

# The Corporation of the Township of North Kawartha

## By-law 2019-095

**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. Section 2.12 – Boathouse, is hereby amended by adding the words “with a roof and walls,” between the words “structure” and “designed”.
  - b. Section 2.13 – Boatport, is hereby amended by deleting the definition in its entirety and replacing it with the following:

““Boatport” shall mean an unenclosed, stand-alone roofed structure designed and used for the docking and storage of watercraft and equipment accessory to the use and operation of watercraft.”
  - c. Subsection 2.18 b) – Building Height, is hereby amended by deleting the subsection in its entirety and replacing it with the following:

“b) “Height” means in the case of a boathouse or boatport, the vertical distance measured between the original grade, in the case of an on-land boathouse or boatport, or the normal high water mark, in the case of an in-water boathouse or boatport, and:
    - i) The highest point of the roof surface of a flat roof;
    - ii) The highest point of the roof surface of a gabled, hip, gambrel, or other type of pitched roof.”
  - d. Section 2.60 – Existing, is hereby amended by adding the following as a new subsection (b):

“(b) For boathouses and boatports, “existing” means lawfully existing as of the date of passing of By-law No. 2019-095 (September 17, 2019).”
  - e. Section 2.113 – Marine Facility, is hereby amended by deleting the definition in its entirety and replacing it with the following:

““Marine Facility” means an unenclosed structure without a roof or walls which is used to place a boat into or take a boat out of a waterbody; or to moor, to berth or to store a boat. This definition may include a boat

launching ramp, boat lift, marine railway or similar structure, but shall not include a dock, boathouse, boatport, marina or any boat service, repair or sales facility, or any building used for human habitation.”

- f. Section 3.1 (k) – Marine Facilities (Boathouses and Boatports), is hereby amended by deleting the section in its entirety and replacing it with the following:

“(k) Marine Facilities

Where permitted in this By-law, a marine facility may be erected and used subject to the following conditions:

(i) Marine facilities shall be setback a minimum of 4.5 metres (15 feet) to a side lot line or the straight line projection of a side lot line into the abutting waterbody.

(ii) Notwithstanding any other provision of this By-law to the contrary, a marine facility may be erected and used with a 0 metre (0 foot) setback to the high-water mark.”

- g. Section 3.1 – Accessory Uses, Buildings and Structures, is hereby amended by adding a new subsection as follows after Section 3.1 (k) – Marine Facilities, namely 3.1 (l) – Boathouses and Boatports, and renumbering all subsequent subsections:

“(l) Boathouses and Boatports

Boathouses and boatports are prohibited on all lands and waterbodies under the jurisdiction of the Township of North Kawartha. Notwithstanding, existing boathouses and boatports may be rebuilt, repaired or strengthened in accordance with the provisions of Section 3.19.”

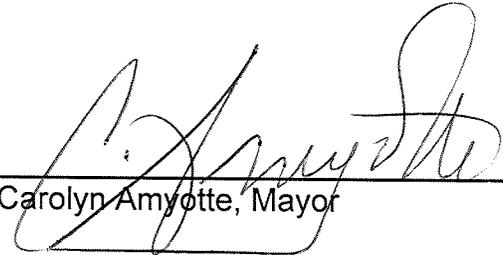
- h. Section 3.31 – Water Setbacks, is hereby amended by deleting “boathouses” as a permitted exception, and adding the following after the word “docks”:

“boat launching ramps, boat lifts, marine railways,”

- i. Section 18A – Lake Zone (L), is hereby amended by adding “a marine facility” to the list of permitted uses under subsection 18A.1 – Uses Permitted.

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 17<sup>th</sup> day of September, 2019

  
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Carolyn Amyotte, Mayor

  
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Connie Parent, Clerk