to apply.

There are a few exceptions to the above and these include the following:

- Oak Ridges Moraine Zoning-Bylaw 128-04 that was adopted in 2004;
- David Dunlap Observatory Land Secondary Plan Area Zoning By-law 91-13 that was adopted in 2014;
- West Gormley Zoning By-law 54-15 that was adopted in 2015;
- North Leslie Zoning By-law 55-15 that was adopted in 2016; and,
- The partially approved Yonge and Bernard Key Development Area Secondary Plan Zoning By-law 111-17.

Zoning By-law 128-04 applies to lands within the Oak Ridges Moraine Conservation Area and does not include residential zones. An accessory building is defined as follows:

Accessory building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.

Accessory buildings or structures are not permitted in any area zoned Oak Ridges Moraine Natural Core ('ORMNC') or Oak Ridges Moraine Natural Linkage ('ORMNL').

Zoning By-law 128-04 permits detached accessory buildings or structures (excluding a detached private garage) in a rear yard or side yard only and requires the same setback as established for the main permitted use, and includes a maximum height of 4.5 metres.

Zoning By-law 91-13 applies to lands within the David Dunlap Observatory Lands Secondary Plan Area. Zoning By-law 91-13 includes the same definition, height

requirement and maximum lot coverage for detached accessory structures as established in ZBL 100-10.

Zoning By-law 54-15 includes the same definition, height requirement and maximum lot coverage for detached accessory structures as established in ZBL 100-10. Zoning By-law 55-15 includes the same definition for detached accessory structure as introduced by ZBL 100-10, however it does not include the same provisions as ZBL 100-10. In this regard, Zoning By-law 55-15 applies a maximum height requirement of 4.5 metres for detached accessory structures and does not include a maximum lot coverage requirement for detached accessory structures. This means there is no lot coverage cap for a detached accessory structure in Zoning By-law 55-15. The Lot Coverage definition within Zoning By-law 55-15 indicates that 'within a Residential zone, lot coverage for a principal building and lot coverage for detached accessory structures shall be separately calculated...' however the by-law does not establish a maximum lot coverage requirement for detached accessory structures.

On September 28, 2010, City staff presented Council with Report SRPS.10.102 that included a description and justification for the proposed amendments in ZBL 100-10. The report indicated that one of the main reasons for updating the provisions that apply to detached accessory structures and garages was that the City's existing zoning by-laws were not consistent in the applications of standards that apply to each. In addition, a further concern was noted that there were trends in recent years of accessory structures and garages being constructed to the maximum standards set out in the zoning by-laws that were in-effect at the time.

In the same report, City staff noted that the typical garden shed had a relatively little impact on adjoining properties even at reduced setbacks. However, it was larger accessory structures and garages that were identified as being a problem. Below is an excerpt of City' staff's analysis from the report:

However, what has been happening with increasing regularity are very large accessory structures and garages being constructed with roofs that have peaks several metres higher than the maximum permitted height of 4.5 metres (14.76 feet) to the mid-point of the roof, while still retaining the reduced setbacks. Though permitted under the applicable Zoning By-law, the intent and spirit of the development standards to respect the adjoining properties have been compromised.

On the basis of the above, the City staff report indicated that a number of design scenarios for detached accessory structures were explored and staff recommended that

definitions and standards for detached accessory structures be standardized in Residential zones across the City. Below are the provisions that were recommended in the City staff report and later passed by Council (Report SRPRS.10.124).

ZBL 100-10 included a new definition for Detached Accessory Structure as follows:

Detached Accessory Structure: means a building or structure which is not attached and not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.

The above definition is the same as one of the more common definitions found in the Zoning By-laws reviewed in Section 3.1 of this Discussion Paper.

In addition to the above, ZBL 100-10 also included a new definition for Detached Garage, which reads as follows:

Detached Garage: means a building or structure which is not attached and is designed or used for the storage of one or more motor vehicles, and excludes a carport, other shelter or any detached accessory structure.

On the basis of the above, a detached garage is not considered to be a detached accessory structure, however a carport or other type of shelter for motor vehicles is considered to be a detached accessory structure.

In addition to the above, ZBL 100-10 also introduced new provisions for detached accessory structures on lots in a residential zone. These provisions have been reproduced below.

The following provisions shall apply to detached accessory structures on any lot within a Residential zone:

- i) The total lot coverage for all detached accessory structures on any lot shall not exceed 5% of the lot area and,
- ii) The height of a detached accessory structure with a peaked roof (having a slope equal to or greater than 1:6 ratio) shall not exceed 3.6 metres (11.81 feet) to the peak of the roof with a maximum wall height of 2.44 metres (8.0 feet), or the height of a detached accessory structure with a flat roof (having a slope less than

a 1:6 ratio) shall not exceed 2.75 metres (9.0 feet) to the top of the flat roof as illustrated on Schedule "B".

Schedule B to ZBL 100-10 included two graphics that illustrated how the height provisions for accessory structures are applied. Below are 2 figures (see Figure 2 and Figure 3) from ZBL 100-10 that shows a detached accessory structure with a pitched roof followed by a graphic that shows a detached accessory structure with a flat roof.

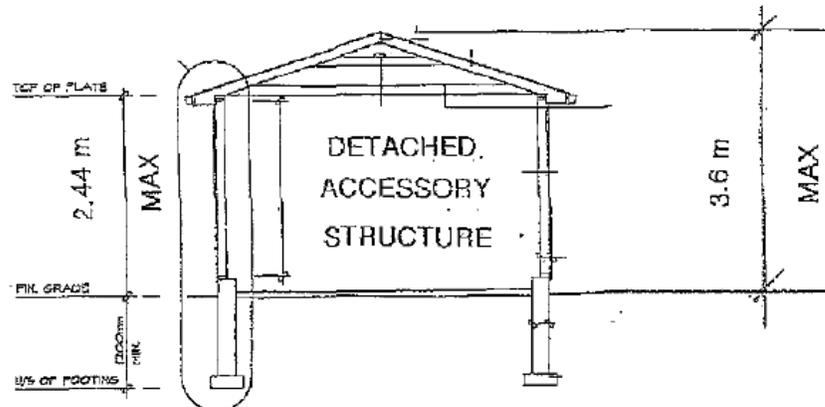


Figure 2: Detached accessory structure with a pitched roof.

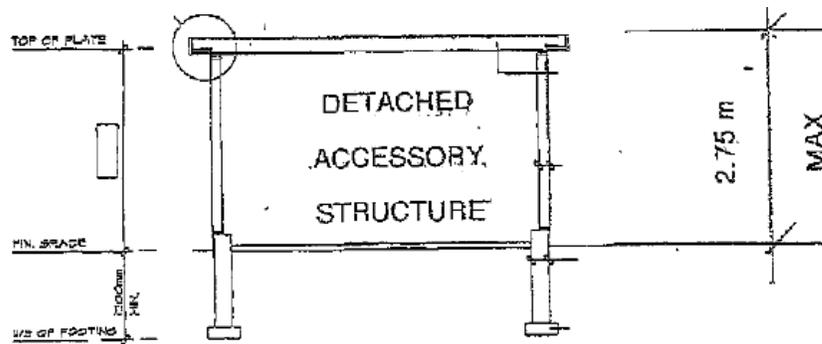


Figure 3: Detached accessory structure with a flat roof.

3.3 Summary of Minor Variance Decisions

Between 2010 and September of 2021, the City received 42 applications for minor variances to vary the provisions that apply to accessory structures on residential properties. Of these applications, the City's Committee of Adjustment approved 41 applications and 1 application was withdrawn.

Appendix B to this Discussion Paper includes a summary table of all of the minor variance applications that varied standards for accessory structures as described above.

Between 2010 and 2021, the minor variance data shows that the most common type of relief sought for detached accessory structures was to accommodate an increase in building height. Relief from the maximum lot coverage and minimum setback requirements for detached accessory structures are examples of other types of standards that were varied between 2010 and 2021.

On the basis of the above, of the 41 approved minor variance applications for residential accessory structures, 28 of the applications sought relief from the maximum building height provision and other standards. Of these 28 applications, 18 applications varied the maximum building height requirement only.

Given the above, a summary chart of the applications that only varied building height is included at the end of this section (see Table 2). (Note: There were two applications approved in 2012 that have not been included due to incomplete information). The summary chart shows the maximum permitted height in the applicable Zoning By-law, the proposed maximum building height as well as the change (in metres) in building height.

It is noted that requested relief from the maximum building height requirement ranged from 0.5 to 1.5 metres in additional height. The most common types of detached accessory structure proposed were cabanas and sheds.

Table 2: Summary of minor variance approvals between 2010 and 2021.

Application Number and Building Type	Maximum Permitted Height (metres)	Requested Height (metres)	Change in Height (metres)
A102/12 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 4.88 metres • Wall height: 2.94 metres 	<ul style="list-style-type: none"> • Building height: 1.2 metres • Wall height: 0.5 metres
A021/14 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 4.27 metres • Wall height: 2.73 metres 	<ul style="list-style-type: none"> • Building height: 0.67 metres • Wall height: 0.29 metres
A004/15 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 4.98 metres • Wall height: 2.74 metres 	<ul style="list-style-type: none"> • Building height: 1.38 metres • Wall height: 0.3 metres
A013/15 Gazebo	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 4.13 metres • Wall height: 2.51 metres 	<ul style="list-style-type: none"> • Building height: 0.53 metres • Wall height: 0.07 metres
A017/15 Cabana	<ul style="list-style-type: none"> • Building height: 2.75 metres 	<ul style="list-style-type: none"> • Building height: 4.75 metres 	<ul style="list-style-type: none"> • Building height: 2.0 metres
A115/15 Shed	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 5.62 metres • Wall height: 4.51 metres 	<ul style="list-style-type: none"> • Building height: 2.02 metres • Wall height: 2.07 metres
A018/16 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 5.61 metres • Wall height: 3.77 metres 	<ul style="list-style-type: none"> • Building height: 2.01 metres • Wall height: 1.33 metres
A041/17 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 4.93 metres • Wall height: 3.25 metres 	<ul style="list-style-type: none"> • Building height: 1.33 metres • Wall height: 0.81 metres

Application Number and Building Type	Maximum Permitted Height (metres)	Requested Height (metres)	Change in Height (metres)
A042/17 Cabana	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 2.44 metres 	<ul style="list-style-type: none"> • Building height: 5.23 metres • Wall height: 3.56 metres 	<ul style="list-style-type: none"> • Building height: 1.63 metres • Wall height: 1.12 metres
A070/17 Cabana	<ul style="list-style-type: none"> • Building height: 2.75 metres 	<ul style="list-style-type: none"> • Building height: 3.35 metres 	<ul style="list-style-type: none"> • Building height: 0.60 metres
A036/18 Shed	<ul style="list-style-type: none"> • Building height: 4.20 metres 	<ul style="list-style-type: none"> • Building height: 4.90 metres 	<ul style="list-style-type: none"> • Building height: 0.70 metres
A056/18 Greenhouse	<ul style="list-style-type: none"> • Building height: 3.6 metres 	<ul style="list-style-type: none"> • Building height: 4.10 metres 	<ul style="list-style-type: none"> • Building height: 0.5 metres
A070/19 Shed	<ul style="list-style-type: none"> • Building height: 3.6 metres • Wall height: 3.6 metres 	<ul style="list-style-type: none"> • Building height: 4.7 metres • Wall height: 4.7 metres 	<ul style="list-style-type: none"> • Building height: 1.1 metres • Wall height: 1.1 metres
A052/20 Accessory Structure	<ul style="list-style-type: none"> • Building height: 2.75 metres 	<ul style="list-style-type: none"> • Building height: 3.68 metres 	<ul style="list-style-type: none"> • Building height: 0.93 metres
A067/20 Cabana	<ul style="list-style-type: none"> • Building height: 2.75 metres 	<ul style="list-style-type: none"> • Building height: 3.56 metres 	<ul style="list-style-type: none"> • Building height: 0.81 metres

3.4 Summary of Complaints to By-law Enforcement

The City's By-law Enforcement staff tracks the number of complaints about accessory structures as well as violations that are investigated by By-law Enforcement. **Table 3** is a summary table of the complaints received between January 2016 and October 2021.

Table 3: Summary of accessory structure complaints received by By-law Enforcement.

Year	Category of Complaint: Other	Category of Complaint: Setback	Total Number of Complaints	Outcome
2016	1	38	39	Resolved
2017	4	38	42	Resolved
2018	3	26	29	Resolved
2019	4	18	22	Resolved
2020	3	34	37	3 Unresolved
2021	4	0	4	Resolved

The average number of complaints per year between the years of 2016 to 2020 is 34. By far the most common complaint was the setback of the accessory structure to lot lines.

4. AREA MUNICIPAL PLAN COMPARISON

In preparing this Discussion Paper, the City was interested in the zoning provisions established for residential accessory structures in other select municipalities in Ontario. As part of this review, City staff requested that the following types of accessory buildings and structures be considered: sheds, gazebos, cabanas, pergolas, parking tents and carports, shipping containers and any other relevant structures.

Below is a review of a number of municipal Zoning By-laws that include provisions for accessory structures. Appendix C to this Discussion Paper includes the detailed accessory structure provisions that apply in each municipal Zoning By-law reviewed below.

4.1 City of Vaughan

On October 20, 2021, the City of Vaughan adopted its new Zoning By-law 001-2021 ('Vaughan ZBL'). The Vaughan ZBL contains updated provisions for accessory buildings and structures in residential zones. In this regard, the provisions have been simplified from the previous Zoning By-law 1-88 for the City of Vaughan. The Vaughan ZBL includes the following relevant definitions:

Accessory: means incidental, subordinate, and devoted exclusively to a principal use, building or structure.

Building: means a fully enclosed structure, whether temporary or permanent, used or erected for shelter, accommodation or enclosure of persons, animals, materials or equipment, but does not include a house trailer or mobile home.

Residential Accessory Structure: means an accessory structure that is normal and incidental to, subordinate to, or exclusively devoted to the principal residential use or dwelling on a lot. Without limiting the generality of the foregoing, a residential accessory structure may include a change house, cabana, play structure, gazebo, dog house or dog run, private greenhouse, shed, patio shelter, portable tent, or standalone solar panels, for example. A residential accessory structure shall not be used for human habitation and shall not include a detached garage or uncovered platform.

Structure: means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

In addition to the above, the Vaughan 2020 ZBL also defines other types of accessory structures including a Carport and Intermodal Container as follows:

Carport: means a covered and unenclosed structure designed and used for the parking of motor vehicle(s) containing a minimum of 2 open sides.

Intermodal Container: means a standardized container that is fully enclosed and designed to be used interchangeably between two or modes of transportation intended for the trans-shipment of goods and materials.

Section 4.1 of the Vaughan ZBL includes general provisions that apply to all accessory uses, buildings and structures. In this regard, Section 4.1.1 of the by-law indicates that an accessory building or structure must be located on the same lot as the principal use, cannot be used for human habitation or for gain or profit. The Vaughan ZBL also applies a maximum of three accessory buildings, excluding a detached private garage or carport on each lot in conjunction with a single detached, semi-detached or street townhouse dwelling on the same lot. This provision does not apply within the Agriculture zone.

