Township of Cavan Monaghan

Zoning By-law Project

Review and Update

Discussion Paper 3

Definitions • General Provisions • Parking

Draft – May 2017

13.1 “Accessory Building” shall mean a detached building that is clearly incidental, subordinate and exclusively devoted to a main building or use and located within the same lot.

13.2 “Accessory Use” shall mean a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot and includes an attached private garage or carport.

13.3 “Agricultural Building” shall mean any building or structure customarily used in connection with a farm other than a residence.
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Project Background

The existing Township of Cavan Monaghan Zoning By-law No. 2004-62 was approved in 2004 and has been subject to a significant number of amendments over the past 12+ years. Since 2004, several new legislative and policy documents have been approved including the new (2015) Township Official Plan. In accordance with Planning Act requirements, the Township is undertaking a review and update of its Zoning By-law to conform with the Official Plan. In addition, this is an opportunity for the Township to implement, where appropriate, a number of local strategies and plans including the Township’s Corporate Strategic Plan, Parks and Recreation Master Plan, Downtown Millbrook Revitalization Plan, and Accessibility Plan.

What is a Zoning By-law?

A Zoning By-law is a legally enforceable document containing regulations and maps, and consists of a series of zones in a range of categories (e.g. residential, commercial, industrial/employment, institutional, agricultural/rural, environmental, etc.). A Zoning By-law is used by municipalities to implement the policies of the Official Plan and control:

- the use of land, buildings and structures
- the type, bulk, height, size, floor area, spacing, character and location of buildings and structures permitted
- minimum and maximum density
- lot sizes and dimensions
- parking and loading requirements

Zoning By-laws are used by a wide variety of people including planners, building officials, by-law enforcement officers, Councillors, residents, agencies, land owners, developers, business owners, lawyers, architects and real estate agents.

Project Purpose

The Township has initiated a comprehensive review of the Zoning By-law intended to create a new up-to-date and contemporary By-law by:

- implementing Provincial, County and Township plans and policies
- addressing local issues and opportunities such as economic development, increasing housing opportunities, and protection of community character
- implementing innovative and flexible zoning techniques
- eliminating duplication, redundancy and contradictions
- creating regulations that are easy to understand, interpret and enforce
- utilizing best practices from other jurisdictions
- establishing an effective public consultation program

Project Work Plan
The Township’s Zoning By-law Project consists of two Phases:

Phase 1

A Background Analysis and Issues Identification
- Identify Preliminary Issues
- Best Practices Review of other Zoning By-laws

B Consultation on the Themes, Issues and Options
- Public Open House #1
- Discussion Papers Focused on Key Issues
- Public Open House #2
- Presentation to Council

Discussion Papers
The Township has prepared a series of Discussion Papers to encourage and inform a community-wide discussion about the Cavan Monaghan Zoning By-law Review Project. Each Discussion Paper provides relevant background and contextual information, and identifies opportunities and issues. As opportunities and issues are identified in each Paper, they are highlighted in the following manner.

Issue
There may be the need to....

Discussion Papers
#1 Planning Context
#2 Format, Structure, Mapping & Exceptions
#3 Definitions, General Provisions & Parking>Loading
#4 Residential and Hamlets
#5 Millbrook Community Core
#6 Commercial & Industrial
#7 Agricultural / Rural Area
#8 Natural Heritage, Open Space & Recreation
To assist in the development of options and recommendations to address these opportunities and issues, relevant trends, best practices and input from the community and stakeholders are considered in these Discussion Papers. Recommendations are presented through a series of proposed ‘Directions’.

### General Provisions – Proposed Direction #1
That the new Zoning By-law include.....

### Purpose of this Discussion Paper
The purpose of this Discussion Paper is to:

- provide recommendations to update and improve definitions by implementing relevant legislation and upper-tier Plans, address outdated terminology, improve clarity, and improve the organization/presentation of definitions
- discuss and provide options and recommendations to address issues related to the General Provisions section of the By-law

### We Need Your Input!
Engaging residents and stakeholders is one of the goals in the Township’s Corporate Strategic Plan. We are seeking your input on the draft Discussion Papers and throughout the project Work Plan. Please provide your comments, ideas and suggestions to:

**Ms. Karen Ellis, Director of Planning**  
**Township of Cavan Monaghan**  
**988 County Road 10, Millbrook, ON, L0A 1G0**  
**705-932-9334**  
**kellis@cavanmonaghan.net**

Please also visit the Township’s website at [www.cavanmonaghan.net](http://www.cavanmonaghan.net) for future updates related to the project.
Executive Summary

The purpose of this Discussion Paper is to provide recommendations to update and improve definitions by implementing relevant legislation and upper-tier Plans, address outdated terminology, improve clarity, and improve the organization/presentation of definitions. This Paper also discusses and provides options and recommendations to address issues related to the General Provisions section of the By-law.

Definitions

The following points summarize how definitions can be updated in the new Zoning By-law:

- Definitions in the new Zoning By-law should: implement Provincial Plans and Legislation, and Official Plan policies where appropriate; reflect contemporary terminology; and provide definitions for all land use terms in the By-law.
- The new Zoning By-law should list definitions (without a numbering system) to avoid the need for the complex re-numbering of all definitions any time a definition is added or removed in the future.

General Provisions

The following points summarize how general provisions can be updated in the new Zoning By-law:

Accessory Apartments and Garden Suites

- The new Zoning By-law should permit an accessory apartment in any single detached or semi-detached dwelling and include provisions to:
  - define ‘accessory apartment’
  - regulate the size of the accessory apartment relative to size of the dwelling in which it is located
  - require adequate parking
  - require appropriate servicing
- The new Zoning By-law should state that where permitted through approval of a temporary use by-law, garden suites are subject to provisions to:
  - allow garden suites only when accessory to an existing single detached dwelling
  - regulate maximum size based on a maximum percentage of the main single detached dwelling and a maximum gross floor area
• establish appropriate minimum yard setbacks
• prohibit any garden suite from locating closer to a front or flank (exterior) lot line than the main single detached dwelling
• establish a maximum height requirement

**Accessory Use, Buildings and Structures**

• The new Zoning By-law should add accessory uses, buildings and structures as a permitted use in the Rural Residential (RR), Estate Residential (ER), Highway Commercial (HC) and Airport (A) Zones.

• The Township should consider increasing the current five percent maximum lot coverage requirement for accessory buildings and structures as it relates to residential lots and introduce a ‘sliding scale’ for accessory buildings and structures to provide more appropriate lot coverage requirements on larger, non-residential lots.

**Home Occupation Uses and Home-based Businesses**

• The Township should consider restricting home-based businesses to dwelling units only, but permit in dwelling units and accessory buildings on lands zoned Rural (RU) and Agricultural (A).

• The Township should consider permitting one non-resident employee to be engaged in home occupations and home industries, and regulating the floor area of home occupation uses by establishing a regulation based on a percentage of the total floor area of the dwelling. The Township should also establish a floor area cap, in conjunction with the percentage regulation, to ensure home businesses are small in scale.

• The home occupation and home industries sections of the new Zoning By-law should specifically prohibit certain uses such as motor vehicle related uses (including motor vehicle repair and body shops), restaurants, salvage yards and contractor yards.

**Kennels**

• The Township should consider:
  • continuing to permit kennels as-of-right in the RU and A Zones, or
  • only permitting kennels in the A Zone, or
• no longer permitting kennels as-of-right in either Zone and require a site-specific amendment to the Zoning By-law to establish a kennel use

• The Township should consider adding provisions to either the Zoning By-law or By-law 2013-72 to further regulate kennels by establishing a minimum lot area, maximum lot coverage, maximum floor space/area and maximum height of kennel building.

**Shooting Ranges**

• The new Zoning By-law should include appropriate definition(s), specifically prohibit shooting and shooting ranges in Millbrook and any hamlet, and require an amendment to the Zoning By-law to permit such uses.

**Parking**

• The parking provisions of the Zoning By-law should be updated to:
  • ensure that parking standards are provided for all residential and non-residential land uses (including bicycle space requirements where appropriate)
  • standardize the way non-residential parking space requirements are calculated, based on a common and easily measurable standard
  • include innovative regulations to support economic development in areas with limited parking through the use of shared parking and exemption provisions
  • require a minimum amount of internal landscaping in larger parking lots to reduce large expanses of pavement, and provide opportunities for infiltration and reduction of urban heat island effects
  • include provisions to regulate the location of required loading spaces and specify areas where loading spaces are prohibited
  • include provisions to regulate the parking of commercial motor vehicles, recreational vehicles and boats in residential areas
  • include provisions for accessible parking

**Shipping Containers**

• The new Zoning By-law should include provisions to regulate or prohibit shipping containers in the Township.
1.0 Definitions

Definitions are important components of any zoning by-law since they are used to help us understand land uses and regulations, and how each should be implemented. Specifically, definitions:

- are used to assist in the implementation of Provincial and official plan policies
- provide direction for determining property characteristics and measurements (such as number of storeys, building setbacks, yards), and building types (such as primary versus accessory buildings, or single detached dwellings versus secondary suites)
- provide clarity with respect to uses that are permitted by specifying what does and does not constitute a ‘use’
- provide clarity with respect to uses that are not permitted - if a use is defined in a zoning by-law but not identified as a permitted use in a zone, then that use is not permitted

Definitions are provided in Sections 13 and 13A (Oak Ridges Moraine) of the current By-law. Exactly where definitions should be placed in the new By-law is discussed in Discussion Paper #2. Where there is a conflict between definitions in Sections 13 and 13A as it applies to lands in the Oak Ridges Moraine Conservation Plan Area, the current By-law stipulates that definitions in Section 13A shall prevail.

