

The Corporation of the Township of North Kawartha

By-Law 2018-025

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 regulations in the Comprehensive Zoning By-law

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 amendment, 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;

Now Therefore the Council of the Corporation of the Township of North Kawartha do hereby enact as follows:

That the proposed amendment will upon coming into force and effect, serve to amend By-Law 26-2013 in the following manner:

1. Amending Section 1.3 by adding a new sub-section (h) as follows:

“(h) Zoning of Original Shore Road Allowances and Unopened Road Allowances

Any original shore road allowance located above the high water mark and not located in a zone category shall be deemed to be zoned in the same manner as the abutting upland Lot. Any unopened road allowance absent zoning that is stopped, closed and transferred for the purpose of a boundary adjustment shall be deemed to be zoned in the same manner as the lot it has been transferred to.”

2. And further by amending Section 2.30 (Definition of Club) by deleting, **“or a fraternal organization”** and replacing it with, **“which is either private or public”**.
3. And further by amending Section 2.39 (Definition of Deck) by adding the words, **“with or without ground support and”**, between the words “structure” and “without”.
4. And further by amending Section 2.62 (Definition of Family) by deleting the definition.
5. And further by adding a new definition Section 2.68a (Definition of Food Truck) as follows:
“Food Truck” means a vehicle, trailer or portable apparatus designed to prepare food.
6. And further by amending Section 2.77 (Garage, Private) by deleting the

current definition and replacing it with the following new definition:

Means an accessory building (detached garage) or portion of a dwelling house (attached garage) which is fully enclosed and used for the sheltering of permitted vehicles and/or storage ancillary to a residential use and/or a home industry or home occupation where authorized by the regulations of this Zoning By-law. This definition shall not include a carport, bunkhouse, habitable room or other open shelter, except that the second storey of an attached garage may be utilized as a habitable room.

7. And further by amending Section 2.78 (Definition of Gazebo) by deleting the words "but may not be attached to a building" after the word "deck,"
8. And further by amending Section 2.90 (Definition of Home Occupation) by adding the words "use" after the words "principle residential" in the first sentence. The definition is further amended by adding the words "**but are not limited to,**" between the words "include" and "hairdressing". The definition is further amended by adding the words "**a bakery**" between the words "office" and "or".
9. And further by amending Section 2.94 (Definition of Island) by adding the word "**completely**" between the words "land mass" and "surrounded". The definition is further amended by adding the words, "**which meets the definition of a Lot. This includes any land mass joining the mainland by any causeway or bridge**" after "water".
10. And further by deleting Section 2.98 Legal Sign.
11. And further by amending Section 2.107 (Definition of LOT LINE REAR) by deleting the definition and replacing it as follows:

"Rear Lot Line means in the case of a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, these shall be deemed to be no rear lot line."
12. And further by amending Section 2.134 (Definition of PORCH) by deleting the definition and replacing it as follows:

"Porch" means a roofed structure without walls located at the entry point to a dwelling or structure."
13. And further by deleting Section 2.135 (Definition of PORCH (Non Permanent) in its entirety.
14. And further by amending 2.149 (Definition of RENOVATE) by adding the words "**a portion or portions of**" between the words "changes to" and "an existing structure".
15. And further by deleting Section 2.154 (Definition of RESTAURANT, DRIVE-IN) in its entirety.
16. And further by deleting Section 2.166 (Definition of SIGN) in its entirety.
17. And further by amending Section 2.172 (Definition of STOREY) by adding sub-section (f) Crawl Space as follows:

(f) Crawl Space

Means an enclosed space between the underside of a floor assembly and the interior finished floor grade where the height from finished floor grade to the underside of the floor

assembly is less than 5'11".