In addition to the above, Sections 4.1.2-4.1.4 includes provisions that apply to the location of accessory buildings and structures, lot coverage and maximum height. In this regard, in any Residential zone the following provisions apply:

- An accessory building and residential accessory structure shall be subject to the minimum front yard, interior side yard and exterior side yard requirements for the principal building on the lot, as indicated in the applicable zone;

- A residential accessory structure with a height greater than 2.8 metres shall not be located closer than 2.4 metres to any lot line. In all other cases, a residential accessory structure shall not be located closer than 0.6 metres to any lot line;
- An accessory building or residential accessory structure shall not be located closer to a front lot line or an exterior side lot line than the principal building on the lot, except where explicitly permitted by this By-law;
- In any Residential Zone, the maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage shall be 10% or 67.0 square metres, whichever is less; and,
- In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 metres, except if the detached accessory structure is a detached garage, where the maximum permitted height is 4.5 metres.

With respect to intermodal containers, Section 4.9 of the Vaughan ZBL includes a number of provisions that apply. Section 4.9.1 indicates that an intermodal container shall not be permitted in any zone except where it is a permitted use in the by-law. In this regard, an intermodal container is only permitted in the Prestige Employment Zone (EM1) and the General Employment Zone (EM2). This means that it is not permitted in any Residential Zone. It is also noted that the Vaughan ZBL does not include any provisions that address the amount of time an intermodal container can be on a property in the Prestige Employment Zone and the General Employment Zone.

4.2 City of Markham

Like the City of Richmond Hill, the City of Markham currently has many parent Zoning By-laws and is also currently completing a review of its Zoning By-laws. Table 4 below is a summary of the different by-law provisions for accessory buildings that apply in a number of different zoning by-laws in Markham. As shown Table 4, Markham currently has several sets of zoning provisions across no less than 33 zoning by-laws that vary considerably.

Table 4: Summary of Markham Zoning By-law provisions that apply to accessory structures.

Markham Zoning By-laws	Permitted Location	Setback from Lot Line	Setback from Main Building	Maximum Lot Coverage	Maximum Floor Area	Maximum Height
162-78, 118-79, 72-81, 153-80, 163-78, 72-79, 145-78, 221-81, 184-78, 250-77, 134-79, 90-81	Rear Yard	0.6 metres	n/a	5%	n/a	4.5 metres
2571, 1767, 151-75, 2150, 2237, 2612, 2489	Rear Yard	0.6 metres	n/a	10%	n/a	4.5 metres
83-73, 127-76, 122-72, 194-82	Rear Yard	1.2 metres	1.8 metres	10%	70 square metres	4.5 metres
196-82, 91-79	Rear Yard	1.2 m	1.8 m	10%	70 square metres	4.5 metres
1229	Side (Garage) or Rear Yard	n/a	n/a	10%	n/a	3.6 metres
2325-68	Rear Yard	0.6 metres	n/a	n/a	n/a	n/a
19-94	Rear Yard	0.6 metres	n/a	10%	n/a	4.5 metres
177-96	Rear Yard	1.2 metres can be reduced to 0.5 metres	n/a	n/a	10 square metres	4.5 metres

The City of Markham Zoning By-law 177-96 ('Markham 177-96 ZBL') applies to the new urban areas in Markham since 1996. The Markham ZBL defines an Accessory Building as follows:

Building, Accessory: means a separate building or structure, the use of which is customarily incidental, subordinate and exclusively devoted to a main use or main building located on the same lot.

Section 6.1 of the Markham 177-96 ZBL indicates that accessory buildings must be located on the same lot as the primary use that they are related to and are not to be used for human habitation. Also included in the by-law are extensive rules on enclosed walkways as well.

Section 6.4 of the Markham 177-96 ZBL includes provisions that apply to detached accessory buildings, other than detached private garages that are subject to separate provisions. Detached accessory buildings are permitted in a rear yard and can be no closer to the exterior side lot line than the main building and no closer than 1.2 metres from the side or rear lot lines. A reduced setback of 0.5 metres is permitted from the side and rear lot lines if there are no window or doors on the detached accessory building that are facing the side or rear lot lines.

In addition to the above, the maximum permitted gross floor area is 10 square metres and the maximum permitted building height of a detached accessory building, other than a detached private garage, is 4.5 metres. The Markham 177-96 ZBL contains a separate set of provisions that apply to detached private garages.

In addition to the above, the Markham 177-96 ZBL also includes a definition for Carport as follows:

Carport: means a building or structure which is not wholly enclosed, and it used for the parking or storage of one or more vehicles.

The Markham 177-96 ZBL does not include any specific provisions for carports or other temporary structure for parking of motor vehicles.

4.3 Town of Newmarket

The Town of Newmarket Zoning By-law 2010-40 ('Newmarket ZBL') defines an Accessory Building or Structure as follows:

Building or Structure, Accessory: means a detached building or structure, the use of which is incidental, subordinate and exclusively devoted to a main building or main use on the same lot.

Section 4.1.2 of the Newmarket ZBL includes provisions that apply to accessory buildings and structures. In this regard, an accessory building or structure cannot be used for human habitation or an occupation for gain (unless specifically permitted in the By-law).

In residential zones, the Newmarket ZBL indicates that the maximum lot coverage for accessory structures in a residential zone is the lesser of 15% of the total lot area or 75% of the ground floor area of the main building on a lot. In addition, the maximum height of an accessory structure in a residential zone is the lesser of 4.6 metres or the height of the main building on the lot. For corner lots an accessory structure must include a minimum 4.5 metre setback from the flanking street line.

In addition to the above, the Newmarket ZBL defines a Shipping Container as follows:

Shipping Container: means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such purpose.

The Newmarket ZBL also includes a provision on shipping containers when used as an accessory building. In this regard, the provision reads as follows:

When an accessory building is made up in whole or in part of shipping container(s), the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.

The Newmarket ZBL also includes provisions for accessory residential structures, which are defined as follows:

Residential Structure, Accessory: means accessory structures that are not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal residential use or dwelling and located on the same lot therewith.

Residential accessory structures may include, but are not limited to: a change house/cabana; private play structure; gazebo; dog house or dog run; private greenhouse; shed; patio shelter; portable tent structures; standalone antennae or satellite dishes; fuel tank with a capacity of less than 1500L; and, standalone solar panels; but shall not include a detached garage or any mechanical equipment as defined under air conditioner or privacy screens erected on the ground.

Compared to other municipal Zoning By-laws, the Newmarket ZBL includes a list of the types of buildings that could be considered as accessory residential structures, however it is clear from the exclusion in the definition that a detached garage is not considered as an accessory residential structure.

As shown in Table 5 below, the Newmarket ZBL permits encroachments for residential accessory structures into the rear or side yards.

Table 5: Permitted encroachment for residential accessory structures in the Newmarket ZBL.

Permitted Structure	Required Setback or Permitted Encroachment
Residential accessory structure up to 2.8 metres in height	No closer than 1.0 metre from rear or side lot line
Residential structure greater than 2.8 metres to 4.6 metres in height	No closer than 2.4 metres from rear or side lot line

4.4 Town of Oakville

The Town of Oakville Zoning By-law 2014-014 ('Oakville ZBL') also includes provisions on accessory buildings and structures. The Oakville ZBL defines an Accessory Building or structure as follows:

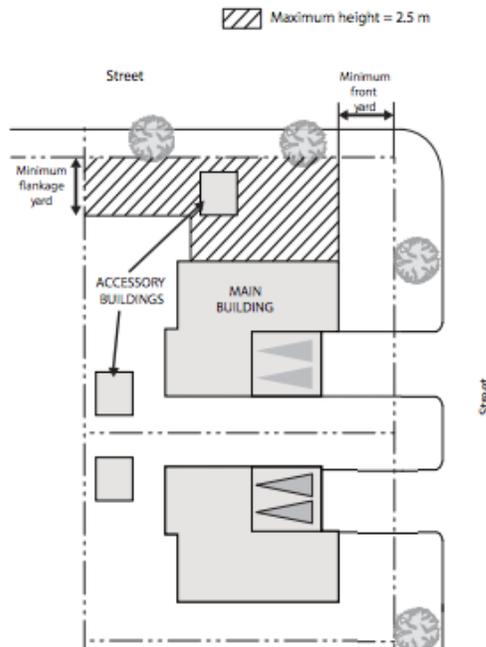
Accessory Building or Structure: means a building or structure used for an accessory purpose, including a detached private garage, that is: a) located on the same lot as the primary use, building, or structure; and, b) is not used for human habitation or an occupation for gain or profit unless otherwise permitted by this By-law.

Section 6.5 of the Oakville ZBL includes provisions and regulations for accessory buildings and structures in the Residential zones. In this regard, accessory buildings and structures are required to locate on the same lot as the primary use to which it is associated and is not permitted to be used for human habitation or an occupation for gain or profit, unless otherwise permitted in the By-law. It appears that the only exceptions to this have been established through site-specific exceptions in the Oakville ZBL.

Accessory buildings and structures are subject to a maximum lot coverage of 5% of the lot area or 42.0 square metres, whichever is greater, and the lot coverage is in addition to the maximum lot coverage permitted for the main dwelling.

With respect to the permitted building height, the Oakville ZBL applies a maximum height of 4.0 metres measured from grade, except for lots with accessory buildings or structures in a flankage yard or within the portion of a rear yard, the maximum permitted building height must be equal to the minimum flankage yard required for the dwelling.

In these latter two scenarios, the maximum permitted height for an accessory building or structures is 2.5 metres, measured from grade. Figure 4 included in the Oakville ZBL and it illustrates the above example.



Property owners should check for easements on their lot prior to placing an accessory building or structure. Most easements prohibit buildings and structures. The easement holder may demand that the building or structure be moved.

Figure 4: Graphic for maximum height of accessory buildings or structures in the Oakville ZBL.

In addition to the above, Section 4.22 of the Oakville ZBL includes provisions that apply to shipping containers. In this regard, the Oakville ZBL does not permit a shipping container as an accessory building or structure in the residential zones. Shipping containers are only permitted on a lot where outside storage is a permitted use and is only permitted as a building in conjunction with manufacturing, transportation terminal and warehousing uses.

4.5 City of Burlington

The City of Burlington Zoning By-law 2020 ('Burlington ZBL') includes provisions for accessory buildings for detached, semi-detached, duplex, triplex, fourplex or street townhouse dwellings. The Burlington ZBL defines an Accessory Building or Structure as follows:

Accessory Building or Structure: means a detached building or structure not used for human habitation, the use of which is naturally or customarily incidental and subordinate to, or exclusively devoted to a principal use, building or structure and located on the same lot therewith. Accessory Buildings may include a detached garage, workshop, shed or pool house. Accessory Structures may include arbours, gazebos, pergolas, play structures or detached car ports exclusive of patios or decks.

The above definition provides examples of accessory buildings and examples of accessory structures.

In addition to the above, the Burlington ZBL defines a Car Port as follows:

Car Port: means a private garage having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.

The Burlington ZBL does not include separate provisions for carports, which means that they are subject to the provisions that apply to accessory structures.

For accessory buildings, which may include a detached garage, workshop, shed or pool house as examples, the Burlington ZBL includes provisions based on the floor area of the building. For example, if the accessory building is less than 10 square metres in floor area, it may have a maximum height of 2.5 metres and there is no restriction on which yard it can be located in. The accessory building must be setback 7.5 metres from a side lot line abutting a street, 90 centimetres from a rear lot line and 15 metres

from a front lot line. There is no minimum required setback from any other lot lines. No part of the accessory building can encroach into a required yard.

Accessory buildings that are 10 square metres in floor area or greater are only permitted in a rear yard and are subject to the following setbacks: 1.2 metres from the rear and side lot lines, and 7.5 metres from a side lot line abutting a street. The accessory building can have a maximum floor area of 50 square metres and a maximum height of 4.6 metres with a peaked roof and 3.5 metres with a flat roof. A maximum 0.5 metre roof overhang encroachment is also permitted.

In addition to the above, a detached swimming pool enclosure may be greater than 50 square metres in floor area as long as the yard requirements for the principal building on the same lot are met. A swimming pool enclosure is not defined in the Burlington ZBL, but it is likely referring to a structure that surrounds and encloses a swimming pool.

Accessory structures, which may include arbours, gazebos, pergolas, play structures or detached carport exclusive of patios or decks, are permitted to have a maximum area of 42 square metres and a maximum height of 3.7 metres. In addition, they are required to be setback 90 centimetres from rear and side lot lines and 7.5 metres from the street side yard. The roof overhang of accessory structures is also permitted to encroach 0.5 metres in a required yard. Carports are permitted to encroach 65 centimetres into a required yard.

In addition to the above requirements, the Burlington ZBL also includes a provision that applies to the building materials for accessory buildings and structures. In this regard, Section 2.2.4 of the Burlington ZBL reads as follows:

For all uses, accessory buildings and accessory structures may not be constructed of concrete or masonry blocks unless the blocks are decorative units or are covered with stucco or siding having a permanent colour.

4.6 Town of Ajax

The Town of Ajax Zoning By-law 95-2003 ('Ajax ZBL') defines an Accessory Building or Structure as follows:

Accessory Building or Structure: shall mean a detached building or structure that is subordinate to and customarily incidental to the principal building, structure or use on the same lot.

In the Ajax ZBL, accessory buildings and structures may not be used for human habitation or an occupation for gain, unless permitted in the ZBL, and are not permitted to locate in a front yard. The Ajax ZBL requires a minimum setback of 0.5 metres from side and rear lot lines as well as a minimum 5 metre setback from exterior lot lines.

In addition to the above, the total lot coverage of all an accessory buildings or structures on a lot shall not exceed 10% of the lot area to a maximum gross floor area of 60.0 square metres and can have a maximum building height of 4.5 metres above the established grade.

4.7 City of Mississauga

The City of Mississauga Zoning By-law 0225-007 ('Mississauga ZBL') includes provisions that apply to accessory buildings and structures in residential zones. The Mississauga ZBL defines an Accessory Building as follows:

Accessory Building: means a subordinate building or structure on the same lot as the main building, or subordinate to part of the main building and used exclusively for an accessory use.

In addition to the above, the Mississauga ZBL also defines Carport as follows:

Carport: means an accessory building, structure or part thereof, the perimeter of which is more than forty percent (40%) unenclosed and which is used for the parking of motor vehicles.

It is noted that there are no specific provisions that apply to carports and they would be subject to the accessory building provisions established in the Zoning By-law.

The Mississauga ZBL applies accessory building provisions based on the size of a lot. For example, for a lot area that is less than 750 square metres, each accessory building can have a maximum floor area of 10 square metres and a maximum area of 30 square metres for all combined accessory buildings. The maximum permitted height is 3.0 metres and the minimum required setback from the side and rear lot lines is 0.61 metres.

When a lot area is equal to or greater than 750 square metres, each accessory building can have a maximum area of 20 square metres, with a maximum combined area of 60 square metres. The Mississauga ZBL also establishes a maximum lot coverage of 5% for all accessory buildings (including detached garages).

In addition to the above, accessory buildings are not permitted to locate in the front yard and the exterior yards. If located in the interior side yard, the applicable zone regulations apply. If the accessory building is located in the rear yard, then a minimum setback from the interior side and rear lot lines is 1.2 metres.

The Mississauga ZBL also includes provisions that apply to play equipment. Play equipment is permitted accessory to a detached, semi-detached, linked, duplex, triplex and street townhouse dwellings. Play equipment is considered to be an accessory building and is required to comply with the regulations for accessory buildings, in addition to the regulations that apply to play equipment.