Definitions in the current By-law fall under a range of categories including:

- Land Use – (e.g. ‘clinic’ or ‘place of worship’)
- Regulation Components – often related to a numerical standard (e.g. ‘floor area, gross’ or ‘yard’)
- Parking Related – (e.g. ‘parking area’ or ‘loading space’)
- Legal or Condition – (e.g. ‘non-conforming’)

Definitions are provided in alphabetical order. Some classes of definitions are listed in reverse order based on multiple use of a common term. For example, there are multiple definitions for different types of ‘yards’. Instead of listing them alphabetically (e.g. exterior side yard, front yard, minimum front yard, etc.), the current By-law identifies these terms by identifying the common term first (i.e. ‘yard’) to group this class of definitions, as shown in the excerpt below.
1.1 Review of Existing Terms and Definitions

A preliminary analysis of existing definitions has been completed, and several general issues have been identified, as shown in Table 1.1 below. General approaches/options for dealing with the issues are also identified.

Table 1.1: Terminology and Definitions Analysis – Key Issues, Examples, and Options

<table>
<thead>
<tr>
<th>Issues</th>
<th>Examples from Existing Zoning By-law</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some terminology and associated definitions from recent Provincial Legislation or Plans, and the new Township Official Plan that are not used or defined in the Township’s Zoning By-law.</td>
<td>The term ‘agriculture related uses’ as established by the 2014 Provincial Policy Statement is not included in the existing By-law.</td>
<td>Terminology and definitions from Provincial Legislation or Plans, and the Township Official Plan should be implemented in the new By-law, where appropriate.</td>
</tr>
<tr>
<td>Some of the existing definitions refer to outdated Provincial legislation.</td>
<td>The definition of ‘liquor licensed premises’ in the current By-law refers to the Liquor License Act, R.S.O., 1980. The reference should be updated to R.S.O., 1990 (if the reference to another piece of legislation is maintained).</td>
<td>Where outdated legislation is referenced, it should be updated or removed as appropriate.</td>
</tr>
<tr>
<td>Issues</td>
<td>Examples from Existing Zoning By-law</td>
<td>Option</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Due to the age of the existing By-law, some terminology is outdated and not consistent with contemporary best practices.</td>
<td>The term ‘eating establishment’ is currently used in the existing By-law however, a more contemporary term for this use is ‘restaurant’.</td>
<td>Where existing terminology is outdated, it should be updated based on contemporary best practices.</td>
</tr>
<tr>
<td>There are some land uses not defined in the current By-law or definitions are provided for similar land use terms.</td>
<td>‘Building supply sales’ is a permitted use in the Highway Commercial (HC) Zone however, is not defined in the By-law. However, a definition for ‘building supply outlet’ is provided.</td>
<td>All uses referenced in the By-law should be associated with a clear definition.</td>
</tr>
</tbody>
</table>

Notwithstanding the issues identified above, it is also noted that many of the definitions in the Township’s existing Zoning By-law are suitable as-is and should be carried forward.

**Definitions – Proposed Direction #1**

That the Township update definitions in the new Zoning By-law to:

- implement Provincial Plans and Legislation, and Official Plan policies where appropriate
- reflect contemporary terminology
- provide definitions for all land use terms in the By-law

### 1.2 Organizing Definitions

#### 1.2.1 Numbering

The current Township Zoning By-law employs a numbering system in the Definitions Section as shown in the excerpt below:
The Township should consider eliminating the existing numbering system for definitions to avoid the need in the future to re-number all definitions when a new definition is added with future amendments. Definitions would simply be listed alphabetically – this is a common approach in many zoning by-laws today.

**Definitions – Proposed Direction #2**

That the new Zoning By-law list definitions (without a numbering system) to avoid the need for the complex re-numbering of all definitions any time a definition is added or removed in the future.
2.0 General Provisions

This project provides an important and timely opportunity to assess and update general provisions in the Township’s Zoning By-law. General provisions regulate uses and activities that may occur in multiple or all zones in the By-law.

2.1 Summary of General Provisions in the Current Zoning By-law

General Provisions are set out in Section 3 of the current Zoning By-law. The General Provisions section includes regulations for a wide range of uses, buildings and structures, and also provides regulations for parking and loading spaces and areas. The following table lists matters covered in the current General Provisions Section.

<table>
<thead>
<tr>
<th>Table 2.1 - General Provisions in the Current Zoning By-law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Communication Towers</td>
</tr>
<tr>
<td>Dwelling Units Below Grade</td>
</tr>
<tr>
<td>Dwelling Units Under Construction</td>
</tr>
<tr>
<td>Existing Buildings, Structures and Uses</td>
</tr>
<tr>
<td>Existing Lots - Lesser Requirements</td>
</tr>
<tr>
<td>External Design</td>
</tr>
<tr>
<td>Flood Susceptible Lands Within Developed Areas</td>
</tr>
<tr>
<td>Frontage on a Public Street</td>
</tr>
<tr>
<td>Wind Turbines</td>
</tr>
</tbody>
</table>

The scope of matters regulated in the existing General Provisions section is fairly typical for zoning by-laws in Ontario. However, this review provides an opportunity to improve certain regulations, eliminate regulations that are no longer relevant and add provisions to address matters currently not regulated. The following sections provide discussions of some of the specific issues and opportunities that have been identified with respect to general provisions in the existing By-law. The identification of existing general provisions
and specific issues requiring review as part of this project was based on input from members of the public, Township staff, Council and the Technical Advisory Committee.

2.2 General Provisions – Issues and Opportunities

2.2.1 Accessory Apartments and Garden Suites

In 2011, the Province enacted Bill 140 (the Strong Communities Through Affordable Housing Act) which amended, in part, the Planning Act by:

- requiring municipalities to implement official plan policies and zoning by-law provisions that allow second units in detached, semi–detached and townhouses, or as accessory units
- allowing municipalities to determine appropriate locations and performance standards for these units.

Garden suites (known also as granny flats) are temporary, portable single unit detached structures with bathroom and kitchen facilities. Bill 140 also amended the Planning Act to increase the maximum number of years a municipality may permit a garden suite on a property, from 10 to 20 years. The Planning Act also allows for municipalities to extend permissions for garden suites by three year increments.

There are no provisions in the current Zoning By-law regulating accessory apartments and garden suites.

Issue

There is the need to consider where second units should be permitted in the Township, and appropriate zoning provisions to regulate these units.

2.2.1.1 Key Considerations

Township Official Plan

Section 3.9 – Garden Suites and Accessory Apartments

- Garden suites and accessory apartments are permitted in all designations that permit residential units.
Within the Oak Ridges Moraine only an accessory unit within an existing detached dwelling shall be permitted. Outside of the Oak Ridges Moraine, an accessory garden suite as a separate unit is also permitted.

Council shall be satisfied that:

- The garden suite or accessory apartment is being permitted in conjunction with a single-detached dwelling unit and that the garden suite is secondary to the single-detached unit
- Parking is available and buffering can be provided where necessary
- The development will not adversely affect the character of the area and is designed to be in keeping with the character of the surrounding area

Definition of ‘garden suite’: “A one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”.

Section 4.1 – Residential Designation

Accessory apartments and detached accessory dwellings (garden suites) are permitted on a temporary basis

An accessory apartment may be permitted in conjunction with a single-detached or semi-detached dwelling subject to the regulations of the Zoning By-law and the following criteria:

- Adequate parking is available on the lot for both dwelling units without the loss of appropriate outdoor amenity areas and landscaping
- The accessory apartment is designed and located in such a manner so as not to have a negative impact on the character of the surrounding neighbourhood
- Municipal water and wastewater facilities are adequate and available
- On-site parking is provided in accordance with the Zoning By-law

Garden suites may be permitted in conjunction with a single-detached dwelling in the Residential designation provided that they satisfy requirements of Section 3.9. Garden suites shall not be subject to the density provisions of this Plan

2.2.1.2 Best Practices

Zoning provisions from a number of municipalities with respect to accessory apartments and garden suites have been reviewed. The following tables provide a representative cross-section of zoning regulations in other municipalities.
Table 2.2 - Comparison of Zoning Regulations in Other Municipalities – Accessory Apartments

<table>
<thead>
<tr>
<th>Accessory Apartments</th>
<th>Quinte West</th>
<th>Smith-Ennismore-Lakefield</th>
<th>Strathroy Caradoc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size of Accessory Apartment as Percentage of Main Dwelling</td>
<td>40 %</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Gross Floor Area</td>
<td>100 m²</td>
<td>65 m²</td>
<td>75 m²</td>
</tr>
<tr>
<td>Minimum floor area</td>
<td>25 m² + 8 m² for each bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum number of bedrooms</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibited on same lot with garden suite</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum outdoor private amenity space</td>
<td>7.5 m²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provisions that regulate unit size are commonplace in zoning by-laws to help ensure that any accessory apartment is secondary to the main dwelling in which it is located and maintains the character of the lot and the neighbourhood. There are a variety of other regulations that are used less consistently such as minimum floor area, maximum number of bedrooms and minimum outdoor private amenity space.

