

The Corporation of the Township of North Kawartha

By-law 2019-078

Being a by-law under the authority of Section 34 of the Planning Act R.S.O. 1990, Chap. P. 13, as amended, to amend Zoning By-law No. 26-2013, as amended, of the Corporation of the Township of North Kawartha, in the County of Peterborough.

Whereas Zoning By-law No. 26-2013 as amended, was passed under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended;

And Whereas the matters herein are in conformity with the provisions of the Official Plan of the County of Peterborough as approved by the Ministry of Municipal Affairs and Housing;

And Whereas the Council of the Corporation of the Township of North Kawartha conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it advisable to amend Zoning By-law No. 26-2013 as amended, and under the provisions of the Planning Act has the authority to do so;

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

1. That Zoning By-law No. 26-2013, as amended, is hereby further amended in the following manner:
 - a. Subsection 1.2 (e) – Lands Subject to By-law, is hereby amended by adding the words “which shall include Crown lands and all lands covered by water. Notwithstanding, the provisions of this by-law shall not apply to those lands, lakes and waterbodies below the high water mark which are under the jurisdiction of Ontario Parks and Parks Canada, as indicated on Schedule B1 of this By-law.” to the end of the sentence.
 - b. Subsection 1.2 (i) – Compliance with Other Restrictions, is hereby amended by deleting the sub-section and replacing it with the following:

“(i) Compliance with Other Restrictions:

This by-law shall not be effective to reduce, override or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions, including but not limited to the Trent Severn Waterway (Parks Canada), the Ministry of Natural Resources and Forestry under the authority of the Public Lands Act, and Ontario Parks, Ministry of the Environment, Conservation and Parks, under the authority of the Provincial Parks and Conservation Reserves Act, 2006.”
 - c. Section 1.2 – Scope of By-law, is hereby amended by adding the following subsection after Section 1.2 (k) – Island Zoning:

“(l) Lakes and Lands Covered by Water

All lands, lakes and waterbodies below the high water mark which

are under federal or provincial jurisdiction, as indicated on Schedule B1 to this By-law, shall be zoned Federal Lake (FL) Zone and Provincial Lake (PL) Zone, respectively, and shall not be subject to the provisions of this By-law. Notwithstanding, in the Federal Lake (FL) Zone and Provincial Lake (PL) Zone, the establishment of buildings and/or structures shall be subject to the regulations of the appropriate permitting authority.

All other lands, lakes and waterbodies below the high water mark in the Township shall be zoned Lake (L) Zone and shall be subject to the provisions of this By-law.”

- d. Subsection 1.3 (g) (iii) is hereby amended by deleting the subsection and replacing it with the following:

“(iii) Zone boundaries indicated as following shorelines, shall be interpreted to be the high water mark. Zones boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.”

- e. Section 1.4 – Schedules to By-law, is hereby amended by adding the following at the end of the last sentence:

“and B1.”

- f. Section 2.44 – Dock, is hereby amended by deleting the definition of a dock and replacing it with the following:

““Dock” means a structure without a roof or walls, attached to a shoreline and/or marine facility and/or the bed of a lake or waterbody on a permanent or seasonal basis, which projects into a waterbody with a finished surface above the level of the water, and which is primarily used for the mooring/dockage of watercraft and to provide access from water to land and vice-versa. A dock as defined herein shall also include any dock ramp designed to secure a dock to land and provide a means of access between land and a dock.”

- g. Section 2.60 – Existing, is hereby amended by adding the following as a new subsection (a):

“(a) For docks and swim rafts, “existing” means legally existing, being a reality or an actuality in the Township as of the date of passing of By-law No. 2019- (August 13, 2019).”

- h. Section 2.177 – Structure, is hereby amended by adding the following after the last sentence:

“For clarity, a dock as defined herein shall be considered a structure.”

- i. Section 2 – Definitions, is hereby amended by adding a new definition after “2.177 – Structure” as follows and renumbering all subsequent sections:

“2.178 Swim Raft

“Swim raft” means a seasonal in-water and non-motorized floating platform fixed to the lake bed on a seasonal basis and

intended for swimming and recreational purposes.”

- j. Subsection 3.1 (l) – Docks, is hereby amended by deleting the section in its entirety and replacing the subsection with the following:

“(l) Docks and Swim Rafts

Where permitted in this By-law, the construction of a dock and/or swim raft shall be subject to the following conditions:

i) Docks and swim rafts shall be setback a minimum of 4.5 metres (15 feet) from a side lot line or the straight line projection of a side lot line into the abutting waterbody;

ii) The maximum aggregate area of all docks and all structural supports and projections, shall be 56 square metres (603 square feet);

iii) The maximum aggregate area of all swim rafts shall be 9.3 square metres (100 square feet).

For the purposes of this By-law, inflatables and floating water toys such as trampolines and foam pads which are anchored to the bed of a waterbody shall not be considered swim rafts. Notwithstanding, inflatables and floating water toys anchored to the bed of a waterbody shall be permitted in any zone in which a dock or swim raft is also permitted subject to provision i) above; and provided that the inflatable or floating water toy is not located more than 20 metres (66 feet) from the high-water mark.”

- k. Section 3.18 – Non-Complying Buildings, Structures and Lots, is hereby amended by adding a new subsection after (a) as follows and renumbering all subsequent subsections:

“(b) Alterations to Non-complying Docks and Swim Rafts

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation or repair of an existing non-complying dock or swim raft provided that the enlargement, reconstruction, renovation or repair:

i) does not create any new deficiency;

ii) does not increase the degree of an existing deficiency; and

iii) does not enlarge the dock or swim raft beyond the maximum size permitted; save and except where the original dock or swim raft was larger than the permitted size, in which case the dock or swim raft may be reconstructed, renovated or repaired to the original size.

- l. The following new Section 18A – Lake Zone (L) shall follow Section 18 as follows:

“18A.1 uses permitted

No person shall within any Lake (L) Zone use any lake or waterbody or erect, alter, locate or use any building or structure for any purpose except one or more of the following (L) uses, namely:

- (a) Permitted Uses:
 - a dock;
 - a swim raft;
 - marina docking facilities;

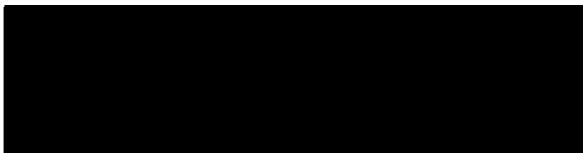
18A.2 zone provisions

The permitted uses in any Lake (L) Zone shall only be established in accordance with the provisions of Section 3.1 of this By-law and in accordance with the following provisions:

- (a) Special Provisions for Docks and Swim Rafts:
Docks and swim rafts shall only be permitted in the Lake (L) Zone where the zone on the abutting land of the same property also identifies a dock as being permitted.
 - (b) Special Provisions for Marinas:
Marina docking facilities shall only be permitted in the Lake (L) Zone where the abutting land on the same property also identifies a marina as being permitted. Approval of any new marina docking facilities will be subject to consideration on a site-specific basis.
2. That Zoning By-law No. 26-2013, as amended, is hereby further amended with the addition of a new Schedule B1 as illustrated on Schedule A to this By-law and attached hereto.
 3. That By-law No. 2016-061 is hereby repealed in its entirety.

That this by-law shall come into force and effect on the day it is passed by the Council of the Corporation of the Township of North Kawartha, subject to the applicable provisions of the Planning Act, Statutes of Ontario, 1990 Chap. P. 13, as amended.

Read a first, second and third time and passed in Open Council on the 13th day of August, 2019.



Jim Whelan, Deputy Mayor



Connie Parent, Clerk