Section 4.1.3 of the Mississauga ZBL indicates that play equipment is permitted in the rear yard only. The maximum area that can be occupied by play equipment is 5.5 square metres and can be up to 3.0 metres in height, measured from the established grade to the highest point of the structure. The Mississauga ZBL also requires that a maximum of 50% of play equipment be made up of enclosed walls, doors and windows. Lastly, play equipment is required to be setback at least 0.61 metres from interior and side lot lines.

4.8 City of Cambridge

The City of Cambridge is currently undertaking a comprehensive review of their Zoning By-law and has included a draft dated May 2019 on its website. Given the very recent nature of the latest draft Cambridge Zoning By-law ('draft Cambridge ZBL), City of Richmond Hill staff requested the draft Cambridge ZBL provisions also be reviewed.

The draft Cambridge ZBL defines Accessory Building or Structure as:

Accessory building or structure: a detached building or structure, the use of which is customarily incidental to, subordinate to, or exclusively devoted to the principal use or building, located on the same lot.

Section 4.1 of the draft Cambridge ZBL includes provisions that apply to accessory buildings and structures. The draft Cambridge ZBL indicates that an accessory building or structure cannot be used for human habitation or as a home occupation, unless permitted otherwise in the by-law. Accessory buildings or structures cannot be located any closer to the front or exterior side lot line than the principal dwelling, within the required front or exterior side yards or within 1.0 metre of the principal dwelling on the lot.

Carports, or any other type of tent designed to cover a motor vehicle, are not permitted in the front or exterior side yards. If one is located in an interior side yard or rear yard, it can be no closer than 1.2 metres from the lot lines. The 1.2 metre setback from the rear and interior side lot lines also applies to all other accessory buildings or structures.

The draft Cambridge ZBL permits a maximum height of 4.5 metres for accessory buildings (excluding detached private garages) and permits a maximum height of 5.0 metres for detached private garages. The total lot coverage permitted for accessory buildings or structures (including detached private garages) is 10% of the lot area.

The draft Cambridge ZBL also limits the number of accessory buildings or structures on a lot. For example, no more than 1 detached private garage is permitted on a lot in a residential zone. However, no more than 3 accessory buildings or structures are permitted on a lot in a residential zone.

In addition to the above, the draft Cambridge ZBL permits encroachments for detached accessory buildings or structures by no more than 0.6 metres into a required yard. The types of features that can encroach into a required yard include: awnings, canopies, cornices, coves, belt courses, eaves, gutters, pilasters, silos or weather-shielding structures.

The draft Cambridge ZBL also contains provisions that apply to shipping containers. In this regard, the draft Cambridge ZBL defines a Shipping Container as follows:

Shipping container: a freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. A shipping container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a shipping container does not have wheels or include a motor vehicle or a transport trailer.

The draft Cambridge ZBL allows for the temporary placement (no more than 30 days) of 1 shipping container on a lot in a residential zone as long as it is located on a driveway and is set back a minimum of 1.0 metre from any lot line. In addition, the shipping container is permitted to have a maximum height of 2.5 metres, a maximum width of 2.5 metres and a maximum length of 6.0 metres.

The above provisions that apply to shipping containers are based on in-effect zoning provisions passed by the City of Brantford for the use of shipping containers in

residential areas. Through Report CD2016-087, City of Brantford staff detailed the challenges of shipping containers being used as permanent accessory structures in residential areas. In response, the City prohibited the permanent placement of shipping containers on a lot in the residential areas, but included rules for the temporary use of such structures for storage to facilitate moving or renovating, as examples.

4.9 City of Brantford

The City of Brantford Zoning By-law ('Brantford ZBL') defines Accessory Structure as follows:

Accessory Building: shall mean any building the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such building is located; and such accessory building shall be separate from the main building on the lot on which both are located.

Accessory Structure: shall mean any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the main building or to the principal use of the lot on which such building is located; and such accessory structure shall be separate from the main building on the lot on which both are located.

Section 6.3 of the Brantford ZBL includes provisions that apply to accessory uses, buildings and structures. In this regard, the Brantford ZBL establishes a maximum lot coverage of 10% that includes all accessory buildings and structures. In the Residential Zones, the maximum height of an accessory building or structure is 4.5 metres and the height is measured from the finished grade level to the highest point of the building or structure. The following other provisions apply to accessory buildings and structures in a Residential Zone:

In Residential Zones, no accessory building or structure shall be located:

1. In a required front yard or required exterior side yard, except a gate house in a RHD Zone.
2. Closer than 0.6 metres to an interior lot line.
3. Closer than 0.6 metres to a rear lot line, or, in the case of a through lot, no closer than 0.6 metres to a public laneway.
4. Closer than 1.5 metres to any main building or structure on the lot.

The Brantford ZBL also does not permit an accessory structure or building to be used for human habitation or as a home occupation.

With respect to carports, the Brantford ZBL includes definitions for two types of carports: Carport and Carport, integral, as follows:

Carport: shall mean an accessory roofed building or structure which is not wholly enclosed, designed to be used for the storage of motor vehicles, wherein storage or servicing of such motor vehicles is not conducted for profit.

Carport, Integral: shall mean a carport as defined herein, which shall have one or more walls common with the permitted building on the lot, and is not an accessory building or accessory structure as herein defined.

On the basis of the above, it appears that the Carport definition is considered an accessory building while the Carport, Integral is not. Section 6.18.8 of the Brantford ZBL is the only section that includes a provision that applies to a Carport. In this regard, Section 6.18.8 permits the storage or parking of motor homes, travel trailers, snowmobiles or boats with accessory trailers or trailers in a garage or carport.

In addition to the above, the Brantford ZBL also includes provisions that apply to shipping containers. A Shipping Container is defined as follows:

Shipping Container: shall mean a freight container that is used for the trains or ships for the purpose of moving goods and materials. A Shipping transportation and storage of goods and materials which are loaded onto trucks, Container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a Shipping Container does not have wheels and does not include a motor vehicle or a transport trailer.

Section 6.33 of the Brantford ZBL prohibits the permanent placement of a shipping container as an accessory structure for any residential use. However, Section 6.33.2 permits the temporary placement of a shipping container as an accessory structure, subject to the following regulations:

- The maximum size of a shipping container shall be 2.5 metres in height, 2.5 metres in width and 6 metres in length;
- The maximum number of shipping containers shall be 1 per lot;
- The shipping container shall be placed no closer than 1 metre to any lot line; and,

- The maximum duration for the temporary placement of a shipping container for any purpose shall be 30 days per calendar year.

4.10 City of Kitchener

The City of Kitchener Zoning By-law 2019-051 ('Kitchener ZBL') passed stage 1 of its by-law as part of the Comprehensive Review of the City's Zoning By-law and it is currently under appeal. It has been included in this section as it represents an example of a recently prepared zoning by-law that addresses accessory buildings and structures and also includes provisions that apply to shipping containers.

The Kitchener ZBL defines Accessory, Building and Structure as follows:

Accessory: means a use or building that is commonly incidental, subordinate, and exclusively devoted to the principal use(s) or primary building(s) situated on the same lot.

Building: means a structure occupying an area equal to or greater than 10 square metres and consisting of any combination of walls, roof, and floor, but shall not include a shipping container.

Structure: means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility.

Section 4.1 of the Kitchener ZBL includes provisions that apply to accessory buildings and structures. In this regard, an accessory building or storage may not be used for human habitation and is not permitted in a front or exterior side yard. For accessory buildings or structures to a dwelling unit, the maximum gross floor area is 10 square metres or less. When an accessory building or structure has a height of 3 metres or less, it is permitted to locate within a required rear yard or interior side yard. There is no provision that requires a minimum setback for this scenario.

If an accessory building or structure has a height that is greater than 3 metres, then the by-law requires a minimum 0.6 metre setback from an interior side lot line and rear lot line. In addition, there are special provisions that apply to accessory buildings to single detached, semi-detached, street townhouse or multiple dwellings (with or without a second dwelling unit). In these scenarios, the maximum permitted height of the shortest

exterior wall is 3 metres, the maximum permitted building height is 5.5 metres and the maximum permitted lot coverage is 15%.

In addition the above, the Kitchener ZBL also includes a definition for Shipping Container, as follows:

Shipping Container: means a vessel commonly or specifically designed for the transportation of freight goods or commodities and shall include cargo containers and truck trailers.

Section 4.15.8 of the Kitchener ZBL indicates that a shipping container shall not be located on a lot in a residential zone, unless the shipping container is for a temporary use. In this regard, the shipping container may be permitted on a driveway within a residential zone for a period not exceeding 30 days in any given year as long as the shipping container does not block access to a required parking space. A minimum 0.6 metre setback from the street line to the shipping container also applies.

Lastly, the Kitchener ZBL also includes a provision for a shipping container being used as a residential dwelling. In this regard, the by-law indicates that where a shipping container is converted and used as a construction material for a residential dwelling, subject to the Ontario Building Code, then it is considered a building.

4.11 Comparison Trends

The Area Municipal Plan Comparison demonstrated that there are a number of common elements that are included in zoning provisions that apply to residential accessory structures. In this regard, these include:

- Definitions;
- Use of accessory building or structure;
- Location;
- Maximum number of accessory buildings per lot;
- Size restrictions (maximum gross floor area and/or maximum lot coverage);
- Setbacks;
- Maximum building height;
- Encroachments;
- Shipping containers; and,
- In some cases, other provisions.

On the basis of the above, below is a brief overview of the common elements that are contained in the Zoning By-laws reviewed earlier in this Discussion Paper, with reference to the current standards that apply in the City of Richmond Hill's ZBL 100-10.

4.11.1 Definitions

Most of the municipal Zoning By-laws have similar definitions for accessory buildings and structures. The definitions clarify that an accessory building or structure is a detached building that is subordinate to the principal use on a lot. Some of the definitions include examples of what is considered to be an accessory building or structure, while others include additional definitions for the types of buildings or structures that could be considered as accessory. Some by-laws exclude detached garages from the accessory buildings or structures definition, like the City of Richmond Hill did in ZBL 100-10, while other Zoning By-laws do not make a distinction.

4.11.2 Not for Human Habitation

None of the reviewed Zoning By-law permit human habitation in an accessory building or structure and none allow an accessory building or structure to be used for an occupation for gain or profit, unless otherwise permitted in the Zoning By-law. This distinction is either made within the definition of accessory building or structure itself or as a separate regulation. Some of the parent Zoning By-laws that are in-effect in the City of Richmond Hill clarify that accessory structures are not to be used for human habitation.

It is noted that the City of Richmond Hill recently amended its Official Plan and Zoning By-law to include policies and provisions that apply to Additional Residential Units (ARUs), also referred to as secondary suites. Implementing By-law 13-21 applies specific provisions for ARU's, which includes a self-contained dwelling unit accessory to the primary dwelling unit. In this regard, this is not the same as an accessory building or structure as described above.

4.11.3 Location

Many of the parent Zoning By-laws that are in-effect in Richmond Hill permit accessory structures in the rear and side yard, or the rear yard only. For the most part, the Zoning By-laws reviewed in the area municipal plan comparison require accessory buildings or structures to be located in the rear yard or along the interior side yard on the same lot as the principal residential dwelling. However, the exception to this is with respect to shipping containers in some of the municipal Zoning By-laws that were reviewed in the

area municipal plan comparison. While shipping containers are discussed further in Section 4.11.9 of this Discussion Paper, there are a couple of zoning by-laws that were reviewed that permit the placement of a shipping containers on a driveway only and include specific provisions for how long it can remain there.

4.11.4 Maximum Number of Accessory Buildings

Some of the Zoning By-laws reviewed include a maximum number of accessory buildings on a lot, such as the draft Cambridge ZBL and the Vaughan ZBL. Other Zoning By-laws presumably rely upon restrictions on floor area coverage and setbacks to control the number of accessory buildings or structures on a lot.

4.11.5 Size Restrictions

In addition to the above, a number of municipalities restrict the gross floor area of an accessory building or structure to a certain size. The Area Municipal Plan Comparison showed a range of the permitted gross floor area for accessory buildings and structures that are between 10 square metres and 60 square metres.

Alternatively, some Zoning By-laws apply a gross floor area restriction with a maximum lot coverage requirement or do not include a maximum gross floor area requirement at all and only include a maximum lot coverage requirement. In this regard, a maximum lot coverage requirement of 5% or 10% of the lot area is most commonly applied in the Area Municipal Plan Comparison examples. The City of Richmond Hill's ZBL 100-10 indicates that all detached accessory structures shall not exceed more than 5% of the lot area. This means that more than 1 detached accessory structure could locate on a lot, as long as the combined area of all accessory structure does not exceed 5% of the lot area.

4.11.6 Setbacks

All of the municipal Zoning By-laws that were reviewed include setbacks from rear, interior and exterior side lot lines. A number of Zoning By-laws require that the setback from the exterior side lot line be the same as the main building on the lot. Setbacks from the rear and interior side lot lines vary from 0.3 metres to 0.6 metres or are related to the height of the accessory building or structure. Most of the in-effect parent Zoning By-laws that include provisions for accessory buildings require a minimum 0.6 metre setback from the rear and side lot lines. For flankage lots, the distance from the main building is the minimum required setback for an accessory building.

4.11.7 Maximum Building Height

All of the municipal Zoning By-laws include a maximum building height provision for accessory buildings or structures. In some municipal Zoning By-laws, the maximum building height provision applies to all types of accessory buildings or structures, whereas in others it may differ based on the size, roof type and location.

For example, the following municipal Zoning By-laws establish a maximum building height that applies to all accessory buildings: Markham (4.5 metres); Newmarket (4.6 metres); Ajax (4.5 metres); Cambridge (4.5 metres) and Mississauga (3.0 metres).

In Vaughan, the maximum building height for an accessory building is 3.0 metres, except for detached private garages, where the maximum building height is 4.5 metres. In Oakville, the maximum building height for accessory structures is 4.0 metres, unless the accessory structure is located in certain yards then the maximum building height is reduced to 2.5 metres.

In Burlington, provisions are applied separately to accessory buildings and accessory structures. Accessory buildings that are less than 10 square metres in floor area can have a maximum building height of 2.5 metres and for those that are 10 square metres or greater can have a maximum height of 4.6 metres. This is reduced to 3.7 metres for a flat roof. In addition, accessory structures can be a maximum of 3.7 metres in height.

The provisions of ZBL 100-10 in Richmond Hill apply a maximum height based on the type of roof on a detached accessory structure, whereby a peaked roof can have a maximum height of 3.6 metres with a wall height of 2.44 metres. For a detached accessory structure with a flat roof, the maximum height is 2.75 metres. As noted in Section 3.3 of this Discussion Paper, between 2010 and 2021 the Committee of Adjustment has approved many minor variance applications that varied the standards that apply to detached accessory structures to permit an increased building height. Based on the best practices review, the maximum permitted height in Richmond Hill is significantly less than in other municipalities.

4.11.8 Encroachments

There are also a number of examples of municipal Zoning By-laws that permit the encroachment of architectural elements into required yards. For example, the Vaughan ZBL permits the encroachment of certain features of an accessory building. In this regard, if a garden or storage shed is less than the maximum floor area permitted in the

Vaughan ZBL, then eaves, gutters and other similar projections for a garden or storage shed are permitted to encroach up to 0.3 metres in a required yard.