Table 2.3 - Comparison of Zoning Regulations in Other Municipalities – Garden Suites

<table>
<thead>
<tr>
<th>Garden Suites</th>
<th>Quinte West</th>
<th>Smith-Ennismore-Lakefield</th>
<th>Minto</th>
<th>Scugog</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size as Percentage of Main Dwelling</td>
<td>40%</td>
<td>65%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Gross Floor Area</td>
<td>100 m²</td>
<td>92.9 m²</td>
<td>60 m²</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td></td>
<td></td>
<td>2 ha</td>
<td></td>
</tr>
<tr>
<td>Minimum Interior Side Setback</td>
<td>Equal to Required Setbacks for main building</td>
<td>Same as main building</td>
<td>1.5 m</td>
<td>Same as main building</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------</td>
<td>----------------------</td>
<td>------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>Equal to Required Setbacks for main building</td>
<td>2.3 m</td>
<td>1.5 m</td>
<td>Same as main building</td>
</tr>
<tr>
<td>May not be located closer to front and exterior lot lines than main building</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location limited to…</td>
<td>Rear yard</td>
<td>Rear or side yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>35% of rear yard area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibited in Front or Exterior Side Yard</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum floor area</td>
<td>50 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum height</td>
<td>5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum outdoor private amenity space</td>
<td>7.5 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulations for gardens suites are typically more extensive in municipal zoning by-laws as compared to regulations for accessory apartments since garden suites are standalone dwelling units that have a higher potential to create land use impacts on adjacent properties. Most municipal zoning by-laws surveyed include provisions to regulate the size, location and height of garden suites.

2.2.1.3 Discussion

Section 3.9 of the Township Official Plan states that "garden suites and accessory apartments shall be permitted in all designations that permit residential units" and in conjunction with any single detached or semi-detached dwelling. On this basis, it is recommended that the new Zoning By-law permit an accessory apartment in any single detached or semi-detached dwelling subject to regulations that restrict the size of the apartment relative to the main dwelling and require appropriate parking. Typically, municipalities require one parking space for an accessory apartment in addition to parking required for the main dwelling.
It is also recommended that the new Zoning By-law clearly state that a garden suite is permitted in conjunction with an existing single detached dwelling but subject to the requirements for a Temporary Use By-law and the regulations to control maximum size, location and height. It is also recommended that the Township consider establishing a minimum size for garden suites.

General Provisions – Proposed Direction #1
That the new Zoning By-law permit an accessory apartment in any single detached or semi-detached dwelling and include provisions to:
• define ‘accessory apartment’
• regulate the size of the accessory apartment relative to size of the dwelling in which it is located
• require adequate parking
• require appropriate servicing

General Provisions – Proposed Direction #2
That the new Zoning By-law state that where permitted through approval of a temporary use by-law, garden suites are subject to provisions to:
• allow garden suites only when accessory to an existing single detached dwelling
• regulate maximum size based on a maximum percentage of the main single detached dwelling and a maximum gross floor area
• establish appropriate minimum yard setbacks
• prohibit any garden suite from locating closer to a front or flank (exterior) lot line than the main single detached dwelling
• establish a maximum height requirement

2.2.2 Accessory Buildings and Structures
2.2.2.1 Summary of Current Zoning Regulations
Accessory building and accessory use are defined in the current Zoning By-law as:

Accessory building – a detached building that is clearly incidental, subordinate and exclusively devoted to a main building or use and located within the same lot.
Accessory use – a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot and includes an attached private garage or carport.

Accessory uses are permitted in the following Zones in the current By-law:

<table>
<thead>
<tr>
<th>Residential Zones</th>
<th>Non-Residential Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Residential Type 1 (R1)</td>
<td>• Commercial (C)</td>
</tr>
<tr>
<td>• Residential Type 2 (R2)</td>
<td>• Recreational Commercial (RC)</td>
</tr>
<tr>
<td>• Residential Type 3 (R3)</td>
<td>• General Industrial (GM)</td>
</tr>
<tr>
<td>• Residential Type 4 (R4)</td>
<td>• Institutional (I)</td>
</tr>
<tr>
<td></td>
<td>• Open Space (OS)</td>
</tr>
<tr>
<td></td>
<td>• Rural (RU)</td>
</tr>
<tr>
<td></td>
<td>• Agricultural (A)</td>
</tr>
</tbody>
</table>

Section 3.1.1 of the current By-law sets out provisions to regulate accessory uses as summarized below:

- Accessory uses shall not include any occupation for gain or profit except where specifically permitted in the By-law
- An accessory building shall not be used as a dwelling unit except where specifically permitted in the By-law
- Accessory buildings and structures shall not be located in the minimum front yard required for the main building (except where a lot abuts a navigable waterway)
- Minimum rear and side yards – 1.5 metres (3 metres where the accessory building or structure exceeds 53.5 m² in size)
- Maximum height – 6 metres (15 metres in Agricultural or Rural Zone)
- Maximum lot coverage of all accessory buildings on a lot – 5%
- Maximum of 2 accessory buildings permitted on lot zoned Residential
### Table 2.4 - Summary of Approved Minor Variances – Accessory Buildings

<table>
<thead>
<tr>
<th>Minor Variance Type</th>
<th>Number of Variances</th>
<th>Percentage</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height of Accessory Building</td>
<td>1</td>
<td>11</td>
<td>Increased from 6 to 8 metres in R1 Zone</td>
</tr>
<tr>
<td>Maximum Lot Coverage for Accessory Building</td>
<td>4</td>
<td>44</td>
<td>Increased from 5% to: • 8% in R1 Zone • 8.5% in R1 Zone (2x) • 12.5% in R1 Zone</td>
</tr>
<tr>
<td>Minimum Rear Yard for Accessory Building</td>
<td>1</td>
<td>11</td>
<td>Reduced from 1.5 to 1 metre</td>
</tr>
<tr>
<td>Minimum Interior Side Yard for Accessory Building</td>
<td>2</td>
<td>22</td>
<td>Reduced from 1.5 to: • 0.76 metres in R1 Zone • 1.2 metres in RR Zone</td>
</tr>
<tr>
<td>Maximum Number of Accessory Buildings</td>
<td>1</td>
<td>11</td>
<td>Increased from 2 to 3 metres in R1 Zone</td>
</tr>
</tbody>
</table>

Summary of trends based on approved Minor Variances related to accessory uses, buildings and structures:
- Very few variances granted for relief from the current maximum height, minimum yard and maximum number of buildings requirements
- Almost half of the variances granted have been to provide relief to the maximum lot coverage requirement

### Issues / Opportunities

There is the need to consider the zones in which accessory uses, buildings and structures are permitted.

This is an opportunity to consider updating the Township’s regulations for accessory uses, buildings and structures based on best practices.
2.2.2.2 Key Considerations

**Township Official Plan**

**Section 3.1 – General Development Criteria**

- Where a land use is permitted, uses normally accessory to such use are also permitted
- Provisions and regulations regarding accessory uses, including size, type, location, height, mass, floor area, and spacing shall be included in the implementing Zoning By-law

2.2.2.3 Best Practices

We have reviewed zoning provisions from a number of municipalities with respect to accessory uses, buildings and structures. The following table provides a representative cross-section of zoning regulations in other municipalities.

**Table 2.5 - Comparison of Zoning Regulations in Other Municipalities – Accessory Uses, Buildings and Structures**

<table>
<thead>
<tr>
<th></th>
<th>Cavan Monaghan</th>
<th>Bracebridge</th>
<th>Douro-Dummer</th>
<th>Collingwood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>Equal to requirement for main building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Rear &amp; Side Yards</td>
<td>1.5 m</td>
<td>Equal to requirement for main building</td>
<td>1.5 m</td>
<td>1.0 m</td>
</tr>
<tr>
<td></td>
<td>3.0 m if accessory building &gt; 53.5 m²</td>
<td></td>
<td></td>
<td>3.0 m for non-residential zones</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>6.0 m</td>
<td>4.5 m and 6.7 m to roof peak</td>
<td>4.5 m</td>
<td>7.0 m in residential zones</td>
</tr>
<tr>
<td></td>
<td>15 m in A &amp; R Zones</td>
<td>7.5 m in A &amp; R Zones</td>
<td>Other zones – equal to requirement for main building</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage (%)</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Maximum Floor Area of Any Accessory Building</td>
<td>n/a</td>
<td></td>
<td>75 m² in Residential Zone</td>
<td></td>
</tr>
<tr>
<td>Maximum Number of Accessory</td>
<td>2</td>
<td>2 in R1 and R2 Zones</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>
2.2.2.4 Discussion

Where accessory uses, buildings and structures are permitted

Accessory uses, buildings and structures are currently permitted in the R1, R2, R3, R4, C, RC, GM, I, OS, RU and A Zones. Section 3.1 of the Official Plan states that “where a land use is permitted, uses normally accessory to such use are also permitted”. Therefore, the Township should consider adding accessory uses, buildings and structures as a permitted use in the Rural Residential (RR), Estate Residential (ER), Highway Commercial (HC) and Airport (A) Zones.

