

The Corporation of the Township of North Kawartha

By-Law 2019-016

Being a by-law under the provisions of Section 34 of the Planning Act R.S.O. 1990, chap. P.13, as amended, to amend Zoning By-Law #26-2013, of the Corporation of the Township of North Kawartha, with respect to certain lands described as in the geographic area of the Township of North Kawartha.

Whereas Zoning By-Law #26-2013 as otherwise amended, was passed under the authority of a predecessor 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 26-2013 as otherwise amended, with respect to the above described lands, 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 do hereby enact as follows:

1. The area affected by this By-law includes all lands within the Hamlet Residential (HR), General Residential (R), Rural Residential (RR) and Rural (RU) zones. As such, there is no schedule attached to this amendment.
2. Section 2.53 – Definition of 'Dwelling Unit' – is hereby amended by the addition of the following subsections, immediately following subsection (a), which shall read as follows:

2.53 Dwelling Unit

- (b) Primary Dwelling Unit:
Primary Dwelling Unit means the principal dwelling unit as permitted in a residential or rural zone.
 - (c) Second Dwelling Unit:
Second Dwelling Unit means a dwelling unit which is self-contained, accessory to, and situated within a primary dwelling unit or within an accessory structure on the same lot as the primary dwelling unit.
3. Section 3 – General Provisions – is hereby amended by the addition of a new subsection 3.28 – Second Dwelling Units, immediately following subsection 3.27, which shall read as follows:

Notwithstanding any other provision of this By-law to the contrary, a second dwelling unit shall be permitted within a single detached dwelling, a semi-detached dwelling, a row house dwelling or within an accessory structure to these housing types where they are identified as a permitted use. The following provisions shall also apply:

- (a) Only one second dwelling unit per single detached, semi-detached, or row

- house dwelling is permitted;
- (b) The second dwelling unit may be contained within the primary dwelling unit, or in a building accessory to the residential use, but not in both;
 - (c) The second dwelling unit must be clearly subordinate to the primary dwelling unit;
 - (d) One off-street parking space shall be provided for the second dwelling unit, in addition to any parking space required by this by-law for the other residential unit(s). The off-street parking associated with the dwelling unit(s) may be stacked provided that the number of spaces so arranged does not exceed two (2);
 - (e) The second dwelling unit must comply with the requirements of the Ontario Building Code and Fire Code;
 - (f) Second dwelling units which are located in accessory buildings which are detached from the principal dwelling shall comply with the following:
 - i) Be located no further than 30 metres from the principal dwelling;
 - ii) Shall comply with the residential zone regulations of the respective zone;
 - iii) Shall not be in the form of a mobile home or tourist vehicle;
 - iv) If located in a serviced area is to be connected to the municipal water and sewer services through the existing dwelling;
 - (g) That private amenity space to be situated outdoors, which is a minimum of 7.5 square metres with a dimension being no less than 1.5 metres be provided. Such space may be provided in the form of a balcony, deck or patio;
 - (h) That the second dwelling unit shall be registered with the Township of North Kawartha in accordance with the normal requirements of the Township;
 - (i) Notwithstanding the above, second dwelling units shall not be permitted:
 - i) Within a dwelling that is located in an Environmental Constraint (EC) zone or in a floodplain;
 - ii) Within a dwelling that is permitted accessory to a permitted non-residential use;
 - iii) On a lot containing a garden suite or a sleeping cabin;
 - iv) Within a building that is accessory to i) or ii) above.

The remainder of the subsections in Section 3 will be renumbered accordingly.

- 4. Section 4.1 – Hamlet Residential (HR) Zone Permitted Uses – is hereby amended by adding a new residential use under subsection (b), which shall read as follows:

A second dwelling unit;

- 5. Section 4.5.1 – General Residential (R) Zone Permitted Uses – is hereby amended by adding a new residential use under subsection (b), which shall read as follows:

A second dwelling unit;

- 6. Section 5.1 – Rural Residential (RR) Permitted Uses – is hereby amended by adding a new residential use under subsection (b), which shall read as follows:

A second dwelling unit;

- 7. Section 17.1 – Rural (RU) Permitted Uses – is hereby amended by adding a new residential use under subsection (b), which shall read as follows:

A second dwelling unit;

- 8. This By-law shall come into force and effect upon the approval of Official Plan Amendment No. 48 to the County of Peterborough Official Plan.

All other provisions in all other respects as set out in the General Provisions and the Provisions of the Zone shall apply and be complied with as identified in By-Law No. 26-2013.

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 19th day of February, 2019.

~~Carolyn Amyotte, Mayor~~ _____

Connie Parent, Clerk _____