The Newmarket ZBL also permits reduced side and rear yards for residential accessory structures. In this regard, a structure that is up to 2.8 metres in height can be no closer than 1.0 metre from the rear lot line and a structure that is greater than 2.8 metres and up to 4.6 metres in height can be located no closer than 2.4 metres from the rear lot line.

The Burlington ZBL permits a roof overhang encroachment up to 0.5 metres into a required yard for accessory buildings. Similarly, the draft Cambridge ZBL permits the encroachment of awnings, canopies, cornices, covers, belt courses, eaves, gutters, pilasters, sills and weather-shielding on a detached accessory building into a required yard by no more than 0.6 metres.

Many of the in-effect parent Zoning By-laws in Richmond Hill permit the accessory building encroachments such as sills, belt courses, cornices, eaves, canopies, gutters and roof overhangs into required yards.

4.11.9 Shipping Containers

Shipping containers are another type of structure that is addressed in newer Zoning By-laws. The Oakville ZBL only permits shipping containers where outside storage is permitted and only in conjunction with manufacturing, transportation terminal and warehousing uses. In this regard, they are not permitted in a residential zone. The new Vaughan ZBL includes the same restriction. However, the draft Cambridge ZBL and the Brantford ZBL permits the temporary placement (30 days or less) of 1 shipping container on a driveway, subject to a minimum 1.0 metre setback from any lot line and certain dimensions. The Newmarket ZBL includes provisions in the Zoning By-law that require cladding with exterior design materials similar to those that are used for the main building on a lot.

4.11.10 Other Provisions

Some municipal Zoning By-laws include additional provisions that apply other types of accessory buildings associated with a residential dwelling. For example, the Mississauga ZBL includes provisions on play equipment on lots that are within a residential zone. In this regard, play equipment is only permitted to be located within a

rear yard, cannot be used for human habitation and is subject to setback, height and coverage provisions.

In addition to the above, the Burlington ZBL allows for a detached swimming pool enclosure to be greater than 50 square metres in area as long as the yard requirements for the main building on the same lot can also be met for the pool enclosure. The Burlington ZBL also includes separate provisions for accessory buildings up to 10 square metres in floor area that require larger setbacks and a maximum height of 2.5 metres.

While many municipalities have passed by-laws permitting temporary tents in commercial and institutional zones to allow for appropriate social distancing in response to the Covid-19 pandemic, there are no examples in the Zoning By-laws reviewed that expressly permit temporary car shelters in the front yard for the purposes of covering a vehicle on a driveway. Given that all Zoning By-laws reviewed prohibit accessory buildings and structures in the front yard, this means that such temporary car shelters are not permitted. These temporary structures (or portable garages) are often constructed of metal poles with a fabric covering, and are not permanently affixed to the ground. The Ontario Building Code considers this type of structure to be a "tent" and doesn't require a building permit if:

- The size of the structure is not more than 60 square metres;
- The structure does not attach to a building;
- The structure is placed more than 3 metres from other structures.

5. SURVEY AND OPEN HOUSE

As part of the City's Zoning By-law review, surveys have been prepared on the range of topics being considered to obtain an understanding of the public concerns and priorities with respect to various aspects of the Zoning By-law review. In the case of the subject of this Discussion Paper, a 14-question survey was prepared by the City to better understand community sentiment as to how accessory structures and temporary accessory structures to residential uses should be regulated. Appendix D to this Discussion Paper includes the survey questions. The number of respondents for each question ranged from approximately 132 to 142 people.

Below is a summary of the relevant responses to the survey.

The vast majority of the respondents (74%) live in a single detached house. The remainder live in a semi-detached (8%) townhouse (13%), while 5% of respondents list their dwelling as "other".

Respondents were asked a number of questions regarding how residential accessory structures and temporary residential accessory structures should be regulated. Question 1 asked respondents how many permanent accessory structures should be permitted on a residential lot. The majority of responses (70%) indicated that the number of accessory structures permitted was dependent on either the size of the lot, size of the accessory structure or a combination of both. Only 30% of respondents indicated a specific number to be applied as a maximum limit. These responses ranged from 1 to 3+ accessory structures.

Question 2 asked respondents if residential accessory structures should be permitted in the exterior side lot. The response was somewhat split with 52% of respondents indicating that accessory structures should be permitted in the exterior side yard of a lot while 48% of respondents indicated that it would not be appropriate to permit such structures in this location. The response to this question was reasonably indeterminant.

The responses to Question 3 were equally indeterminant. Question 3 asked that if accessory structures were permitted in the exterior side yard, what aspects of those accessory structures should be regulated in the Zoning By-law. The options listed included the height, floor area and setback of the accessory structure from the lot line, all of the above or none of the above. The majority of the respondents (65%) chose the "all of the above" option.

Questions 4 and 5 probed what would be the appropriate lot coverage maximum for accessory structures and whether a maximum floor area should be introduced in addition to the current 5% lot coverage standard in the Zoning By-law. The responses to Question 4 indicated that 46% of the respondents felt that the current 5% lot coverage maximum was appropriate and should be maintained, while 33% of the respondents indicated that the lot coverage maximum should be increased. There is no qualitative data to follow up on the latter statistic in terms of how much of an increase respondents felt would be appropriate.

The responses to Question 5 were also fairly evenly split. Question 5 asked if a maximum floor area requirement should be introduced in addition to the existing lot coverage requirement. Again, the responses were fairly evenly distributed with 49% of respondents indicating that it would be appropriate to include a floor area maximum in addition to the lot coverage requirement, while 44% of respondents indicated that this would not be necessary.

Questions 6 and 7 inquired as to the appropriateness of the current height regulations for accessory structures. Question 6 inquired as to whether the current height standard should be increased, decreased, or be maintained in the new Zoning By-law. A strong majority of the respondents (70%) indicated that the current height maximums should be maintained. Only 19% of respondents indicated that the current height maximum should be increased, while only 6% of respondents indicated that the height maximum should be decreased. There is no qualitative data in terms of how much respondents in these latter two categories felt the height maximum should be adjusted.

Question 7 inquired as to what the height maximum for an accessory structure should be based on. Respondents were able to choose more than one response in answering this question. In reviewing an aggregate of the responses received, 60% of respondents indicated that the maximum height should be based on attributes of the accessory structure itself, whether that be floor size, height of walls, or type of roof. An additional 33% of respondents indicated that the maximum height should be based on the location of the accessory structure specifically as it relates to the setback of the accessory structure from lot lines.

Questions 8 through 12 of the survey focus on temporary residential accessory structures. Three of the four response options to this question assumed an affirmative answer and focused on how the accessory structure was anchored to the ground. Based on this, 69% of respondents indicated that temporary structures should be regulated in the Zoning By-law, while 31% of respondents indicated that it would not be necessary to regulate such structures. Of the responses that indicated that temporary structures should be regulated, the breakdown in responses was as follows:

- Only structures that are not permanently anchored to the building or ground - 5%;
- Only structures that are permanently anchored to the building or ground - 27%;
and,
- Both of the above - 37%.

Question 9 asked respondents how many temporary accessory structures should be permitted on a residential lot. Respondents were able to choose more than one response when answering this question. Consistent with the responses to Question 1 above, 70% of respondents indicated that the maximum number of temporary accessory structures was dependent on the size of the lot, size of the temporary accessory structures, or required consideration of both variables in determining an appropriate maximum number of structures permitted.

Question 10 inquired as to where on the lot it would be appropriate to permit temporary accessory structures. Respondents were able to choose more than one option when answering. The response totals, from greatest to least, are as follows: rear yard (55%), side yard (24%), and exterior side yard (15%).

Question 11 sought to determine what respondents felt would be an appropriate length of time for temporary accessory structures to be permitted once established on a lot. Three of the four response options assumed that a time limit was appropriate. The response options were as follows: between one and two years, less than one year, only by season, no time limit, or "other". Based on this, 56% of respondents indicated that it would be appropriate to include a time limit within the zone regulations, with the majority of respondents in this category indicating that it would be most appropriate to regulate temporary structures on a seasonal basis. Only 38% of the respondents indicated that no time limit was necessary.

Question 12 probed whether a separation distance should be applied to temporary accessory structures. Respondents were able to choose multiple answers to this question. All of the six response options assumed that a separation distance should be applied. The response options to this question included from the property line, from the main house, from other accessory structures, from other temporary accessory structures, all of the above, and "other". There was no negative response option. Of the responses received, 40% indicated that the separation distance should be applied from the property line, while 23% indicated that the separation distance should be applied between structures whether it be the primary dwelling or other accessory

structures. Twenty-six percent (26%) of the responses chose the “all of the above” option.

Question 13 was somewhat more open-ended. Question 13 inquired what respondents were most concerned with as it related to residential accessory structures and/or temporary accessory structures. Respondents were again able to select more than one response and were provided with the following options:

- Blocking views;
- Shadowing;
- Height of the structure;
- Overall dimensions of the structure (length and width);
- Located too close to the property lines;
- Located too close to the existing house; and,
- Other.

Of the options provided, the top 3 selections related to impacts to neighbouring properties. The top three concerns identified by respondents are: 1) accessory structures being located too close to property lines; 2) impacts from the height of the structure; and, 3) blocking views of neighbouring properties.

An open house was also held on March 31, 2022. A number of participants indicated that they were supportive of temporary car shelters on driveways during the winter months. A participant also requested that the City consider regulating temporary construction shelters as well.

6. OPTIONS FOR THE CITY TO CONSIDER

While there are many similarities in the types of zoning provisions that municipalities have included in their Zoning By-laws to control the location, size and use of accessory buildings or structures, the actual regulations vary depending on the history and characteristics of the municipality. Some municipal Zoning By-laws include much more detailed provisions that are likely the result of consolidating many separate municipal by-laws whereas others include more straightforward provisions that are likely based on best practices.

In regulating accessory buildings and structures, the challenge is to develop a set of regulations that provide for the development of sufficiently sized accessory buildings to accommodate residential activities (such as storage) while minimizing the impact of

these structures on the remaining open space on the same property and the amenity of neighbouring residential properties.

As previously noted, in 2010, the City of Richmond Hill passed ZBL 100-10 that amended a majority of the parent Zoning By-laws to introduce a new definition for detached accessory structure, require a maximum lot coverage of 5% for detached accessory structures and standardize the maximum building height requirements in the residential zones. As referenced in ZBL 100-10, the parent Zoning By-laws remain in effect for all other provisions that apply to accessory buildings or structures, however in the event of conflicting provisions, the provisions in ZBL 100-10 supersede the provisions of the parent Zoning By-laws.

The passage of ZBL 100-10 provided some clarity on how a detached accessory structure is defined in a residential zone and the requirements that apply for maximum lot coverage and building height. However, there are several other inconsistencies that remain between the in-effect parent zoning by-laws as it relates to accessory structures in the residential zones.

At the November 24, 2021 Council Meeting, a Council Member Motion was received which directed that the results of the Car Shelter Pilot Program – Delphinium Avenue in 2020, be used to inform the comprehensive zoning by-law review.

On the basis of the above, below are a number of zoning options for the City to consider that apply to detached accessory structures in residential zones.

6.1 Carry Forward Certain Provisions

It is assumed that the City's intent through the Zoning By-law review is to establish a single Zoning By-law to regulate land use across the City. There are a number of provisions that are in-effect in the City's parent Zoning By-laws that reflect those that were also found in the Area Municipal Plan Comparison. On this basis, there are several provisions that the City should consider carrying forward in a new Zoning By-law, such as:

- Including a definition of detached accessory structure as established in ZBL 100-10;
- Identifying where a detached accessory structure can locate, such as in the rear and side yards or the rear yard only; and,
- Continuing to apply a maximum lot coverage of 5% for detached accessory structures as established in ZBL 100-10.

6.2 Consider Clarifying Definition for Accessory Structure

As discussed in Section 3.2 of this Discussion Paper, ZBL 100-10 introduced a new definition for detached accessory structure as follows:

Means a building or structure which is not attached and not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.

City staff have indicated a desire for further clarification of the definition for a detached accessory structure as it relates specifically to what is considered to be an accessory structure. Some municipalities such as the Town of Newmarket, City of Burlington and City of Brantford provide examples of what could be considered as an accessory structure in their definitions. It is noted that City of Burlington and City of Brantford include a definition for Accessory Building and another for Accessory Structure.

In the above-mentioned municipal Zoning By-laws, examples of accessory structures include, but are not limited to: private play structure, dog house or dog run, private greenhouse, arbours, gazebo, pergola, patio shelter, portable tent structure, standalone antennae or satellite dish, fuel tank with capacity of less than 1500 litres and standalone solar panels. The City could consider providing clarity to the detached accessory definition by adding in examples such as those described above.

It is noted that the City of Mississauga is the only municipality of those reviewed in the area municipal plan comparison that also includes standalone provisions that apply to residential play structures. These are described in Section 4.7 of this Discussion Paper and could also be considered by the City of Richmond Hill for inclusion in the new Zoning By-law.

6.3 Consider Applying a New Maximum Building Height Provision

As noted in Section 3.2 of this Discussion Paper, ZBL 100-10 introduced new maximum building height provisions for detached accessory structures as follows:

- lv) the height of a detached accessory structure with a peaked roof (having a slope equal to or greater than 1:6 ratio) shall not exceed 3.6 metres (11.81 feet) to the peak of the roof with a maximum wall height of 2.44 (8.0 feet), or the height of a

detached accessory structure with a flat roof (having a slope less than a 1:6 ratio) shall not exceed 2.75 metres (9.0 feet) to the top of the flat roof as illustrated on Schedule “B”.

The above definition is generally more restrictive than the maximum building height requirements found in a number of other municipal Zoning By-laws. It is also more complicated to understand than the provisions found in other municipal Zoning By-laws.

Section 3.3 of this Discussion Paper documented the minor variance applications for accessory structures between 2010 and 2021 and showed that the building height standard was the most common standard to be varied.

There are a few options that the City could consider for updating the maximum building height for detached accessory structures and these are discussed below.

The first option, and most straightforward option, is to apply a maximum building height that is not dependent on the roof type, similar to the following municipal Zoning By-laws:

- Markham: 4.5 metres;
- Newmarket: 4.6 metres;
- Ajax: 4.5 metres;
- Cambridge: 4.5 metres.

If this option were selected, the maximum permitted height would be 4.5 metres, regardless of whether there was a peaked or flat roof.

A second option is a modification of the above, where an increased maximum building height of 4.5 metres is applied, but a reduced height of 3.5 metres for example is applied when a detached accessory structure has a flat roof. This is the approach used by the City of Burlington, which includes a maximum building height of 4.6 metres (for accessory buildings that are 10 square metres or greater in floor area) that is reduced to 3.7 metres for a flat roof. This is similar to the approach already used in Richmond Hill, which sets out a reduced building height permission of 2.75 metres for a flat roof.

A last option is to retain the current Richmond Hill provisions as is which would be reflective of the views of the majority of survey respondents who indicated that the current height permissions for accessory buildings should remain the same. It is noted however that increased accessory building heights have been generally approved through a number of minor variances between 2010 and 2021, as discussed in Section

3.3 of this Discussion Paper, and this practice would most likely continue in the future, after site-specific factors are taken into consideration.