Minimum yard and height requirements

No changes to the current minimum yard and height requirements are recommended.

Maximum lot coverage and number of buildings requirements

The Township should consider modifications to the provisions that regulate the total coverage of accessory buildings and structures on individual lots. The current five (5) percent maximum lot coverage is lower than many of the municipal zoning by-laws surveyed and there have been minor variances granted in the Township to increase permitted coverage (ranging from 8 to 12.5%).

Our review of best practices in other municipalities also revealed that many zoning by-laws set out different lot coverage provisions for accessory buildings and structures based on zones and lot sizes. For example, the Township of Centre Wellington and Guelph Eramosa Zoning By-laws permit the following:

- five percent in industrial, commercial, institutional, open space and mixed uses zones
- 10 percent in residential zones
The Municipality of Strathroy-Caradoc sets out the following requirements for accessory buildings and structures:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zones and A2 Zone where the lot size is 1 ha or smaller</td>
<td>15% of the lot coverage but not exceeding 80% of the ground floor area of the dwelling (calculation of floor area shall exclude any attached private garage)</td>
</tr>
<tr>
<td>Commercial / Other Zones</td>
<td>Not exceeding the size of the main building</td>
</tr>
<tr>
<td>Agricultural / Industrial Zones</td>
<td>No maximum size</td>
</tr>
</tbody>
</table>

Our review also revealed that some municipalities reduce lot coverage permissions on larger lots, particularly in agricultural/rural areas. For example, the Township of Centre Wellington Zoning By-law permits:

- 5 percent lot coverage on agricultural lots less than 10 hectares in size
- 1 percent on lots 10 hectares or greater in size.

The Guelph Eramosa Zoning By-law permits:

- 10 percent on agricultural lots less than or equal to 8,000 m²
- 5 percent for lots greater than 8,000 m² in size
- 1 percent or 4,000m² for lots greater than 35 hectares, whichever is less

The rationale for establishing a ‘sliding scale’ for lot coverage requirements is to recognize that a 10 percent or greater requirement, for example, would permit substantial building construction on the rural landscape.

**General Provisions – Proposed Direction #4**

That the Township consider increasing the current five percent maximum lot coverage requirement for accessory buildings and structures as it relates to residential lots.

That the Township consider introducing a ‘sliding scale’ for accessory buildings and structures to provide more appropriate lot coverage requirements on larger, non-residential lots.
2.2.3 Home Occupations / Businesses

2.2.3.1 Summary of Current Zoning Regulations

Home occupation and home industry are defined in the current Township Zoning By-law as:

**Home occupation** – the use of part of a dwelling or part of any accessory building for occupations or professions which are compatible with a domestic household.

**Home industry** – a gainful occupation including a woodworking, window frame, boat repair, welding, plumbing, machine or repair shop, or blacksmith, or similar use, conducted in whole or in part in an accessory building to a single detached dwelling by the residents.

The current Zoning By-law permits home occupations and home industries in the non-Oak Ridges Moraine Zones as summarized below.

<table>
<thead>
<tr>
<th>Home Occupation</th>
<th>Home Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Residential Type 1 (R1)</td>
<td>• Rural (RU)</td>
</tr>
<tr>
<td>• Residential Type 2 (R2)</td>
<td>• Agricultural (A)</td>
</tr>
<tr>
<td>• Residential Type 3 (R3)</td>
<td></td>
</tr>
<tr>
<td>• Rural Residential (RR)</td>
<td></td>
</tr>
<tr>
<td>• Estate Residential (ER)</td>
<td></td>
</tr>
<tr>
<td>• Recreational Commercial (RC)</td>
<td></td>
</tr>
<tr>
<td>• Rural (RU)</td>
<td></td>
</tr>
<tr>
<td>• Agricultural (A)</td>
<td></td>
</tr>
<tr>
<td>• Development (D)</td>
<td></td>
</tr>
</tbody>
</table>

Where permitted, Section 3.14 of the current By-law sets out provisions to regulate home industries as summarized below:

- May be conducted in or from dwelling unit or accessory building
- Open storage of goods or materials is prohibited
- Vehicles associated with home industry must be parked in an area other than a street or a required front yard
- Maximum floor area – 300 m²
Where permitted, Section 3.15 of the current By-law sets out provisions to regulate home occupations as summarized below:

- No person other than individuals residing in the dwelling unit shall be engaged in such occupation.
- Open storage of goods or materials is prohibited.
- May be operated or located in any part of a dwelling, dwelling unit, or accessory building provided that the home occupation does not occupy more than a floor area equivalent to the lesser of:
  - 25% of the maximum lot coverage
  - 25% of the floor area of the dwelling unit
  - 37 square metres of floor area
- Vehicles associated with such home occupation are parked in an area other than a street or required front yard.
- No equipment or process shall be used which creates noise, vibration, glare, flames, odours, or electrical interference in excess of that normally experienced in a residential neighbourhood.
- Except for market garden stands, no facilities or areas shall be available on the premises for the retail sales of goods, wares or merchandise.

There have been three exceptions approved amending regulations pertaining to home occupations and home industries since the approval of the current Zoning By-law in 2004.

**Table 2.6 - Summary of Approved Exceptions – Home Occupations and Home Industries**

<table>
<thead>
<tr>
<th>Exception</th>
<th>Location</th>
<th>Exception Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR-7</td>
<td>Part Lot 22, Concession 10</td>
<td>Maximum floor area of home industry – 80 m²</td>
</tr>
<tr>
<td>RR-8</td>
<td>Part Lot 5, Concession 10</td>
<td>Only permitted home occupation – recording studio with maximum floor area of 84 m²</td>
</tr>
<tr>
<td>RU-15-H</td>
<td>Part Lot 2, Concession 8</td>
<td>Home industry with a maximum of four employees who do not live on site is permitted</td>
</tr>
</tbody>
</table>
2.2.3.2 Key Considerations

Township Official Plan

➢ The Official Plan defines home-based business as an occupation that:
  • involves providing personal or professional services or producing custom or artisanal products
  • is carried on as a small-scale accessory use within a single dwelling by one or more of its residents; and does not include uses such as an auto repair or paint shop or furniture stripping.

➢ Home-based businesses are permitted in all designations that permit residential uses and where a dwelling is a principle use, subject to Section 3.11 of the Official Plan. In the Rural designation, home-based businesses are permitted in residences and accessory buildings.

➢ The Official Plan defines a home-based industry as a business that:
  • is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation by one or more of its residents and a limited number of employees;
  • provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community;
  • may be carried on in whole or in part in an accessory building; and
  • does not include uses such as an auto repair or paint shop or furniture stripping.

➢ Home-based industries are permitted on lands designated Agricultural.

Section 3.11 – Home-based Businesses

➢ Millbrook Settlement Area and Hamlets - shall generally be located in a dwelling

Issue

Based on discussions with the project Technical Advisory Committee, there is the need to specifically address issues with:

- the complexity of the current provisions regulating the maximum floor area of home occupation uses
- home occupations and home industries expanding in scale and intensity beyond the intent in the Official Plan and Zoning By-law
Business is clearly secondary to the primary use of the property and shall not have a negative impact on the enjoyment/privacy of neighbouring properties.

The character of the dwelling as a private residence is preserved.

No outside storage of goods, materials, equipment, or service vehicles other than cars, vans and light trucks related to the business occurs.

Adequate on-site parking is provided for the business use, in addition to the parking required for the residential use.

Existing sewage disposal system can adequately service the principle residential dwelling and the proposed business.

Section 5.1.4 – Home-based Industries

- Can be operated outside of a dwelling, subject to Site Plan Control
- Building housing the use is located within the existing farm-building cluster and shall utilize a common driveway with the principal use of the property
- Maximum gross floor area if operated in accessory building - 200 m²
- Minimum set back from all lot lines - 30 metres
- Where permitted, open storage associated with the proposed use shall be screened from view and located within a fenced compound
- The use has a limited number of employees
- Retail sales shall be limited to goods or products produced on the property

2.2.3.3 Best Practices and Discussion

We have reviewed zoning provisions from a number of municipal zoning by-laws with respect to home occupations and home industries. This section provides a summary discussion of best practices for the Township to consider along with a discussion of issues and options.

Where home occupations (home-based businesses) are permitted

Home occupations are currently permitted in the R1, R2, R3, RR, ER, RC and RU Zones. Home-based businesses are permitted in all land use designations in the Official Plan that permit residential uses and where a dwelling in a principle use.