18. And further by amending Section 2.173 (Definition of STREET) by adding the words **"assumed by by-law for ownership, maintenance and liability and"** after the words "public thoroughfare". Section 2.173 is further amended by adding the words **"an unopened road allowance"** after the words "a private right-of-way", in the last sentence of the definition. Section 2.173 is further amended by deleting Sub-section (c) in its entirety.
19. And further by amending Section 3.1 ACCESSORY USES, BUILDINGS AND STRUCTURES sub-section (b) (i) by deleting the word **"not"** between the words "shall" and "be erected". This sub-section is further amended by deleting the words **"closer to the street line than the principal or main building on the lot and shall further be erected"** after the words "erected". This sub-section is further amended by deleting the word **"Residential"** after the word "respective".
20. And further by amending Section 3.1 ACCESSORY USES, BUILDINGS AND STRUCTURES sub-section (d) sub-sub-section (i) by adding the following new sentence at the end of the paragraph, **"In addition, no accessory building shall include a basement or cellar, but may include a crawl space."**
21. And further by amending Section 3.1 ACCESSORY USES, BUILDINGS AND STRUCTURES sub-section (d) by adding a new sub-sub-section as follows after (d) (i):
 - (ii) **Notwithstanding the maximum height in item (i), in the case of a detached private garage, the maximum height shall be 7.3 metres (23.9 feet) measured from grade to peak of the roof and shall not exceed 1.5 storeys. Access to any upper storey shall be restricted to an internal, unenclosed stairway located inside the building.**
22. And further by amending Section 3.1 (h) by adding the following subsection after subsection (v):
 - (vi) notwithstanding items (ii) and (iii) in no case shall a detached private garage having a height of 1.5 storeys have a minimum rear yard and side yard that is less than 4.5 metres (15 feet).
23. And further by amending Section 3.1 ACCESSORY USES, BUILDINGS AND STRUCTURES by adding a new subsection (n) as follows:
 - (n) **Gazebo or detached deck**
 - i) **Maximum ground floor area – 10 square metres (107.38 square feet);**
 - ii) **Maximum height – 3 metres (10 feet);**
 - iii) **Any lot zoned to permit a dwelling shall be permitted one gazebo and one detached deck as accessory uses;**
 - iv) **A gazebo or detached deck shall not be connected to each other and shall not be connected to any other accessory structure;**
 - v) **A gazebo or detached deck may encroach into the 30-metre setback but must maintain a minimum 9-metre (30 feet) setback from the high water mark; and,**

vi) **A gazebo may be located on an attached deck, but shall not be directly accessible from the dwelling.**

24. And further by amending Section 3.2 FRONTAGE REGULATIONS subsection (a) Frontage on Improved Streets: by deleting the word "improved" in the title. The sub section (c) is further amended by deleting the word "improved" between the words "abut" and "street" and changing "an" to "a"
25. And further by amending Section 3.2 FRONTAGE REGULATIONS subsection (b) Exemption to Frontage Regulations on Improved Streets: by deleting the word "improved" in the title. Subsection (b) is further amended by adding the words "**a Rural (RU) Zone,**" after the words "Shoreline Commercial Zone (CS)". Subsection (b) is further amended by adding the words "**and/or access over an existing forest road located on Crown land. For the purpose of the RU Zone, this exemption shall only apply to the construction of a recreation camp.**" at the end of the subsection.
26. And further by amending Section 3.3 CONSTRUCTION USES subsection (a) Frontage on Improved Streets: by adding the words "**such as a trailer, storage container and/or tourist trailer**" after the words "incidental to construction". Sub-section (a) is further amended by deleting the number 6 and replacing it with the number **12** after the word "exceed". Sub-section (a) is further amended by adding the words, "**For the purpose of this provision, any trailer, storage container or tourist trailer shall comply with the setback requirements of this zoning by-law for a dwelling or principle use.**" at the end of the sub-section.
27. And further by amending Section 3.10 HOME INDUSTRIES by deleting sub-section (b) in its entirety and renumbering the remaining sub-sections accordingly.
28. And further by amending Section 3.10 HOME INDUSTRIES sub-section (c) by deleting the number 40 and replacing it with the number "**46**" and to delete the number 430 and replace with the number "**495**".
29. And further by amending Section 3.11 HOME OCCUPATIONS by deleting sub-section (b) in its entirety and renumbering the remaining sub-sections accordingly.
30. AND further by amending Section 3.11 HOME OCCUPATIONS sub-section (c) by deleting the number 40 and replacing it with the number "**46**" and to delete the number 430 and replace it with "**495**". Sub-section (c) is further amended by adding the following new sentence after the first sentence ending with the word "lesser":

"A home occupation may be established in both a dwelling unit and an accessory structure, provided the floor area utilized for a home occupation in the accessory structure does not exceed 28 square metres (301 square feet)."
31. And further by amending Section 3.11 HOME OCCUPATIONS by deleting sub-section (d) in its entirety and renumbering the remaining sub-sections accordingly.
32. And further by deleting 3.28 SIGNS in its entirety and titling the sub-section as "Reserved".
33. And further by adding a new section **3.32 PROVINCIALY SIGNIFICANT WETLANDS** as follows:

"All new development on lands located within 120 metres of any Provincially Significant Wetland as identified on the schedules to

this By-law shall be subject to a Holding (H) Provision which shall not be lifted until the applicant has prepared an Environmental Impact Study to Council's satisfaction demonstrating that development or site alteration will not impact the wetland or its function. This provision shall not apply to the expansion, replacement or renovation of an existing dwelling."