6.4 Consider Including Other Zoning Provisions

In addition to the options identified in previous sections, the City could also consider other provisions such as:

- Establishing a maximum number of detached accessory buildings that are permitted on a lot in a residential zone or in conjunction with a maximum lot coverage;
- Including standalone provisions that apply to temporary structures intended for the parking of vehicles that address where they are permitted to locate, the yard requirements and maximum building height on a lot in a residential zone;
- Including standalone provisions that apply to play equipment/structures on a residential lot;
- Including a list of structures that are not permitted, which could include temporary structures for the parking of vehicles, as an example; and,
- Including zoning provisions that apply to a shipping container being used on a temporary basis on a lot in a residential zone.

7. CONCLUSION

This Discussion Paper provides an overview of the Planning Act and City of Richmond Hill Official Plan as it relates to the type of development anticipated in the City's residential areas. This Discussion Paper also includes a review of current zoning provisions that apply to accessory structures in Residential zones across the City of Richmond Hill, reviews minor variance approvals that have been granted between 2010 and 2021 and provides an overview of zoning approaches implemented in other municipalities to regulate residential accessory structures. This area municipal plan comparison was concluded by highlighting trends in zoning approaches for those municipalities that were reviewed.

In addition to the above, a survey was also administered to obtain a better understanding of the public concerns and priorities as it relates to accessory structures on residential lots. As a result, the survey results are also summarized in this Discussion Paper and provide insight into the public's opinion of where accessory structures should and should not be located, the size and height they feel is acceptable for such a structure and includes feedback on temporary structures on residential properties. A summary of the open house held on March 31, 2022 is also provided.

On the basis of the above, this Discussion Paper concludes with a number of options for the City to consider to regulate residential accessory structures. These include carrying forward certain zoning provisions that are currently in place, consideration for clarifying the definition of accessory structures to include examples and options to address building height of accessory structures. A number of other potential zoning provisions to include in the new Zoning By-law have also been identified.

As mentioned at the outset of this Discussion Paper, the intent of the Discussion Paper is to identify options and then determine which ones are feasible, or not, based on input received from Council, staff, stakeholders and members of the public and the business community. Further consideration of the options and a recommended course of action will be undertaken in a future phase of the project.

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>1275</p> <p>May 23, 1961</p> <p>Township of King</p>	<p>Accessory Building: shall mean a subordinate building or structure, whether attached or detached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building.</p>	<p>Residential Urban Zone</p> <p>3.1 The following provisions shall apply to lands lying within a Residential Urban Zone. No building or structure or part thereof shall be erected or used, and no lands shall be used except for one or more of the following purposes:</p> <p>g) An accessory building and uses accessory to the foregoing, including a private garage for vehicles, only two of which may be commercial vehicles, but not including any vehicle licensed to carry more than one ton.</p> <p>3.2 Height</p> <p>No accessory building shall exceed 12 feet in building height.</p> <p>3.3 Building Line</p> <p>No part of any building, including a veranda, porch or accessory building shall be nearer a highway than 30 feet except where there is an established building line and in such case nearer the highway than the established building line. In the case of a corner lot no part of any such building shall be nearer a highway which is the boundary of a shorter dimension, than thirty feet except where there is an established building line, and in such case nearer such highway than the established building, nor shall any such building on a corner lot be nearer the highway, which is the boundary of longer dimension than twelve feet.</p> <p>9.2 Yards</p> <p>An accessory building except where attached to a dwelling where it shall be considered as part of the dwelling may not be built closer to a lot line than four feet within its own side yard, except in the rear yard where no side yard is required.</p> <p>9.3 Accessory Buildings Facing the Side Street on Corner Lots</p> <p>Accessory buildings facing the side street on corner lots may not be erected or altered to be in front of a line drawn between the rear side street corner of the main structure and the point of intersection of the established front yard depth for the side street with the rear lot line of the corner lot and shall not be located closer to the rear lot line of the corner line than four (4) feet.</p>
<p>1703</p> <p>South Wilcox Zoning</p>	<p>Accessory: when used to describe a use, building or structure, means a use, building or structure, that is incidental and exclusively devoted to the principal use, building or structure and</p>	<p>3.9 Private Garages or Other Accessory Buildings shall not:</p> <p>3.9.1 Be used for human habitation.</p> <p>3.9.2 Be built in a front yard. Where an accessory building is built on a corner lot, it shall be located in the rear yard, and not closer to a street than the setback required for the main building from that street.</p>

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February 14, 1962	located on the same lot therewith, but shall not include a privy in any zone other than an Agricultural zone.	<p>3.9.3 Exceed fifteen feet (15') in height in a Residential zone.</p> <p>3.9.4 Exceed five percent (5%) coverage of the total lot area.</p> <p>3.9.5 Be built closer than four feet to a lot line except for common semi-detached garages which may be centered on a mutual side lot line.</p> <p>3.9.6 Be considered an accessory building if attached to the building in any way.</p>
<p>2325-68</p> <p>Markham Township Rural Area By-law</p>	<p>Accessory Building: means a separate building, the use of which is subordinate and naturally, customarily and normally incidental to the use of the parcel of land upon which it is situate, or to the use of a main building or buildings situated upon the same parcel of land and devoted exclusively to the use of said land or the use of the said main building or buildings.</p>	<p>3.9 Accessory buildings shall be erected in the rear yard and shall be at least 2 feet from the nearest lot line. No person shall erect any accessory building on a corner lot at a lesser distance from the street line on which adjoining residential lots front than the depth of the front yard required for a dwelling on the adjoining lot.</p>
<p>66-71</p> <p>Richmond Hill Zoning By-law</p> <p>February 24, 1975</p>	<p>Accessory: when used to describe a use, building or structure, shall mean a use, or a building or structure, not exceeding fifteen (15 ft.) in height, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same lot therewith.</p> <p>Garage, private: means an accessory building or portion of a building including a car port which is designed or used for the sheltering of private motor vehicles and the storage of household equipment</p>	<p>5.9 Accessory Uses, Buildings and Structures Accessory uses, buildings and structures shall be permitted in any yard, in any zone subject to the special provisions of this By-law applicable to the particular accessory use, building or structure in question.</p> <p>6.1.6 Accessory Uses, Buildings and Structures</p> <p>6.1.6.1 The minimum distance of any accessory building or structure located in the rear yard from any side or rear lot line shall be a minimum of two feet (2 ft.) except where a mutual garage is erected on the common property line between two adjoining properties.</p> <p>6.1.6.2 The building area of detached accessory buildings and structures shall not exceed 10% of the lot area.</p> <p>6.1.6.3 The minimum distance of any accessory building or structure located in the side yard from the side lot line shall be not less</p>

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	<p>incidental to residential occupancy and in which there are no facilities for repairing or servicing for remuneration such vehicles.</p>	<p>than the minimum side yard required for a main building to the same number of storeys as the said accessory building.</p> <p>6.1.6.4 On any lot used for single family detached, duplex, triplex or double-duplex dwellings the site lot line of which abuts a one-foot reserve any attached garage or carport shall be constructed on the side of the house furthest removed from the one-foot reserve.</p> <p>6.1.6.5 No accessory building or structure shall be constructed closer to the front lot line than the minimum distance required by this By-law for the main building on the lot</p> <p>6.1.6.6. No accessory building or structure shall be constructed closer than twenty (20 ft.) to a side or rear lot line abutting a one-foot reserve.</p> <p>6.1.6.7 Where a private swimming pool is constructed as an accessory use to a residential dwelling, no part of it shall be located in the front yard, or closer than five feet (5 ft.) to any rear or side lot line.</p> <p>6.1.6.8 No accessory building or structure shall be used for human habitation.</p> <p>6.1.6.9 An accessory building or structure shall not exceed fifteen feet (15 ft.) in height.</p> <p>6.1.6.10 An accessory building or structure shall not be considered a building for the purpose of calculating the lot coverage unless attached to the main building.</p>
<p>2523 Former Township of Vaughan September 28, 1979</p>	<p>Building, Accessory: means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used</p>	<p>5.2 Accessory Uses b) The following provisions shall apply to accessory buildings and structures in any residential zone other than a Rural Residential (RR) Zone or a Suburban Residential (RS) Zone:</p> <ul style="list-style-type: none"> i. Any accessory building or structure which is not attached to a main building shall be located in a rear yard only. ii. Any accessory building or structure which is not attached to a main building shall maintain a minimum distance of

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	for human habitation and, includes a private garage.	<p>sixty centimeters (60 cm)(2 ft) from any rear lot line or side lot line except as provided in Section 5(2)(iii).</p> <ul style="list-style-type: none"> iii. Any accessory building or structure which is not attached to a main building shall be set back from a side lot line which flanks a street a minimum distance that is equivalent to the set back of the main building on the same lot. iv. The total coverage of all accessory buildings or structures which are not attached to a main building shall not exceed five (5%) of the lot area. This five percent (5%) of the lot area covered by detached accessory buildings or structures shall be in addition to the lot coverage permitted on Schedule “A” to By-law No. 2523. v. Where a swimming pool is located on a lot in conjunction with other accessory buildings or structures, then the total lot coverage of all accessory buildings, structures and swimming pools may be increased to ten percent (10%). vi. No accessory building or structure shall be used for human habitation. vii. An accessory building or structure shall not exceed four and one-half metres (4.5 m) in height. <p>Not more than one (1) detached garage for the parking of private vehicles shall be permitted on a lot and such garage shall not exceed fifty metres squared (50 m²)(535 ft²) in total floor area and 6.4 metres (21 ft) in total length.</p>
<p>88-86</p> <p>Bayview Hill Zoning By-law</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, and the use of which is customarily incidental and subordinate to and exclusively devoted to a principal use or building located on the same lot.</p>	<p>5.1 Accessory Use or Building</p> <p>Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory buildings or accessory use.</p> <p>6.2.7 Accessory buildings or structures shall comply with the following provisions:</p> <ul style="list-style-type: none"> a) they shall not be used for human habitation; b) they shall be located in the rear yard only; c) they shall be set back from any rear lot line or side lot line other than flankage lot line a minimum distance of six tenths (0.6) of a metre; d) they shall not be located closer to a flankage lot line than the nearest main wall of the main building on the same lot; e) they shall not exceed five percent (5%) of the total permitted lot coverage; f) they shall not exceed four and five-tenths (4.5) metres in height; <p>they shall not be considered to be accessory if they are attached, in any way, to the main building.</p>

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>184-87</p> <p>Elgin East Planning District Zoning By-law</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, and the use of which is customarily incidental and subordinate to and exclusively devoted to a principal use or building located on the same lot.</p>	<p>5.1 Accessory Use or Building Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory buildings or accessory use.</p> <p>6.2.7 Accessory buildings or structures shall comply with the following provisions:</p> <ul style="list-style-type: none"> a) they shall not be used for human habitation; b) they shall be located in the rear yard only; c) they shall be set back from any rear lot line or side lot line other than flankage lot line a minimum distance of six tenths (0.6) of a metre; d) they shall not be located closer to a flankage lot line than the nearest main wall of the main building on the same lot; e) they shall not exceed five percent (5%) of the total permitted lot coverage; f) they shall not exceed four and five-tenths (4.5) metres in height; <p>they shall not be considered to be accessory if they are attached, in any way, to the main building.</p>
<p>38-95</p> <p>Former Township of Markham August 4, 1995</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.</p>	<p>5.1 Accessory Buildings, Structures and Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures No accessory building or accessory structure shall be used for:</p> <ul style="list-style-type: none"> a) an occupation for gain or profit except as specifically permitted by this By-law; or, b) human habitation, except as specifically permitted by this By-law. <p>5.1.7 Regulations for Detached Accessory Buildings and Structures A detached accessory building or structure, except a detached private garage, is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) it is set back from any rear lot line and side lot line by a minimum of 0.6 metres; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; and, it does not have a height greater than 4.5 metres.

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>313-96</p> <p>North Urban Area Zoning By-law</p> <p>March 26, 1997</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to the principal use or building located on the same lot.</p>	<p>5.1 Accessory Buildings, Structures and Uses</p> <p>Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures</p> <p>Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.6 Regulations for Detached Accessory Buildings and Structures</p> <p>A detached accessory building or structure, except a detached private garage, is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) it is set back from any rear lot line and side lot line by a minimum of 0.6 metres; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; and, it does not have a height greater than 4.5 metres.
<p>42-02</p> <p>Yonge West Secondary Plan Area By-law</p> <p>June 24, 2002</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.</p>	<p>5.1 Accessory Buildings, Structures and Uses</p> <p>Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures</p> <p>Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.6 Regulations for Detached Accessory Buildings and Structures</p> <p>A detached accessory building or structure, except a detached private garage, is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) it is set back from any rear lot line and side lot line by a minimum of 0.6 metres; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; and, it does not have a height greater than 4.5 metres.

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>128-04</p> <p>Oak Ridges Moraine Zoning By-law</p>	<p>Accessory Building: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.</p>	<p>5.1 Accessory Buildings, Structures and Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.2 Prohibition of Accessory Buildings or Structures in the Oak Ridges Moraine Plan Area Notwithstanding any other provision of this by-law to the contrary, new accessory uses, buildings and structures, including swimming pools, related to the existing uses in accordance with the permitted uses of this by-law are only permitted if the accessory use, building or structure does not intrude into any area zoned Oak Ridges Moraine Natural Core (ORMNC) Zone, Oak Ridges Moraine Natural Linkage (ORMNL) Zone, Oak Ridges Moraine Open Space and Oak Ridges Moraine Open Space 1 (ORMOS and ORMOS1) zones or Oak Ridges Moraine Key Natural Feature (ORMKNF) Zone. Where such uses are located in any area zoned Oak Ridges Moraine (ORMNC) Zone or Oak Ridges Moraine Natural Linkage (ORMNL) Zone, Oak Ridges Moraine Open Space and Oak Ridges Moraine Open Space 1 (ORMOS and ORMOS1) zones or Oak Ridges Moraine Key Natural Feature (ORMKNF) Zone, new accessory uses shall be restricted to the DEVELOPMENT ENVELOPE.</p> <p>5.1.4 Regulations for Detached Accessory Buildings and Structures A detached accessory building or structure, except a detached private garage, is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) its setback from any lot line is the same as that required by this by-law for the main permitted use; b) it is not located closer a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; and, it does not have a height greater than 4.5 metres.
<p>91-13</p> <p>David Dunlap</p>	<p>Accessory Structure, Detached: means a building or structure which is not attached and not used for</p>	<p>5.1 Accessory Buildings, Structures and Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose</p>

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>Observatory Land Secondary Plan Area Zoning By-law</p> <p>December 11, 2014</p>	<p>human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.</p>	<p>may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.6. Regulations for Detached Accessory Buildings and Structures A detached accessory structure is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) it is set back a minimum of 0.6 metres from any rear lot line and side lot line; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; c) the height of a detached accessory structure with a peaked roof (having a slope of equal to or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak of the roof with a maximum wall height of 2.44 metres; d) the height of a detached accessory structure with a flat roof (having a slope less than 1:6 ratio) shall not exceed 2.75 metres to the top of the flat roof as illustrated on Appendix “2”; and, <p>the total lot coverage for all detached accessory structure on any lot shall not exceed 5% of the lot area.</p>
<p>55-15</p> <p>North Leslie Secondary Plan Zoning By-law</p> <p>December 7, 2015</p>	<p>Accessory Structure, Detached: means a building or structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.</p>	<p>5.1 Accessory Buildings, Structures and Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.6 Regulations for Detached Accessory Buildings and Structures A detached accessory building or structure, except a detached private garage, is permitted in the rear yard and/or side yard only, provided that:</p>

Appendix A: Summary of Sample Richmond Hill Parent Zoning By-laws

Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
		<ul style="list-style-type: none"> a) it is set back from any rear lot line and side lot line by a minimum of 0.6 metres; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; and, c) it does not have a height greater than 4.5 metres.
<p>54-15</p> <p>West Gormley Zoning By-law</p> <p>March, 2016</p>	<p>Accessory Structure, Detached: means a building or structure which is not attached and not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot, and shall not include a detached garage and outdoor swimming pool.</p>	<p>5.1 Accessory Buildings, Structures and Uses</p> <p>Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory building, accessory structure or accessory use.</p> <p>5.1.1 Uses Prohibited in Accessory buildings and structures</p> <p>Unless specifically permitted by this By-law, no accessory building or accessory structure shall be used for an occupation for gain or profit or for human habitation.</p> <p>5.1.5. Regulations for Detached Accessory Buildings and Structures</p> <p>A detached accessory structure is permitted in the rear yard and/or side yard only, provided that:</p> <ul style="list-style-type: none"> a) it is set back a minimum of 0.6 metres from any rear lot line and side lot line; b) it is not located closer to a flankage lot line than the minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line; c) the height of a detached accessory structure with a peaked roof (having a slope of equal to or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak of the roof with a maximum wall height of 2.44 metres, or the height of a detached accessory structure with a flat roof (having a slope less than 1:6 ratio) shall not exceed 2.75 metres to the top of the flat roof as illustrated on Appendix "1"; and, c) the total lot coverage for all detached accessory structure on any lot shall not exceed 5% of the lot area.