The current Zoning By-law permits a home occupation in any part of a dwelling, dwelling unit, or accessory building subject to the regulations in Section 3.11. The Official Plan states that home-based businesses are permitted in residences and accessory buildings on lands designated Rural but within the Millbrook Settlement Area and Hamlets, home-based businesses shall generally be wholly located within a dwelling unit. Therefore, it is recommended that the Township consider restricting home-based businesses to dwelling
units only, with the exception that home-based businesses are also permitted in accessory buildings on lands zoned Rural (RU) and Agricultural (A).

In accordance with the Official Plan, the new Zoning By-law should also include a minimum setback of 30 metres from any lot line for any home industry.

**General Provisions – Proposed Direction #5**

That the Township consider restricting home-based businesses to dwelling units only, but permit in dwelling units and accessory buildings on lands zoned Rural (RU) and Agricultural (A).

**Number of Employees**

Many zoning by-laws do not allow individuals, other than those who reside in the main dwelling, to engage in home occupations or home industries. However, many municipalities do allow one or more non-resident individuals to be engaged in home occupations and home industries. The Town of Newmarket Zoning By-law specifies that the:

- the office of a licensed medical practitioner as a home occupation shall be limited to only one practitioner
- operation of a hairdresser or barber shop shall be limited to one hairdresser or barber at any one time

The current Township Zoning By-law restricts employees of home occupations and home industries to residents only however, these restrictions are implemented in different ways (i.e. through the definition of home industry and in Section 3.15.1 for home occupations). The Township should adopt one approach (either via definition or general provision) to regulate employees. In addition, it is recommended that the Township consider permitting one non-resident employee for both home occupations and home industries.

**General Provisions – Proposed Direction #6**

That the Township consider permitting one non-resident employee to be engaged in home occupations and home industries.
Maximum Floor Area for Home Occupations and Home Industries

The current By-law provisions regulating maximum floor area for home occupations is confusing. It is recommended that the Township simplify this regulation by using a percentage of floor area approach only (e.g. 25%). In addition, the Township should consider including a maximum floor area cap for home occupation uses. A floor area cap would ensure that home businesses are small in scale and compatible with surrounding residential neighbourhoods. For example, in a 929 m² (10,000 ft²) house, a 232 m² (2,500 ft²) home business would be permitted without a floor area cap.

In accordance with the Official Plan, the Zoning By-law should restrict the size of a home industry in an accessory building to 200 m² (in addition to the existing provision restricting the maximum floor area of home industry in a dwelling or accessory building to 300 m²).

General Provisions – Proposed Direction #7

That the Township regulate the floor area of home occupation uses by establishing a regulation based on a percentage of the total floor area of the dwelling.

That the Township also establish a floor area cap, in conjunction with the percentage regulation, to ensure home businesses are small in scale.

Permitted and Prohibited Uses

Like many municipalities in the Province, concern has been expressed in Cavan Monaghan with home occupations and home industries that expand and create land use impacts on adjacent properties, including noise, traffic and visual appearance. One of the most common complaints that municipalities receive regarding compatibility issues with home businesses or motor vehicle related, and building and landscape contractor operations in rural areas. Many zoning by-laws specifically restrict certain uses such as motor vehicle related uses, restaurants, salvage yards and contractor yards. It is recommended that the Township include a list of specifically prohibited uses in the new Zoning By-law. In addition, the new Zoning By-law should allow for limited retail sale of goods and products produced on the property as part of a home industry.
2.2.4 Kennels and Doggy-Daycare

The purpose of the following discussion is to consider the current approach to regulating kennels in the Township’s Zoning By-law, considering also other related municipal by-laws, and to explore the issue of ‘doggy daycares’.

2.2.4.1 Summary of Current Zoning Regulations

Boarding kennel and kennel are defined in the current Township Zoning By-law as:

**Boarding kennel** – an establishment for the keeping, breeding, boarding, training or grooming of domesticated animals.

**Kennel** – a place where dogs and other domestic animals other than poultry, are bred and raised, and are sold or kept for sale or boarded. (Note: Kennels should be licensed in accordance with the Livestock Licensing Act and the Township’s Animal Control By-law.)

The current Zoning By-law permits kennels in the Rural (RU) and Agricultural (A) Zones. One exception (RR-9) has been approved to allow a boarding kennel on lands zoned Rural Residential.

2.2.4.2 Summary of Current Kennel and Licencing Regulations

By-law 2013-72 sets out provisions for the regulation and licencing of kennels in the Township. A licence is required from the Township for any kennel or boarding facility. The following is a summary of some of the key aspects of the By-law:

- Definitions are provided for the following terms: boarding facility; dog house; dog run; kennel; kennel, commercial boarding or commercial breeding; and private kennel.

- The location of a kennel to comply with the Township’s Zoning By-law

- Prohibits a kennel from locating within a residential zone or within 305 metres of a residential zone or a residential unit on a neighbouring lot
• Requires exercising yards used in connection with a kennel to be enclosed by a fence with a minimum height of six metres and set back a minimum of 33 metres from all lot lines

• Limits the number of dogs in a commercial breeding kennel to 20

• Limits the number of dogs in a commercial boarding kennel to 30

• Limits the number of dogs in a private kennel to 8

By-law 2013-71 also sets out provisions for the licencing and registration of dogs in the Township. Section 6 of the By-law restricts the number of dogs permitted on a property to a maximum of three, unless governed by a kennel licenced under By-law 2013-72.

### Issue

There is the need to consider the appropriateness of regulating kennels in two separate By-laws and if there is the need to update the Township’s regulations.

2.2.4.3 Key Considerations

**Township Official Plan**

➢ Kennels are permitted in the Agricultural designation.

2.2.4.4 Best Practices

A review of best practices reveals a variety of approaches to regulating kennels through zoning in other municipalities, as summarized below:

• Many municipalities require a site-specific Zoning By-law amendment to permit a kennel while others permit kennels as-of-right in agricultural/rural zones.

• Many Zoning By-laws include general provisions to regulate kennels such as:
  • Minimum lot frontage (e.g. 120 m – Centre Wellington)
  • Minimum lot area (e.g. 6 ha – Asphodel-Norwood & Centre Wellington, 2 ha - Tay)
  • Maximum lot coverage (e.g. 10% - Tay)
• Minimum front yard (e.g. 61 m – Asphodel-Norwood, 30 m – Centre Wellington, 8 m - Tay)

• Minimum rear yard (e.g. 61 m – Asphodel-Norwood, 8 m – Tay, 12 m – Ottawa, 100 m – Oro Medonte)

• Minimum front yard (e.g. 61 m – Asphodel-Norwood, 46 m – Centre Wellington, 15 m – Ottawa, 30 m – Oro Medonte)

• Minimum side yard (e.g. 61 m – Asphodel-Norwood, 46 m – Centre Wellington, 8 m – Tay, 15 m – Ottawa, 100 m – Oro Medonte)

• Minimum exterior side yard (e.g. 8 m – Tay, 100 m – Oro Medonte)

• Maximum height of a kennel (e.g. 11 m – Oro Medonte)

• Minimum separation distance (e.g. 250 m from a lot where a residential use is permitted or an Institutional Zone and 300 m from any settlement area – Strathroy-Caradoc).

• Minimum required space outside dwelling unit (e.g. 9.3 m² per animal – Smith-Ennismore-Lakefield)

The City of Ottawa has additional regulations depending on the number of dog runs, as summarized in Table 6.6, below.

Table 2.7 - Provisions for Kennels in the City of Ottawa Zoning By-law

<table>
<thead>
<tr>
<th>Minimum Requirements</th>
<th>4 or fewer dog runs</th>
<th>More than 4 dog runs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Frontage (m)</td>
<td>80</td>
<td>120</td>
</tr>
<tr>
<td>Lot Area (ha)</td>
<td>0.8</td>
<td>4</td>
</tr>
<tr>
<td>Separation from Residential Building (m)</td>
<td>100</td>
<td>215</td>
</tr>
</tbody>
</table>

The Township of Oro Medonte Zoning By-law has additional regulations based on the ‘Class’ of Kennel, as summarized in Table 2.7, below.
**Table 2.8 - Provisions for Kennels in the Oro Medonte Zoning By-law**

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Required Lot Size</th>
<th>Minimum Distance from a Residential Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS A (no more than eight dogs over 12 weeks of age)</td>
<td>4 ha</td>
<td>130 m</td>
</tr>
<tr>
<td>CLASS B (no more than 50 dogs over 12 weeks of age)</td>
<td>20 ha</td>
<td>200 m</td>
</tr>
</tbody>
</table>

**2.2.4.5 Discussion**

Regardless of the approach the Township’s decides to adopt, there should be some consideration to reconciling the different definitions used in the Zoning By-law and the Township’s By-law regulating and governing kennels. Both By-laws provide a definition of ‘kennel’ however, the actual definitions differ. The Zoning By-law defines ‘boarding kennel’ while By-law 2013-72 defines: boarding facility; dog house; dog run; kennel, commercial boarding or commercial breeding; and private kennel.

By-law 2013-72 requires the location of a kennel to comply with the Township’s Zoning By-law. The current Zoning By-law permits kennels in the Rural (RU) and Agricultural (A) Zones. The Official Plan states that kennels are permitted in the Agricultural designation however there is no specific guidance on whether or not kennels are permitted in the Rural designation. The Township could continue to permit kennels as-of-right in the RU and A Zones or could amend this approach to only permit kennels in the A Zone. A third option for the Township to consider is to no longer permit kennels as-of-right in either Zone and require a site-specific amendment to the Zoning By-law to establish a kennel use.

By-law 2013-72 sets out minimum setbacks from residential uses and lot lines, and restricts the number of dogs permitted based on the type of kennel. The Township should consider adding the following provisions to either the Zoning By-law or By-law 2013-72 to further regulate kennels:

- Minimum lot area
- Maximum lot coverage and maximum floor space/area used for kennel purposes, whichever is less
- Maximum height of a kennel building

**Doggy Daycares**

Doggy daycares are a relatively new service providing an alternative to the traditional services provided by kennels. The level of service provided varies from operation to operation. Some businesses simply consist of a sole proprietor who is hired to walk dogs
for customers who are at work or on vacation. On the other end of the spectrum, some businesses provided a wide range of services for a larger number of dogs in a retail space or in kennel setting in rural areas, and may include dog walking, off leash play/exercise areas, boarding (for parts of day, overnight or several days), obedience training and/or grooming.

The Township of King By-law 2012-175 regulates kennels and doggy daycares. A doggy daycare licence is required for more than four dogs boarded and is only permitted on lots zoned Rural General (RU1) with a minimum lot size of 10 hectares. Doggy daycares must be setback a minimum of 45.0 metres from any residential zones or residential building on an adjacent lot. Kennel licences are required if more than four dogs are housed, maintained, bred, boarded or groomed. Kennels are only permitted on lands zoned Rural General (RU1) with a minimum lot size of 10 hectares and lot frontage of 180 metres. A kennel must be setback a minimum of 60.0 metres from any residential zones or residential building on an adjacent lot, and 15.0 metres from any street line.

Similar to the King approach, Cavan Monaghan’s By-law 2013-72 requires a licence for the boarding of four or more dogs and as a result, it would appear that a doggy daycare would be covered under the existing By-law in combination with provisions to be added to the new Zoning By-law. The Township could specifically permit a sole proprietor dog walking operation in the new Zoning By-law (i.e. an individual who does not keep or board dogs in their residence, and only picks up dogs from customer’s homes).

---

**General Provisions – Proposed Direction #9**

That the Township consider adding provisions to either the Zoning By-law or By-law 2013-72 to further regulate kennels by establishing a minimum lot area, maximum lot coverage, maximum floor space/area and maximum height of kennel building.

The should consider Township:
- continuing to permit kennels as-of-right in the Rural and Agricultural Zones, or
- only permitting kennels in the Agricultural Zone, or
- no longer permitting kennels as-of-right in either Zone and require a site-specific amendment to the Zoning By-law to establish a kennel use.
2.2.5 Gun Clubs and Ranges

Township By-law No. 2016-31, Discharge of Firearms By-law, was enacted in response to complaints received regarding obnoxious use of firearms in various areas of the Township. The following is a summary of key aspects of By-law 2016-31:

- No person shall discharge a firearm in a settlement area.
- No person shall discharge a firearm in the rural area:
  - On any property owned or occupied by the Township or the County of Peterborough, except when having expressed permission thereof.
  - On or within 150 m of any property used for the purposes of a school, place of worship, day nursery, community recreation centre, park or campground.
  - Within 150 m of any conservation area where hunting is prohibited.
  - Within 150 m of any dwelling, other than a dwelling owned or lawfully occupied by the person discharging the firearm or a person having the express permission of the owner or lawful occupier of that property.
  - On, across or within 8 m of any highway, private road, or recreational trail.
  - Within 10 m of any property other than those properties.
  - Outside the hours of 7:00 a.m. to 7:00 p.m., however in no season may a firearm be discharged later than one half-hour after sunset.
  - On any parcel of land less than 0.4 ha in size.
- Exempted properties – a facility operated or utilized by police officers for training purposes, or a gun club, trap and skeet club, rifle range, archery range, paintball facility or other facility for the use of firearms that is in compliance with all applicable municipal, provincial and federal requirements.

At the time By-law 2016-31 was passed, Council directed that further investigations regarding restrictions on commercial operations through the Zoning By-law be completed. The Township’s current Zoning By-law does not provide any specific definitions or regulations with respect to commercial gun range operations.

2.2.5.1 Key Considerations

Township Official Plan

Rural Areas – Section 5.2.5.3 Major Recreational Uses

- Major recreational uses include shooting ranges and may only be considered subject to an Official Plan Amendment.
Recreational – Section 5.3.2 Permitted Uses

➢ Permitted uses may include shooting ranges and may only be permitted through an amendment to the Official Plan

2.2.5.2 Best Practices

Of the municipal zoning by-laws surveyed, the majority that regulate gun clubs and ranges require an amendment to the Zoning By-law to permit such uses. For example, the Town of Parry Sound defines ‘shooting range or rifle club’ as “land, buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization”. However, a shooting range or rifle club is not a permitted use in any zone and therefore, an amendment to the Zoning By-law would be required to establish such a use.

However, the Town of Blind River defines ‘shooting range or rifle club’ as “a premise for commercial or private recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include accessory facilities”. The Town specifically permits a shooting range (only) on lands zoned Resort Commercial (CR) and a shooting range or rifle club on lands zoned Rural and Resource (R).

2.2.5.3 Discussion

The Township Official Plan clearly requires an amendment to the Zoning By-law to permit any type of shooting range. It is recommended that the new Zoning By-law include appropriate definition(s), specifically prohibit such uses in Millbrook and any hamlet or built up area, and require an amendment to the Zoning By-law to permit such uses.

General Provisions – Proposed Direction #10

That the new Zoning By-law include appropriate definition(s), specifically prohibit shooting and shooting ranges in Millbrook and any hamlet, and require an amendment to the Zoning By-law to permit such uses.

2.2.6 Parking and Loading

2.2.6.1 Summary of Current Zoning Regulations

The following is a summary of general provisions dealing with parking and loading, as set out in Section 3.20 of the current By-law.
Parking Regulations

- Minimum parking space requirements are provided for **residential uses** based on number of spaces per dwelling unit. One parking space is required per dwelling unit. It is noted that most contemporary zoning by-laws require a minimum of two spaces in any single detached, semi-detached or townhouse dwelling.

- Minimum parking space requirements are provided for **non-residential uses** using a variety of approaches depending on the use, including: spaces per establishment regardless of size (e.g. 5 spaces for any farm produce sales outlet), capacity of the facility (e.g. beverage room, liquor lounge dining room or meeting room in a hotel or motel), gross floor area, floor area, number of lanes (e.g. 4 spaces per bowling lane) and number of beds (for nursing homes and long term care facilities). It is noted that most contemporary zoning by-laws do not calculate parking requirements based on capacity since the capacity of a facility can be difficult to calculate and can vary over time.

- Ingress and egress:
  - Minimum / maximum width – 3.65 / 9.0 metres
  - Maximum width of joint ingress/egress – 9.1 metres
  - Minimum distance of any non-residential parking area or driveway from Residential Zone – 3.0 metres
  - Minimum distance between any two driveways on one lot or between driveway and intersection – 7.62 metres
  - Restrictions on the number of driveways per lot

- Yards where parking permitted:
  - Residential – all yards (parking areas not permitted closer to street line than minimum required front yard)
  - Institutional/Commercial/Open Space – all yards (parking areas not permitted closer than 1 metre to street line)
  - Industrial – side and rear yards all yards (parking areas not permitted closer than 1 metre to street line)

Loading Regulations

- Minimum Size of Loading Space - 9 metres long, 3.5 metres wide and a vertical clearance of at least 4 metres
2.2.6.2 Key Considerations

**Township Official Plan**

**Section 3.22 – Urban Design Guidelines – Millbrook and Hamlets**

- Parking spaces should not be permitted to overwhelm the frontages of commercial properties
- Wherever possible parking should be placed behind buildings and/or screened with the use of landscaping and low walls or decorative fencing
- Large parking areas will require landscaped areas to divide the large expanse of asphalt and reduce heating effects of large parking areas

**Section 3.22 – Community Core Urban Design Guidelines**

- All parking lots should be paved and internally connected and barrier free parking spaces should be conveniently located near buildings

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**Issue**

There is the need to consider modifications to parking and loading requirements to implement Official Plan policies, reflect best practices and address certain issues.

---

**Number of Loading Spaces Required**

<table>
<thead>
<tr>
<th>TOTAL FLOOR AREA OF BUILDING OR STRUCTURE</th>
<th>NUMBER OF LOADING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>280 square metres or less</td>
<td>1</td>
</tr>
<tr>
<td>exceeding 280 square metres, but not exceeding 2,300 square metres</td>
<td>2</td>
</tr>
<tr>
<td>exceeding 2,300 square metres, but not exceeding 7,400 square metres</td>
<td>3</td>
</tr>
<tr>
<td>exceeding 7,400 square metres</td>
<td>3 plus 1 additional space for each additional 9,300 square metres or fractional part thereof in excess of 7,400 square metres</td>
</tr>
</tbody>
</table>

- One additional space required for vehicles awaiting access to each loading space
➢ Where a new use cannot accommodate the Township’s parking requirement, Council may accept cash-in-lieu where the parking can be reasonably accommodated on the street or off-site

➢ Parking lots exposed to street frontage should be screened with low walls and hedges and/or a continuous line of tree planting to establish boundaries.