Appendix B: Summary of Approved Minor Variance Applications for Residential Accessory Structures (2010-2021)

Application Number	Zoning By-law	Standard Being Varied	Building Type	Effect of Minor Variance Application
A029/10	128-04	Multi-purpose	<ul style="list-style-type: none"> Detached garage 	<ul style="list-style-type: none"> Reduced front yard setback Increased maximum building height Increased garage area
A036/10	190-87	Multi-purpose	<ul style="list-style-type: none"> Addition to an existing dwelling Existing shed and garage 	<ul style="list-style-type: none"> Increased maximum lot coverage (Dwelling) Decreased minimum rear yard setback (Shed) Decreased minimum side yard setback (Garage)
A019/11	2523	Maximum height	<ul style="list-style-type: none"> Gazebo 	<ul style="list-style-type: none"> Increased maximum height
A058/11	66-71	Multi-purpose	<ul style="list-style-type: none"> Addition to existing dwelling Detached garage Gazebo 	<ul style="list-style-type: none"> Increased gross floor area (Dwelling and Garage) Increased height (Gazebo)
A067/11	2523	Maximum Height	<ul style="list-style-type: none"> Gazebo 	<ul style="list-style-type: none"> Increased maximum height
A010/12	66-71	Side Yard Setback	<ul style="list-style-type: none"> Second-storey addition Shed 	<ul style="list-style-type: none"> Reduced side yard (Addition) Reduced rear yard (Shed)
A102/12	2523	Maximum Height	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Increased maximum height
A107/12	190-87	Multi-purpose	<ul style="list-style-type: none"> Detached garage 	<ul style="list-style-type: none"> Increased maximum building height Increased maximum gross floor area
A050/13	128-04	Front Yard	<ul style="list-style-type: none"> Shed 	<ul style="list-style-type: none"> Permit existing garden shed in front yard
A021/14	2523	Maximum height	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Permit increased maximum height
A025/14	1703	Multi-purpose	<ul style="list-style-type: none"> Single family dwelling and Shed 	<ul style="list-style-type: none"> Reduced interior side yard Increased maximum roof and wall height (Shed)
A064/14	66-71	Minimum side yard setback	<ul style="list-style-type: none"> Detached garage 	<ul style="list-style-type: none"> Reduced interior side yard
A004/15	100-10	Multi-purpose	<ul style="list-style-type: none"> Pool house Cabana 	<ul style="list-style-type: none"> Increased maximum building height Increased wall height
A013/15	1703	Multi-purpose	<ul style="list-style-type: none"> Two-storey single family dwelling Gazebo 	<ul style="list-style-type: none"> Reduced minimum interior side yard Increased maximum lot coverage

Appendix B: Summary of Approved Minor Variance Applications for Residential Accessory Structures (2010-2021)

Application Number	Zoning By-law	Standard Being Varied	Building Type	Effect of Minor Variance Application
				<ul style="list-style-type: none"> Increased maximum building height (Gazebo) Increased maximum wall height (Gazebo)
A017/15	2523	Maximum height	<ul style="list-style-type: none"> Addition to Cabana New cabana 	<ul style="list-style-type: none"> Increased maximum height
A045/15		Expansion of legal non-conforming use	<ul style="list-style-type: none"> One-storey accessory structure used for parking and storage 	<ul style="list-style-type: none"> Replace two existing legal non-conforming accessory structures
A056/15	313-96	Multi-purpose	<ul style="list-style-type: none"> Second floor addition Shed 	<ul style="list-style-type: none"> Recognize existing front and side yard setback Recognize existing shed
A065/15	66-71	Multi-purpose	<ul style="list-style-type: none"> Two-storey rear and side addition Existing accessory structure 	<ul style="list-style-type: none"> Reduced minimum interior side yard Increased maximum height Recognize existing lot coverage, wall and roof height (accessory structure)
A071/15	128-04	Multi-purpose	<ul style="list-style-type: none"> Two-storey dwelling Shed 	<ul style="list-style-type: none"> Increased maximum gross floor area Increased maximum building height Increased maximum roof and wall height (Shed)
A115/15	66-71	Multi-purpose	<ul style="list-style-type: none"> Frame shed/wood building 	<ul style="list-style-type: none"> Permit an accessory use without principle residence Increased maximum roof and wall height
A018/16	2523	Multi-purpose	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Increased maximum roof and wall height
A020/16	66-71	Multi-purpose	<ul style="list-style-type: none"> Two-storey dwelling Detached garage 	<ul style="list-style-type: none"> Reduced interior side yard setback Increased maximum gross floor area Increased maximum building height Increased maximum height (detached garage)
A031/16	1275	Multi-purpose	<ul style="list-style-type: none"> Detached garage 	<ul style="list-style-type: none"> Increased maximum gross floor area Increased maximum building height

Appendix B: Summary of Approved Minor Variance Applications for Residential Accessory Structures (2010-2021)

Application Number	Zoning By-law	Standard Being Varied	Building Type	Effect of Minor Variance Application
A103/16	66-71	Swimming pool	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Permit an accessory use – swimming pool – without a main dwelling (to be reconstructed)
A041/17	66-71	Multi-purpose	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Increased wall height Increased roof height
A042/17	66-71	Multi-purpose	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Increased wall height Increased roof height
A051/17	66-71	Multi-purpose	<ul style="list-style-type: none"> Single family dwelling Detached garage 	<ul style="list-style-type: none"> Reduced interior side yard Increased maximum gross floor area Increased maximum lot coverage Recognize existing detached garage
A060/17	190-87	Multi-purpose	<ul style="list-style-type: none"> Existing side basement entrance Existing shed 	<ul style="list-style-type: none"> Reduced minimum interior side yard Recognize existing shed
A070/17	2523	Maximum height	<ul style="list-style-type: none"> Two cabanas 	<ul style="list-style-type: none"> Increased maximum height
A111/17	66-71	Side Yard	<ul style="list-style-type: none"> Shed 	<ul style="list-style-type: none"> Reduced minimum side yard
A022/18	1275	Multi-purpose	<ul style="list-style-type: none"> Single family dwelling 	<ul style="list-style-type: none"> Reduced minimum interior side yard Recognize deficient lot frontage
A036/18	2523	Maximum height	<ul style="list-style-type: none"> Existing detached shed 	<ul style="list-style-type: none"> Increased maximum height
A056/18	42-02	Maximum height	<ul style="list-style-type: none"> Greenhouse 	<ul style="list-style-type: none"> Increased maximum height
A064/18	100-10	Multi-purpose	<ul style="list-style-type: none"> Cabana 	<ul style="list-style-type: none"> Increased wall height Increased building height
A046/19	66-71	Multi-purpose	<ul style="list-style-type: none"> Single-family dwelling Detached garage 	<ul style="list-style-type: none"> Reduced minimum interior side yard (Dwelling) Increased maximum gross floor area (Dwelling) Increased maximum height (Dwelling) Increased maximum gross floor area (Detached Garage)
A070/19	2523	Maximum height	<ul style="list-style-type: none"> Shed 	<ul style="list-style-type: none"> Increased maximum wall height Increased maximum roof height
A037/20	100-10	Multi-purpose	<ul style="list-style-type: none"> Detached garage 	<ul style="list-style-type: none"> Increased garage height Increased ground floor area

Appendix B: Summary of Approved Minor Variance Applications for Residential Accessory Structures (2010-2021)

Application Number	Zoning By-law	Standard Being Varied	Building Type	Effect of Minor Variance Application
A052/20	100-10	Maximum height	<ul style="list-style-type: none"> • Accessory structure 	<ul style="list-style-type: none"> • Increased building height
A067/20	2523	Maximum height	<ul style="list-style-type: none"> • Cabana 	<ul style="list-style-type: none"> • Increased building height
A022/21	66-71	Maximum ground floor area	<ul style="list-style-type: none"> • Detached garage 	<ul style="list-style-type: none"> • Increased ground floor area

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
<p>City of Vaughan</p> <p>Zoning By-law 001-2021</p> <p>Adopted October 20, 2021</p>	<p>Accessory: means incidental, subordinate, and devoted exclusively to a principal use, building or structure.</p> <p>Building: Means a fully enclosed structure, whether temporary or permanent, used or erected for shelter, accommodation or enclosure of persons, animals, materials or equipment, but does not include a house trailer or mobile home.</p> <p>Residential Accessory Structure: Means an accessory structure that is normal and incidental to, subordinate to, or exclusively devoted to, the principal residential use or dwelling on a lot. Without limiting the generality of the foregoing, a residential accessory structure may include a change house, cabana, play structure, gazebo, dog house or dog run, private greenhouse, shed, patio shelter, portable tent, or standalone solar panels for example. A residential accessory structure shall not be used for human habitation and</p>	<p>4.1 Accessory Uses, Buildings and Structures</p> <ol style="list-style-type: none"> 1. Where this By-law provides that a lot may be used, or a building or structure may be erected or used for a permitted purpose, that use shall include an accessory use, building, or structure, unless otherwise expressly prohibited. 2. An accessory use, building, or structure shall be located on the same lot as the principal use. 3. The following uses of an accessory building or structure shall be prohibited, unless otherwise expressly permitted by this By-law: <ol style="list-style-type: none"> a. The use of an accessory building or structure for human habitation; b. The use of an accessory building or structure to a dwelling for gain or for profit. 4. An accessory use, building, or structure shall only be permitted where the City of Vaughan has issued a building permit for the principal use, building, or structure. <p>In addition to the above, Sections 4.1.2-4.1.4 includes provisions that apply to the location of accessory buildings and structures, lot coverage and maximum height. In this regard, in any Residential zone the following provisions apply:</p> <ul style="list-style-type: none"> • An accessory building and residential accessory structure shall be subject to the minimum front yard, interior side yard and exterior side yard requirements for the principal building on the lot, as indicated in the applicable zone; • A residential accessory structure with a height greater than 2.8 metres shall not be located closer than 2.4 metres to any lot line. In all other cases, a residential accessory structure shall not be located closer than 0.6 metres to any lot line; • An accessory building or residential accessory structure shall not be located closer to a front lot line or an exterior side lot line than the principal building on the lot, except where explicitly permitted by this By-law; • In any Residential Zone, the maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage shall be 10% or 67.0 square metres, whichever is less; and, • In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 metres, except if the detached accessory structure is a detached garage, where the maximum permitted height is 4.5 metres.

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	shall not include a detached garage or uncovered platform.	
<p>City of Markham</p> <p>By-law 177-96</p> <p>Office Consolidation July 23, 2018</p>	<p>Building, Accessory: means a separate building or structure, the use of which is customarily incidental, subordinate and exclusively devoted to a main use or main building located on the same lot.</p>	<p>Section 6: General Provisions</p> <p>6.1 Accessory Buildings, Structures and Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose may include any accessory buildings, accessory structures or accessory uses located on the same lot as the primary use to which they are related.</p> <p>6.1.1 Uses permitted in accessory buildings and structures No accessory building or accessory structure shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.</p> <p>6.1.2 Easements No accessory building or part thereof shall be located within an easement that is in favour of a public authority.</p> <p>6.4 Other Detached Accessory Buildings (2016-118) Other detached accessory buildings that are not otherwise dealt with in Section 6.3 are permitted in the rear yard, provided they are located no closer:</p> <ul style="list-style-type: none"> a) to the exterior side lot line than the minimum distance equal to the exterior side yard requirement for the main building from the exterior side lot line; and, b) than 1.2 metres from the interior side or rear lot line. Notwithstanding this provision, the setback may be reduced to 0.5 metres if there are no doors or windows in the wall facing the interior side or rear lot line. <p>In addition to the above, the maximum height of other detached accessory buildings is 4.5 metres and the maximum permitted gross floor area for each is 10 square metres. This Section does not apply to a detached private garage or to any floor above the first storey of a detached private garage</p>
<p>Town of Newmarket</p>	<p>Building or Structure, Accessory: means a detached building or structure, the use of which is incidental, subordinate and</p>	<p>4.1.2 Accessory Buildings and Structures Accessory buildings, structures and uses are permitted in all zones subject to the following provisions:</p> <ul style="list-style-type: none"> i) The principle use, building or structure must already be established on the same lot. ii) No detached accessory building or structure may be used for human habitation or an occupation for gain, unless specifically permitted by this By-Law.

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures				
By-law 2010-40 June 1, 2010 Consolidated Nov, 2018	exclusively devoted to a main building or main use on the same lot. Height, Accessory Residential Structure: means the distance from the finished grade to the highest point of the structure Residential Structure, Accessory: means accessory structures that are not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal residential use or dwelling and located on the same lot therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; private play structure; gazebo; dog house or dog run; private greenhouse; shed; patio shelter; portable tent structures; standalone antennae or satellite dishes; fuel tank with a capacity of less than 1500L; and, standalone solar panels; but shall not include a detached garage or any mechanical equipment as defined	ii) Unless otherwise specified, accessory buildings, structures and detached garages shall comply with the following requirements. iii) Accessory buildings and structures are not permitted additional encroachment under Section 4.2 for structure or ornamental features.				
		Permitted feature or structure	Measure	Requirement		
		Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located		
		Detached garage in a residential zone	Height	Lesser of 4.6 metres or the height of the main building on the lot		
		Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2		
		Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total area or 75% of the ground floor area of the main building on the lot.		
		Accessory buildings or structures	Height	Residential zones: Lesser of 4.6 metres or the height of the main building on the lot.		
		Accessory buildings or structures	Corner lot	Commercial or Employment Zone abutting nay Residential zone: Distance equal to the minimum required front yard of the abutting residential zone.		
				iv) Notwithstanding Section 4.1.2 (iii) above, accessory structures in a residential zone shall be setback from the lot line in accordance with the requirements of Section 4.2 of this By-Law. v) The total lot coverage of all Accessory Buildings and Structures on a lot shall be as follows: Residential zones: the lesser of 15% of the total lot area or 75% of the ground floor. vi) The maximum height of an accessory building or structure shall be as follows: Residential zones: the lesser of 4.6 metres or the height of the main building on the lot. vii) Notwithstanding any other provision of this By-law, the setback for accessory buildings or structures on a corner lot shall be as follows: Residential zones: minimum 4.5 metres from the flanking street line for rear yard or exterior side yards viii) When an accessory building is made up in whole or in part of shipping container(s), the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.		

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures									
	<p>under air conditioner or privacy screens erected on the ground.</p> <p>Shipping Container: means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.</p>	<p>4.2 Encroachments into Required Yards The following accessory, structural and ornamental structures to a principal building are permitted to encroach into any required yard in accordance with the following provisions: <i>Note: Below only includes the provisions that apply to residential accessory structures.</i></p> <table border="1" data-bbox="857 459 2494 688"> <thead> <tr> <th>Permitted Structure or Feature</th> <th>Applicable Required Yard(s)</th> <th>Required Setback or Permitted Encroachment</th> </tr> </thead> <tbody> <tr> <td>Residential Accessory Structures up to 2.8 metres in height (*1)</td> <td>Rear or side yard</td> <td>No closer than 1.0 metre from the rear or side lot line.</td> </tr> <tr> <td>Residential Accessory Structures greater than 2.8 metres up to 4.6 metres in height (*1)</td> <td>Rear or side yard</td> <td>No closer than 2.4 metres from the rear or side lot line.</td> </tr> </tbody> </table> <p>(*1) As defined under Section 3 Height, Accessory Residential Structure</p> <p>Where an encroachment is permitted, it is subject to the following conditions:</p> <ul style="list-style-type: none"> i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that: <ul style="list-style-type: none"> a. Any deck is constructed of a floor with slats and spaces between them and not a solid floor b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same. ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure. 	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Residential Accessory Structures up to 2.8 metres in height (*1)	Rear or side yard	No closer than 1.0 metre from the rear or side lot line.	Residential Accessory Structures greater than 2.8 metres up to 4.6 metres in height (*1)	Rear or side yard	No closer than 2.4 metres from the rear or side lot line.
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment									
Residential Accessory Structures up to 2.8 metres in height (*1)	Rear or side yard	No closer than 1.0 metre from the rear or side lot line.									
Residential Accessory Structures greater than 2.8 metres up to 4.6 metres in height (*1)	Rear or side yard	No closer than 2.4 metres from the rear or side lot line.									
<p>Town of Oakville</p> <p>By-law 2014-014</p> <p>Feb. 25, 2014</p>	<p>Accessory Building or Structure: means a building or structure used for an accessory purpose, including a detached private garage, that is: a) located on the same lot as the primary use, building, or structure; and, b) is not used for human habitation or an occupation for gain or profit</p>	<p>6.5 Accessory Buildings and Structures The following regulations apply to accessory buildings and structures:</p> <p>6.5.1 General Provisions</p> <ul style="list-style-type: none"> a) An accessory building or structure shall be located on the same lot as primary use to which it is associated. b) An accessory building or structure shall not be used for human habitation or an occupation for gain or profit, unless otherwise permitted by this By-law. <p>6.5.2 Regulations</p> <ul style="list-style-type: none"> a) The maximum height for an accessory building or structure shall be 4.0 metres, measured from grade. 									

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	<p>unless otherwise permitted by this By-law.</p> <p>Private Garage: means a portion of a dwelling or a detached accessory building or structure accessory to a dwelling designed or primarily used for the parking of private motor vehicles, commercial vehicles, and/or recreational vehicles, and includes carports and portes-cochere.</p> <p>Shipping Container: means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes intermodal containers, bodies of transport trucks, or straight truck boxes.</p>	<p>b) In a front or interior side yard the minimum yard for an accessory building or structure shall be the same as for the dwelling on the lot.</p> <p>c) In a flankage or rear yard, the minimum yard from any lot line shall be 0.6 metres, provided that the accessory building or structure has a minimum separation distance of 2.0 metres from the dwelling.</p> <p>d) Notwithstanding subsections (a) above, an accessory building or structure shall have a maximum height of 2.5 metres, measured from grade, in the following locations:</p> <ul style="list-style-type: none"> i) A flankage yard; or, ii) That portion of a rear yard defined by a distance equal to the minimum flankage yard required for the dwelling in the applicable zone from the flankage lot line. <p>e) The maximum lot coverage shall be the greater of 5% of the lot area or 42.0 square metres of building area, except as specified otherwise by this By-law. This lot coverage shall be additional to the maximum lot coverage for the dwelling</p> <p>4.22 Shipping Containers</p> <ul style="list-style-type: none"> a) Shipping containers shall only be permitted on a lot where outside storage is a permitted use. b) A shipping container shall only be used as a building in conjunction with the following uses: <ul style="list-style-type: none"> i) Manufacturing; ii) Transportation terminal; and, iii) Warehousing.
<p>City of Burlington</p> <p>By-law 2020</p>	<p>Accessory Building or Structure: means a detached building or structure not used for human habitation, the use of which is naturally or customarily incidental</p>	<p><u>2.2 Accessory Buildings and Structures and Unitary Equipment</u></p> <p>2.2.1 The following regulations shall apply to buildings and structures, when accessory to detached, semi-detached, duplex, triplex, fourplex or street townhouse dwellings:</p> <ul style="list-style-type: none"> a) Regulations for Accessory Buildings up to 10 m² in floor area:

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	<p>and subordinate to, or exclusively devoted to a principal use, building or structure and located on the same lot therewith. Accessory Buildings may include a detached garage, workshop, shed or pool house. Accessory Structures may include arbours, gazebos, pergolas, play structures or detached car port exclusive of patios or decks.</p> <p>Car Port: means a private garage having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.</p>	<ul style="list-style-type: none"> • Setback from a side lot line abutting a street: 7.5 m • Setback from a rear lot line abutting a street: 90 cm • Setback from a front lot line: 15 m • Setback from any other lot line: no minimum • Maximum height: 2.5 m <p>b) Regulations for Accessory Buildings greater than 10 m² in floor area and/or greater than 2.5 m in height:</p> <p>(i) Not permitted in front yard, street side yard, or required side yard.</p> <p>(ii) Permitted in a rear yard subject to the following:</p> <ul style="list-style-type: none"> • Setback from a rear lot line: 1.2 m • Setback from a side lot line: 1.2 m • Setback from a street side yard: 7.5 m • Maximum roof overhang encroachment from a wall: 0.5 m • Maximum floor area: 50 m² • Maximum one storey: Maximum height (peaked roof): 4.6 m, Maximum height (flat roof): 3.5 m <p>(iii) Notwithstanding the required setback from a side lot line, the dividing wall of a semi-detached garage may be constructed on a side lot line.</p> <p>(iv) A detached swimming pool enclosure may be greater than 50 m² in area provided that the yard requirements for a principal building on the same lot shall apply to the pool enclosure.</p> <p>c) Regulations for Accessory Structures:</p> <p>(i) Not permitted in required front, side, street side yards.</p> <p>(ii) Permitted in a rear yard subject to the following:</p> <ul style="list-style-type: none"> • Setback from a rear lot line: 90 cm • Setback from a side lot line: 90 cm • Setback from a street side yard: 7.5 m • Maximum area: 42 m² • Maximum height: 3.7 m • Maximum roof overhang encroachment from a post: 0.5 m <p>2.2.2 For all other uses not mentioned in 2.2.1 and except where specified in the respective zone, the yard requirements for a principal building shall apply to accessory buildings and accessory structures.</p>

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
		<p>2.2.4 For all uses, accessory buildings and accessory structure may not be constructed of concrete or masonry blocks unless the blocks are decorative units or are covered with stucco or siding having a permanent colour finish.</p> <p>2.2.5 Setback from a side lot line: 60 cm Setback from a rear lot line: 60 cm Setback from a dwelling: 1.5 m maximum from the front wall Swimming pool equipment is not permitted in a front yard</p>
<p>Town of Ajax By-law 95-2003</p>	<p>Accessory Building or Structure: shall mean a detached building or structure that is subordinate to and customarily incidental to the principal building, structure or use on the same lot.</p>	<p>4.1.1 Accessory Buildings, Structures and Uses Accessory buildings, structures and uses are permitted in all zones subject to the following provisions:</p> <ul style="list-style-type: none"> i) The principle use, building or structure must already be established on the same lot; ii) No detached accessory building or structure may be used for human habitation or an occupation for gain, unless specifically permitted by this By-law; iii) Accessory buildings or structures shall not be permitted in a front yard; iv) Unless otherwise specified in this By-law, any accessory building or structure shall be setback a minimum of 0.6 metres from any rear or interior side lot line and a minimum of 5 metres from any exterior lot line; and, v) The total lot coverage of all accessory buildings and structures on a lot shall not exceed 10% of the lot area to a maximum gross floor area of 60.0 m², nor may any part of any accessory building or structure be located more than 4.5 metres above the established grade. However, in any Downtown Central Area Zone where a detached private garage is located in the rear yard of a single-use residential dwelling unit and is accessed from a rear lane, the garage may be permitted having a depth of up to 7.7 metres and a gross floor area of up to 45 square metres. vi) In any DCA/MU, DAC/RM1 or DCA/RM2 zone, where a non-apartment residential dwelling consists of double front units which are located either on a through lot or on a lot abutting a public street on one side and an Open Space Zone on the opposite side, no accessory building shall be permitted on the lot. <p>6.9.4: Private Garage and Driveway Requirements v) Garage Encroachments and Separation Requirements <ul style="list-style-type: none"> b) Where a detached private garage is located in the rear yard and accessed via a rear lane, the provisions of Section 4.1.1, as amended, shall apply, with the exception that such a garage may be setback 0.0 metres from one interior side lot line provided that it shares a common side all with a detached garage for an abutting unit within the same dwelling. No more than two </p>

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
		<p>detached private garages may be attached side-by-side to one another, and in all instances, a detached private garage shall be setback either a minimum of 1.2 metres from one interior side lot line or a minimum of 3.0 metres from an exterior side lot line.</p> <p>c) Where an individual detached private garage is provided for a dwelling unit in a residential condominium, the garage may be permitted having a depth of up to 7.7 metres and a gross floor area of up to 45.0 m², subject to the provisions of Section 6.9.6.</p> <p>d) A detached private garage located in the rear yard of a dwelling unit shall be separated from the associated dwelling unit by a minimum distance of 6.0 metres.</p> <p>6.9.6 Yard and Building Separation Requirements for Residential Plans of Condominium</p> <p>ii) Minimum Yard Setback for Detached Private Garage</p> <p>A detached private garage may be located at the rear of an associated dwelling unit, subject to the following provisions:</p> <p>a) The minimum and maximum distance separation between any part of a detached private garage and the rear wall of the associated dwelling unit is 6.0 metres and 9.0 metres respectively;</p> <p>b) The vehicle door opening faces a private road which runs generally parallel to the rear wall of the associated dwelling unit, and the vehicle door opening is located a minimum of 3.5 metres from a private road</p> <p>a) No more than two detached private garages associated with dwelling units in the same dwelling may be attached side-by-side, and share a common vertical party wall. d) Where the side wall of a detached garage is not attached to an abutting private garage and faces a private road, a minimum 3.0 metre yard adjacent to the garage shall be provided.</p>

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Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures		
City of Mississauga By-law	<p>Accessory Building: means a subordinate building or structure on the same lot as the main building, or subordinate to part of the main building and used exclusively for an accessory use.</p> <p>Carport: means an accessory building, structure or part thereof, the perimeter of which is more than forty percent (40%) unenclosed and which is used for the parking of motor vehicles.</p> <p><i>Note: there are no specific provisions for carport. This means provisions of accessory buildings and structures in section 4.1.2 are applied.</i></p>	4.1.2 Accessory Buildings and Structures (in Residential zones)		
		Table 4.1.2.2 – Accessory Buildings and Structures		
		Standard	Lot Area Greater than or equal to 750 m²	Lot Area less than 750 m²
		Maximum area occupied per accessory building and structure	20 m ²	10 m ²
		Maximum area occupied combined for all accessory buildings and structures	60 m ²	30 m ²
		Maximum lot coverage combined for all accessory buildings and structures	5% of the lot area, includes detached garage	N/A, includes detached garage
		Maximum height to the highest point of the building or structure	3.5 m	3.0 m
		Location	Not permitted between the front wall of the dwelling and the front lot line	
		Minimum setback to exterior side lot line	The exterior side yard regulations of the applicable zone shall apply	
		Minimum setback to interior lot line for accessory buildings and structures located in an interior side yard	The interior side yard regulations of the applicable zone shall apply	
		Minimum setback to interior side and rear lot lines for accessory buildings and structures located in the rear yard.	1.2 m	0.61 m
		4.1.2.3 Decks and balconies are not permitted on top, above or projecting from any part of an accessory building or structure.		
		4.1.2.4 For the purposes of Subsection 4.1.2, a deck, porch, balcony and/or detached garage shall not be considered to be an accessory building or structure.		
		4.1.2.5 For the purpose of Subsection 4.1.2, a building or structure, other than an attached garage, that is connected to a dwelling by an underground corridor or hallway, or by a corridor or hallway above grade with a width less than 5.0 m at any point, shall be considered an accessory building or structure.		