➢ Loading areas shall be unobtrusive, screened where necessary, and shall generally be located at the side or the rear of the building.

Section 4.3 – Institutional

➢ Parking lots shall contain internal landscaping features to encourage natural infiltration and provide shade.

Section 4.4.4 – Community Commercial Urban Design Guidelines

➢ Extensive landscaping is required on the periphery and within parking areas.

➢ Buildings should generally be set at street edge with parking moved to the rear.

➢ Where surface parking lots are exposed to the street significant landscape buffering including the use of decorative walls and fencing shall be required.

➢ Parking lots shall contain internal landscaping features to encourage natural infiltration and provide shade.

Section 4.6 – Urban Employment Areas

➢ Adequate off-street loading and parking facilities shall be provided for all permitted industrial and commercial uses.

➢ Loading and service areas should not be exposed to major roadways and should be screened from view.

Section 5.4 – Rural Employment Areas

➢ Outdoor storage, parking and loading areas shall be located and designed in a manner to provide visual screening from the travelling public and sensitive land uses.

Section 7.7 – Parking

➢ Adequate off-street parking and loading facilities are required for all new development. All parking areas shall be designed to:
  • Minimize conflict with traffic on arterial roads
  • Provide parking for the physically handicapped
  • Provide landscape screening along street frontages
  • Points of ingress/egress shall be limited in number and sharing of access points will be encouraged
➢ The Township will endeavour to provide off-street parking to serve the downtown of Millbrook, and major parks and community facilities. In this regard, Council may:
  • Operate municipal parking lots or structures on properties the Township owns, acquires and/or leases, and provide direction for establishing new lots and structures
  • Establish areas where payment of cash-in-lieu of required parking may be accepted
➢ The Township shall review off-street and on-street parking regulations to reflect evolving patterns of automobile use. Reduced parking requirements may be considered where sufficient public off-street and on-street parking facilities exist.
➢ Parking requirements may be reduced if the uses on the lot each require parking at different times of the day. Opportunities for the sharing of parking in mixed-use development will be considered during the review of a development application.

2.2.6.3 Best Practices and Discussion

Parking Space Requirements
The By-law should be updated to ensure that parking standards are provided for all residential and non-residential land uses, and are based on a review of best practices in other municipal zoning by-laws. The Township could also consider standardizing the way non-residential parking space requirements are calculated, based on a common and easily measurable standard, such as spaces per 100 m² of floor area.

Bicycle Parking Requirements
The Township could consider including minimum bicycle parking requirements for industrial uses, certain commercial uses and community facilities, including schools. For example, the St. Catharines Zoning By-law requires each bicycle parking space to have minimum dimensions of 1.8 x 0.3 metres and any required space must be located a principal entrance of a building.
Innovative and Flexible Approaches to Regulating Parking

The Official Plan states that reduced parking requirements may be considered where sufficient public off-street and on-street parking facilities exist. Parking requirements may be reduced if the uses on the lot each require parking at different times of the day. Opportunities for the sharing of parking in mixed-use development will be considered during the review of a development application.

There is the need to consider innovative and flexible approaches to parking in order to promote more efficient use of land, local economic development and active transportation. Shared parking takes advantage of the fact that most parking spaces are only used part time by most types of businesses and as a result, many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. For example, if a lot contains a restaurant, office and retail store, the parking required for that lot is equal to the total required parking for all three businesses. However, it is often the case that not all of the required parking spaces
are required if, for example, the restaurant conducts most of its business in the evenings and on weekends, while the office only operates during weekdays. This provides the opportunity to reduce the amount of parking on a lot, through shared parking provisions.

Excerpt from Markham Parking Standards By-law

### 4.0 SHARED PARKING

The parking requirements in Section 3 of this By-law may be reduced if the lot is used for two or more separate uses, each of which may have separate parking requirements. To determine the parking requirement for such a building or lot, the total parking required for each use type is multiplied by the occupancy rates below, and the individual sums determined for each of the morning, afternoon and evening periods. The largest of these sums shall be the minimum parking requirement for the uses on the lot. If a use is listed in Section 3 of this By-law but is not listed in this Section, the parking requirement for the use is as required in Section 3.

<table>
<thead>
<tr>
<th>PERMITTED USE</th>
<th>MORNING OCCUPANCY RATE</th>
<th>AFTERNOON OCCUPANCY RATE</th>
<th>EVENING OCCUPANCY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly hall</td>
<td>10%</td>
<td>25%</td>
<td>100%</td>
</tr>
<tr>
<td>Banquet hall</td>
<td>20%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Business office</td>
<td>100%</td>
<td>95%</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial fitness centre</td>
<td>25%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Hotel</td>
<td>60%</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>Industrial use</td>
<td>100%</td>
<td>95%</td>
<td>10%</td>
</tr>
<tr>
<td>Recreational Establishment</td>
<td>25%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Retail store (not including a shopping centre)</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

In order to promote economic development, many municipalities are now employing innovative measures to recognize the unique circumstances with respect to parking in downtown and commercial core areas. Parking requirements are often an impediment to establishing a new business in an existing building. The common scenario involves the conversion of a building from a use that required a relatively low number of parking spaces to a use that requires a higher number of spaces, such as restaurant. This is a common problem in many downtown areas where on-site parking is often limited. The Township could include a provision in the new Zoning By-law that would exempt the need for additional parking where there is a change of use within the confines of an existing building. However, the required parking standard would apply to any addition or expansion to the existing building.
The Township should also consider opportunities for cash-in-lieu of parking which can reduce or exempt parking requirements in certain areas (e.g. downtown Millbrook). Such an approach could be recognized in the Zoning By-law.

**Landscaping in Parking Areas**

The Official Plan states that in Millbrook, Hamlets and lands designated Institutional and Community Commercial, parking should be divided by landscaping where there are large expanses asphalt. The Township should consider regulations that would require a minimum percentage of internal landscaped areas (e.g. 5% of parking areas with 25 parking spaces or more).

**Barrier Free Parking**

The Official Plan states that barrier free parking should be conveniently located near buildings in the Community Core. The Township’s new Zoning By-law should include less confusing regulations for barrier free parking based on modern standards. For example, the Centre Wellington sets out the following requirements:

**Excerpt from Centre Wellington Zoning By-law**

<table>
<thead>
<tr>
<th>Number of Parking Spaces Required</th>
<th>Number of Spaces that Must Be Barrier Free Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>3</td>
</tr>
<tr>
<td>51-75</td>
<td>4</td>
</tr>
<tr>
<td>76-100</td>
<td>6</td>
</tr>
<tr>
<td>101-150</td>
<td>8</td>
</tr>
<tr>
<td>151-200</td>
<td>10</td>
</tr>
<tr>
<td>201-300</td>
<td>13</td>
</tr>
<tr>
<td>301-400</td>
<td>15</td>
</tr>
<tr>
<td>401-500</td>
<td>17</td>
</tr>
<tr>
<td>501-1000</td>
<td>20</td>
</tr>
<tr>
<td>Greater than 1000</td>
<td>2% of total</td>
</tr>
</tbody>
</table>
Loading Spaces
The Official Plan states that, in the Community Core, loading areas shall be unobtrusive, screened where necessary, and shall generally be located at the side or the rear of the building. In Urban Employment Areas, loading and service areas should not be exposed to major roadways and should be screened from view. The regulations in the current Zoning By-law are limited to required space sizes, number of required spaces and access to loading space requirements. It is recommended that the Township include provisions to regulate the location of required spaces (relative to the building it serves, lot lines and residential uses) and specific areas where loading spaces are prohibited (e.g. minimum required yards and/or any front or exterior yard).

Parking of Commercial Motor Vehicles in Residential Zones
There is the need to include parking restrictions for commercial motor vehicles in residential areas. These regulations could:

- Require these vehicles to be parked in a private garage or driveway
- Set a maximum length of any commercial motor vehicle (e.g. 7.5 m)
- Set a maximum height of any commercial motor vehicle (e.g. 3.2 m)

Parking of Recreational Vehicles and Boats in Residential Zones
There is the need to include restrictions for the parking of recreational vehicles and boats in residential zones. These regulations could:

- Restrict the number of vehicles and boats per lot (e.g. one of each)
- Specify that recreational vehicles shall not be used for human habitation
- Specify yards where vehicles and boats can be parked (e.g. interior side or rear yards only) and minimum setbacks from lot lines (e.g. 1 metre)
General Provisions – Proposed Direction #11

The By-law should be updated to ensure that parking standards are provided for all residential and non-residential land uses (including bicycle space requirements where appropriate).

The Township should also consider standardizing the way non-residential parking space requirements are calculated, based on a common and easily measurable standard.