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Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures												
		<p>4.1.3 Play Equipment 4.1.3.1 Play equipment is permitted accessory to a detached, semi-detached, linked, duplex, triplex and street townhouse and shall comply with the regulations contained in Table 4.1.3.1 - Play Equipment Regulations.</p> <p>Table 4.1.3.1 – Play Equipment Regulations</p> <table border="1" data-bbox="857 529 2462 859"> <thead> <tr> <th data-bbox="857 529 1790 565">Standard</th> <th data-bbox="1790 529 2462 565">Permission</th> </tr> </thead> <tbody> <tr> <td data-bbox="857 565 1790 600">Maximum area occupied</td> <td data-bbox="1790 565 2462 600">5.5 m²</td> </tr> <tr> <td data-bbox="857 600 1790 675">Maximum height from established grade to the highest point of the structure</td> <td data-bbox="1790 600 2462 675">3.0 m</td> </tr> <tr> <td data-bbox="857 675 1790 711">Location</td> <td data-bbox="1790 675 2462 711">Rear yard only</td> </tr> <tr> <td data-bbox="857 711 1790 820">Maximum percentage of the total perimeter of the play equipment permitted to be enclosed by wall as, doors and/or windows but excluding screening</td> <td data-bbox="1790 711 2462 820">50%</td> </tr> <tr> <td data-bbox="857 820 1790 859">Minimum setbacks to interior side and rear lot lines</td> <td data-bbox="1790 820 2462 859">0.61 m</td> </tr> </tbody> </table> <p>4.1.3.2 Play equipment accessory to a detached, semi-detached, linked, duplex, triplex and street townhouse that does not comply with the regulations contained in Table 4.1.3.1 - Play Equipment Regulations shall be considered to be an accessory building or structure and shall comply with the regulations contained in Table 4.1.2.2 - Accessory Buildings and Structures.</p>	Standard	Permission	Maximum area occupied	5.5 m ²	Maximum height from established grade to the highest point of the structure	3.0 m	Location	Rear yard only	Maximum percentage of the total perimeter of the play equipment permitted to be enclosed by wall as, doors and/or windows but excluding screening	50%	Minimum setbacks to interior side and rear lot lines	0.61 m
Standard	Permission													
Maximum area occupied	5.5 m ²													
Maximum height from established grade to the highest point of the structure	3.0 m													
Location	Rear yard only													
Maximum percentage of the total perimeter of the play equipment permitted to be enclosed by wall as, doors and/or windows but excluding screening	50%													
Minimum setbacks to interior side and rear lot lines	0.61 m													
<p>City of Cambridge Draft By-law, May, 2019</p>	<p>Accessory building or structure: a detached building or structure, the use of which is customarily incidental to, subordinate to, or exclusively devoted to the principal use or building, located on the same lot.</p> <p>Shipping container: a freight container that is used for the transportation and storage of goods and materials which are</p>	<p>4.1 Accessory Buildings and Structures Unless otherwise specified, accessory buildings or structures are permitted in all zones and are subject to the following provisions:</p> <p>a) No accessory building or structure can be erected on a lot prior to the erection of the principal building on the lot.</p> <p>b) No accessory building or structure can be used for human habitation or as a home occupation, unless expressly permitted by this By-law.</p> <p>c) No accessory building or structure or part thereof can be located:</p> <ul style="list-style-type: none"> i) Within a public easement; ii) Any closer to the front or exterior side lot line than the principal building; iii) Within the required front and exterior side yards; and, iv) Within 1.0 metre from the principal building on the lot. 												

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Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures																
	<p>loaded onto trucks, trains or ships for the purpose of moving of goods and materials. A shipping container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a shipping container does not have wheels or include a motor vehicle or a transport trailer.</p>	<p>d) The erection of a tent that is designed to cover a motor vehicle is not permitted in the front or exterior side yard and if located in an interior side yard or rear yard, shall be located no closer than 1.2 metres from the rear lot line and interior side lot line.</p> <p>e) An accessory building or structure in an interior side yard shall be located no closer than 1.2 metres from the interior side lot line.</p> <p>f) An accessory building or structure in a rear yard shall be located no closer than 1.2 metres from the rear lot line and interior side lot line.</p> <p>g) Notwithstanding the above, an accessory building or structure in an Employment Zone shall be located no closer to a Residential Zone boundary than what is required for the- principal building from that same Residential Zone boundary.</p> <p>h) The maximum height of an accessory building or structure shall be in accordance with the Table below:</p> <table border="1" data-bbox="881 638 2403 821"> <thead> <tr> <th data-bbox="881 638 951 711">-</th> <th data-bbox="951 638 1284 711">Zone</th> <th data-bbox="1284 638 1814 711">Maximum height of accessory buildings (excluding detached private garages)</th> <th data-bbox="1814 638 2403 711">Maximum height of detached private garages</th> </tr> </thead> <tbody> <tr> <td data-bbox="881 711 951 745">1.</td> <td data-bbox="951 711 1284 745">Agricultural and Rural</td> <td data-bbox="1284 711 1814 745">11.0 metres</td> <td data-bbox="1814 711 2403 745">11.0 metres</td> </tr> <tr> <td data-bbox="881 745 951 779">2.</td> <td data-bbox="951 745 1284 779">Employment</td> <td data-bbox="1284 745 1814 779">13.0 metres</td> <td data-bbox="1814 745 2403 779">N/A</td> </tr> <tr> <td data-bbox="881 779 951 821">3.</td> <td data-bbox="951 779 1284 821">All other zones</td> <td data-bbox="1284 779 1814 821">4.5 metres</td> <td data-bbox="1814 779 2403 821">5.0 metres</td> </tr> </tbody> </table> <p>i) The total lot coverage of all accessory buildings or structures, including detached private garages, shall not exceed 10% of the lot area.</p> <p>j) No more than one detached private garage is permitted on a lot in a Residential Zone.</p> <p>k) No more than three detached accessory buildings or structures are permitted on a lot in any Residential Zone.</p> <p>l) Awnings, canopies, cornices, coves, belt courses, eaves, gutters, pilasters, sills, or weather-shielding structures are permitted to extend into any setback area required for a detached accessory buildings or structures by no more than 0.6 metres.</p> <p>4.20 Shipping Containers</p> <p>a) Notwithstanding any other provision in this By-law, the temporary placement of one shipping container is permitted per lot in a Residential Zone provided the shipping container:</p> <ul style="list-style-type: none"> i) Is located on the driveway; ii) Is set back a minimum of 1.0 metre from any lot line; iii) Has a maximum height of 2.5 metres, a maximum width of 2.5 metres and a maximum length of 6.0 metres; and iv) Is not located on the lot for more than 30 days in a calendar year. <p>b) Notwithstanding any other provision in this By-law, the placement of shipping containers is permitted in a Commercial Zone for no more than 60 days in a calendar year provided the shipping container is located no closer to a Residential Zone boundary than what is required for the principal building from that same Residential Zone boundary.</p>	-	Zone	Maximum height of accessory buildings (excluding detached private garages)	Maximum height of detached private garages	1.	Agricultural and Rural	11.0 metres	11.0 metres	2.	Employment	13.0 metres	N/A	3.	All other zones	4.5 metres	5.0 metres
-	Zone	Maximum height of accessory buildings (excluding detached private garages)	Maximum height of detached private garages															
1.	Agricultural and Rural	11.0 metres	11.0 metres															
2.	Employment	13.0 metres	N/A															
3.	All other zones	4.5 metres	5.0 metres															

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Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
		<p>c) Notwithstanding any other provision in this By-law, the placement of shipping containers is permitted in an Industrial Zone where outdoor storage is permitted provided the shipping container is located no closer to a Residential Zone boundary than what is required for the principal building from that same Residential Zone boundary.</p>
<p>City of Brantford</p>	<p>Accessory Building: shall mean any building the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such building is located; and such accessory building shall be separate from the main building on the lot on which both are located.</p> <p>Accessory Structure: shall mean any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the main building or to the principal use of the lot on which such building is located; and such accessory structure shall be separate from the main building on the lot on which both are located.</p> <p>Shipping Container: shall mean a freight container that is used for the trains or ships for the purpose</p>	<p>6.3 Accessory Uses, Buildings, and Structures Where this Bylaw permits the use of any lot, or the erection or use of any building or structure, that purpose shall include any accessory use, accessory building, or accessory structure, except as otherwise specified herein, subject to the following regulations:</p> <ol style="list-style-type: none"> 1. The maximum lot coverage of all accessory buildings and structures shall be 10%. 2. Notwithstanding Section 2.2.10, the maximum height measured from the finished grade level to the highest point of an accessory building or structure shall be: <ol style="list-style-type: none"> 1. All Residential Zones: 4.5 m 2. All Institutional Zones: 4.5 m 3. All Commercial Zones: 6.0 m 4. All Industrial Zones: 6.0 m 5. All Open Space Zones: 4.5 m 6. Accessory dwellings in other than a Residential Zone: 2 storeys 3. In Residential Zones, no accessory building or structure shall be located: <ol style="list-style-type: none"> 1. In a required front yard or required exterior side yard, except a gate house in a RHD Zone. 2. Closer than 0.6 m to an interior lot line. 3. Closer than 0.6 m to a rear lot line, or, in the case of a through lot, no closer than 0.6 metres to a public laneway. 4. Closer than 1.5 m to any main building or structure on the lot. 4. No accessory building or structure shall be used for a habitable room, or for the purposes of a home occupation, excluding an accessory dwelling unit, unless otherwise permitted by this By-law. 5. Notwithstanding Section 6.3.1.1, a deck with a maximum height of 1.2 m above the mean elevation of the area below the deck shall not be included in the calculation of maximum lot coverage. <p>6.33 Shipping Containers</p>

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	<p>of moving goods and materials. A Shipping</p> <p>transportation and storage of goods and materials which are loaded onto trucks,</p> <p>Container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a Shipping Container does not have wheels and does not include a motor vehicle or a transport trailer.</p>	<p>The permanent placement of shipping containers as accessory structures for any Residential Use as defined in Section 2.18.5 shall be prohibited.</p> <p>The temporary placement of shipping containers as accessory structures for any Residential Use as defined in Section 2.18.5 shall be permitted, subject to the following regulations:</p> <ol style="list-style-type: none"> 1. The maximum size of a shipping container shall be 2.5 metres in height, 2.5 metres in width and 6 metres in length. 2. The maximum number of shipping containers shall be 1 per lot. 3. The shipping container shall be placed no closer than 1 metre to any lot line. 4. The maximum duration for the temporary placement of a shipping container for any purpose other than that set out in Section 6.1.1.4 shall be 30 days per calendar year.
<p>City of Kitchener</p> <p>Zoning By-law 2019-051</p>	<p>Accessory – means a <i>use</i> or <i>building</i> that is commonly incidental, subordinate, and exclusively devoted to the <i>principal use(s)</i> or <i>primary building(s)</i> situated on the same <i>lot</i>.</p> <p>Building – means a <i>structure</i> occupying an area equal to or greater than 10 square metres and consisting of any combination of</p>	<p>4.1 ACCESSORY BUILDINGS AND STRUCTURES</p> <p>a) Unless otherwise provided for in this By-law, no <i>accessory building</i> or <i>structure</i> shall be used for human habitation.</p> <p>b) <i>Accessory buildings</i> or <i>structures</i> to <i>dwelling units</i> having a maximum <i>gross floor area</i> of 10 square metres or less and a maximum <i>height</i> of 3 metres are permitted within a required <i>rear yard</i> or a required <i>interior side yard</i>.</p> <p>c) <i>Accessory buildings</i> and <i>structures</i> to <i>dwelling units</i> with a <i>building height</i> greater than 3 metres shall be located a minimum of 0.6 metres from an <i>interior side lot line</i> and <i>rear lot line</i>.</p> <p>d) For <i>accessory buildings</i> to <i>single detached dwellings</i>, <i>semi-detached dwellings</i>, and <i>street townhouse dwellings</i>, with or without a <i>second dwelling unit (attached)</i>, or <i>second dwelling unit (detached)</i>, and to <i>multiple dwellings</i>, the maximum height of the shortest exterior wall shall be 3 metres, the maximum <i>building height</i> shall be 5.5 metres, and the maximum <i>lot coverage</i> shall be 15 percent.</p>

Appendix C: Area Municipal Plan Comparison of Residential Accessory Structure Zoning Provisions

Municipality & Zoning By-law	Relevant Definitions in Zoning By-law	Zoning By-law Provisions for Accessory Buildings and Structures
	<p>walls, roof, and floor, but shall not include a <i>shipping container</i>.</p> <p>Structure – means anything constructed or erected, the <i>use</i> of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility.</p> <p>Shipping Container – means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include cargo containers and truck trailers.</p>	<p>e) <i>Accessory buildings</i> or <i>structures</i> to <i>dwelling units</i> shall not be located in a <i>front yard</i> or <i>exterior side yard</i>.</p> <p>4.15.8 Shipping Container</p> <p>a) A <i>shipping container</i> shall not be located on a <i>lot</i> in a <i>residential zone</i>.</p> <p>b) Despite Subsection a), a <i>shipping container</i> may be permitted on a <i>driveway</i> within a <i>residential zone</i> for a period not exceeding 30 days in any given year, provided that the <i>shipping container</i> is not located within or blocking access to a required <i>parking space</i>, and that the <i>shipping container</i> is located a minimum of 0.6 metres from a <i>street line</i>.</p> <p>c) Where a <i>shipping container</i> is converted and <i>used</i> as a construction material for a residential <i>dwelling</i> subject to the Ontario Building Code, it is a <i>building</i>.</p>

Appendix D: Survey Questions

1. How many permanent residential accessory structures should be allowed on a residential property?
 - a. Only one
 - b. Two
 - c. Three or more
 - d. Depends on the size of the accessory structure
 - e. Depends on the size of the property
 - f. Other (please specify)

2. Presently, residential accessory structures are only allowed in the rear and interior side yards. Do you think accessory structures should also be allowed in the side yard that faces the street (this applies only to corner lots)?
 - a. Yes
 - b. No

3. If residential accessory structures are to be permitted in the side yard that faces the street (exterior side yard), which of the following would you want regulated?
 - a. The height of the residential accessory structure
 - b. The floor area of the residential accessory structure
 - c. The setback of the residential accessory structure from the exterior lot line
 - d. All of the above
 - e. None of the above

4. The City currently permits residential accessory structures a total lot coverage of 5%. Do you think the City should regulate the lot coverage of residential accessory structures? Please select only one of the following:
 - a. Maintain this percentage
 - b. Increase this percentage
 - c. Decrease this percentage
 - d. Do not regulate percentage

5. In addition to lot coverage, do you think the City should regulate the maximum floor area of each residential accessory structure?
 - a. Yes
 - b. No
 - c. Other (please specify)

6. The City currently allows residential accessory structure up to a maximum building height of 3.6 metres (11.8 feet) for peaked roofs and 2.75 metres (9.0 feet) for flat roofs. What do you think the City should do? Please select only one of the following:
 - a. Increase the height
 - b. Decrease the height
 - c. No change to the height
 - d. Other (please specify)

Appendix D: Survey Questions

7. What should the maximum height of residential accessory structure be based on? Please select only three of the following:
 - a. The floor size of the residential accessory structure
 - b. The wall height of the residential accessory structure
 - c. Whether the roof is flat or peaked
 - d. The setback of the residential accessory structure from the property lines
 - e. Other (please specify)

8. Should temporary residential accessory structures be regulated by the Zoning By-law? Please select only one of the following:
 - a. Only structures that are not permanently anchored to the building or ground
 - b. Only structures that are permanently anchored to the building or ground
 - c. None of the above

9. How many temporary structures should be permitted on a residential property? Please select only 3 of the following:
 - a. Only one
 - b. More than one
 - c. Depends on the size of the temporary structure
 - d. Depends on the size of the property
 - e. Other (please specify)

10. Where do you think temporary structures should be located on a property? Please select all that apply:
 - a. In the rear yard
 - b. In the side yard
 - c. In the exterior side yard
 - d. Other (please specify)

11. What do you think is an appropriate length of time for temporary residential accessory structures to be on a property? Please select only one of the following:
 - a. No time limit
 - b. Between one and two years
 - c. Less than one year
 - d. Only by season (e.g. April to October)
 - e. Other (please specify)

12. Should there be separation distances applied to temporary structures? Please select only two of the following:
 - a. From the property line
 - b. From the main house
 - c. From other accessory structures
 - d. From other temporary structures

Appendix D: Survey Questions

- e. All of the above
- f. Other (please specify)

13. What are you most concerned with when it comes to residential accessory and temporary structures? Please select only four of the following:

- a. Blocking views
- b. Shadowing
- c. Height of the structure
- d. Overall dimensions of the structure (length and width)
- e. Located too close to the property lines
- f. Located too close to the existing house
- g. Other (please specify)

14. What type of residence do you currently live in?

- a. Single detached
- b. Semi-detached
- c. Townhouse
- d. Other