That the Township consider including innovative regulations to support economic development in areas with limited parking through the use of shared parking and exemption provisions.

That the Township consider requiring a minimum amount of internal landscaping in larger parking lots to reduce large expanses of pavement, and provide opportunities for infiltration and reduction of urban heat island effects.

That the Township include provisions to regulate the location of required loading spaces and specify areas where loading spaces are prohibited.

That the new By-law include provisions to regulate the parking of commercial motor vehicles, recreational vehicles and boats in residential areas.

2.2.7 Shipping Containers

Many municipalities are reporting an increase in the number of complaints regarding the illegal use, location, and aesthetics of shipping containers. Shipping containers are easily transportable, and used containers are readily available and relatively inexpensive to purchase. Because of this, shipping containers are being used for a variety of purposes including storage on properties and even human habitation.
2.2.7.1 Summary of Current Zoning Regulations

There are no specific provisions in the current By-law to regulate shipping containers.

2.2.7.2 Best Practices

| Town of Oakville | ‘Shipping container’ defined as “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”. Permitted only where outside storage is a permitted use and in conjunction with manufacturing, a transportation terminal or warehousing. |
| Township of Centre Wellington | Not permitted in the Township, either alone or in conjunction with other uses, regardless if such shipping container is situated on a foundation. |
| Township of Strathroy-Caradoc | Definition of ‘shipping container’ is similar to the Oakville definition. Where a shipping container is used for the purpose of storage accessory to a main use, the container is only be permitted in an Industrial and General Agricultural Zones, or if associated to a large format retail store, public garage or motor vehicle sales establishment. |

2.2.7.3 Discussion

The Township could consider including provisions in the new Zoning By-law to regulate shipping containers, such as:

- Including a definition of ‘shipping container’
- Limiting the use to certain zones (e.g. certain industrial and/or commercial zones) and/or permitting the temporary use of containers on residential lots as part of a move
- Prohibiting the use of shipping containers for human habitation
- Prohibiting shipping containers from locating in required parking spaces, landscape and buffer areas, and daylight triangles
• Requiring that shipping containers are only permitted as accessory temporary storage to a main use and building on a property, and comply with the accessory structure requirements of the By-law

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**General Provisions – Proposed Direction #12**

That the new Zoning By-law include provisions to regulate or prohibit shipping containers in the Township.

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### 2.2.8 Urban Chickens and Livestock on Smaller Lots

#### 2.2.8.1 Summary of Current Zoning Regulations

Section 11.4.3 of the current Township Zoning By-law specifically prohibits the keeping of livestock on lot less than one hectare in size in the Agricultural (A) Zone however, two livestock units are permitted on lots between one and two hectares in size. A livestock unit is defined as “the equivalent values for various types of animals and poultry based upon manure productions and production cycles”. The current By-law states that on lots greater than two hectares in size, the keeping of livestock units is regulated based on the Province’s Minimum Distance Separation (MDS) requirements.

There are no specific provisions in the current By-law regulating the keeping of chickens on residential lots or in urban areas.

On June 19, 2017, the Township will be holding a public meeting to consider proposed Official Plan Amendment No. 2 (OPA 2). Effective March 1, 2017, the Ontario Ministry of Agriculture, Food and Rural Affairs released new Minimum Distance Separation (MDS) Formulae. The purpose of OPA 2 is to add a new policy to the Official Plan to clarify the applicability of MDS Formulae under various Planning Act applications and to allow the Township to exercise the options available to municipalities under the Province’s Implementation Guidelines. Specifically, OPA 2 would exempt lands designated as Hamlet or Millbrook Urban Settlement Area on Schedules “A” and “A-1” of the Official Plan from the applicability of (MDS I) as it is generally understood that the long-term use of these lands is intended to be for non-agricultural purposes. The addition of this new section will assist with incorporating appropriate MDS policies as part of the Zoning By-law review project.
2.2.8.2 Best Practices

**Keeping of Livestock**

Additional discussions will be required based on the policies included in the final version of OPA 2, if approved. However, a survey of other municipalities has revealed the following with respect to MDS implementation and restrictions on the keeping of livestock through Zoning By-laws:

Guelph Eramosa
- Notwithstanding the MDS II (New or Expanding Livestock Facilities) Section of the Zoning By-law, new livestock facilities are not permitted on lots less than 8,000 m² (2 acres) in size.

Quinte West
- A ‘hobby farm’ is defined as an agricultural use as defined in this By-law which is carried out on a parcel of land which is 4.9 ha or less in size.
- The number of livestock permitted on a hobby farm must be in accordance with the more restrictive requirements in MDS or the following:

<table>
<thead>
<tr>
<th>Minimum Lot Area (ha)</th>
<th>Animal Units Permitted</th>
<th>Tillable Area Requirement (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 1.2</td>
<td>Not permitted</td>
<td>n/a</td>
</tr>
<tr>
<td>1.2 – 1.6</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>1.6 – 2.0</td>
<td>2</td>
<td>1.6</td>
</tr>
</tbody>
</table>

Note: Tillable area means the total area of land, including pasture that can be worked or cultivated to grow crops.

**Keeping of Chickens**

The Quinte West Zoning By-law regulates backyard hens with the following provisions:

- The keeping of hens shall be restricted to properties that are zoned to permit a single family dwelling and have a minimum lot size of 0.4 hectares
- An enclosure for keeping one or more hens:
  - Shall be located at least 3.0 metres from the side lot line and at least 1.2 metres from the rear lot line of the lot on which the hen coop is located
  - Shall be located at least 3.0 metres from abutting dwellings
  - Must be at least 7.5 metres from any church or school
  - Shall contain an enclosed roof structure and shall be no greater than 3.0 by 3.0 metres and no greater than 4.5 metres in height
  - Shall only be located in the rear yard
The Meaford Zoning By-law defines a ‘hen’ as “a domesticated female chicken that is at least four months old” and ‘backyard poultry’ as “a pullet or hen kept for companionship as a pet or for the purpose of providing food for the personal consumption of occupants of a dwelling on the same lot”. Backyard poultry is permitted accessory to a residential use and any building, shelter or animal enclosure must comply with the regulations for accessory buildings, not exceed 10 m² in total floor area (including an outdoor enclosure and not located closer than 10 metres from a dwelling on an adjacent lot.

The Meaford Zoning By-law defines ‘accessory livestock’ as “the keeping of livestock for recreational purposes or personal consumption by the occupants of the dwelling on the same lot. For purposes of this by-law, accessory livestock shall not include backyard poultry or hobby beekeeping as otherwise defined and permitted by this By-law”. Accessory livestock is permitted accessory to a residential dwelling in the Rural Residential Zone (i.e. smaller residential lots in the agricultural and rural area outside of subdivisions). Associated buildings, structures and manure storage are subject to the Province’s Minimum Distance Separation requirements, must meet specified setbacks and can not exceed 4.5 metres in height. Associated pens, runs, enclosures or paddocks are restricted to the rear yard and must be setback a minimum of 15 metres from a dwelling on an adjacent lot.

The City of Kingston’s By-law to Regulate Animals includes regulations for the keeping of backyard hens and coops including:

- A maximum of 6 hens are permitted on any residential property
- All hens must be at least 4 months old
- The keeping of roosters is prohibited
- The owner of the hens must reside on the property where the hens are kept and a tenant must obtain permission from the property owner to keep hens on the owner’s property
- Hens must be kept in their coops from 9:00 p.m. to 6:00 a.m.
- Hens must be kept in an enclosed hen run when not in their coop
- Hen coops and runs must be located a minimum of 1.2 metres from side and rear lot lines
- Hen coops and hen runs must be located a minimum of 15 metres from any school, 7.5 metres from any church or business, and 3 metres from all windows and doors of dwellings that are located on an abutting property
- Hen coops are not permitted in any front or side yard
• Sales of eggs, manure and other products associated with the keeping of hens are prohibited

• Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time

In 2013, the Township of Lake of Bays amended its Zoning By-law to:

• Include the following definition of ‘backyard chickens’: the accessory use of land or a structure used to raise hens (excluding roosters) located within the rear yard in a screened and rodent/predator proof enclosure that is no closer than 4.5 metres from any side lot line and outside of the permitted minimum rear yard setback. The hens must be maintained in accordance with good animal husbandry practices as defined by the Ministry of Food and Agriculture and the Canadian Food Inspection Agency. The hens and eggs shall be for domestic use only and may be sold in accordance with the Home Based Business provisions.

• Permit accessory backyard chickens in the RR, HR, ER, R, R1 and RU1 Zones

• Restrict the number of permitted hens to five on lots equal to or less than 0.4 hectares

• Restrict the number of permitted hens to 10 on lots greater than 0.4 hectares

2.2.8.3 Discussion

It is recommended that the Township present the information summarized in this Paper, respecting the keeping of livestock and chickens, to the community and request input on ideas and options with respect to permitting/restricting these land uses.

General Provisions – Proposed Direction #14

That the Township present the information summarized in this Paper, respecting the keeping of livestock and chickens, to the community and request input on ideas and options with respect to permitting/restricting these land uses.