34. And further by amending Section 4.2 ZONE PROVISIONS sub-section (d) by deleting the number "70" and replacing it with the number "45" and to delete the number "750" and replace with the number "484".
35. And further by amending Section 4.5.1 USES PERMITTED sub-section (a) by adding the following as Residential uses:

**"a semi-detached dwelling
a duplex dwelling"**
36. And further by amending Section 4.5.2 ZONE PROVISIONS sub-section (d) by deleting the number "70" and replacing it with the number "45" and to delete the number "750" and replace with the number "484".
37. And further by amending Section 5.2 ZONE PROVISIONS sub-section (d) (ii) by deleting the number "70" and replacing it with the number "45" and to delete the number "750" and replace with the number "484".
38. And further by deleting Section 6.2 ZONE PROVISIONS, Sub section (e) in its entirety.
39. And further by amending Section 6.2 ZONE PROVISIONS sub-section (f) (ii) by deleting the number "70" and replacing it with the number "45" and to delete the number "750" and replace with the number "484".
40. And further by deleting Section 6.2 ZONE PROVISIONS, Sub section (n) in its entirety.
41. And further by deleting Section 6.2 ZONE PROVISIONS, Sub section (r) in its entirety.
42. And further by amending Section 6.3 by adding the following as the first paragraph in this section:

SR-P ZONES

All of the provisions and regulations of Section 6.1 and 6.2 shall apply to the 'Shoreline Residential (SR-P) Zone.

43. And further by amending Section 6.83 Shoreline Residential Exception (SR-81) Zone sub section (f) by adding the word **open** after the word attached and before the word deck.
44. And further by amending Section 6.83 Shoreline Residential Exception (SR-81) by adding the word "**open**" after the word "attached" in subsection (f), deleting the number "9.3" and replacing with "**9.6**" in sub-section l), and deleting sub-section (g) and replacing with the following new sub-section as follows:

"g) The maximum ground floor area of an attached screened-in porch on the secondary dwelling shall be 58.1 square metres;"
45. And further by deleting Section 7.2 ZONE PROVISIONS, sub-section

- (e) in its entirety.
46. And further by amending Section 7.2 ZONE PROVISIONS sub-section (f) (ii) by deleting the number "70" and replacing it with the number "45" and further by deleting the number "750" and replacing with the number "484".
47. And further by deleting Section 7.2 ZONE PROVISIONS sub-section (m) in its entirety.
48. And further by amending Section 8.2 ZONE PROVISIONS sub-section (k) by deleting the number "69.6" and replacing it with "45" and to delete the number "750" and replace with the number "484".
49. And further by amending Section 9.1 USES PERMITTED sub-section (b) by adding an additional use at the end of the subsection as follows:
"a food truck"
50. And further by amending Section 9.2 ZONE PROVISIONS sub-section (l) by deleting items (i) and (ii) and adding the words "**45 square metres (484 square feet).**"
51. And further by amending Section 10.1 USES PERMITTED sub-section (b) by adding an additional use at the end of the subsection as follows:
"a food truck"
52. And further by amending Section 9.2 ZONE PROVISIONS sub-section (l) by deleting sub-sections (i) and (ii) in their entirety and replacing with the words "**45 square metres (484 square feet)**".
53. And further by amending Section 11.1 USES PERMITTED sub-section (b) by adding an additional use at the end of the subsection as follows:
"a food truck"
54. And further by amending Section 11.2 ZONE PROVISIONS sub-section (m) by deleting the number "102" and replacing it with the number "45" and deleting the number "1,098" and replacing it with the number "484".
55. And further by amending Section 11.2 ZONE PROVISIONS sub-section (n) by deleting the number "55" and replacing it with the number "45" and deleting the number "592" and replacing it with the number "484".
56. And further by amending Section 12.3 M-1 Zones by adding a new sub-section (b) as follows:
"(b) The regulations of sub-section 12.2 shall apply to the uses in (a)".
57. And further by amending Section 12.4 M-2 Zones by adding a new sub-section (b) as follows:
"(b) The regulations of sub-section 12.2 shall apply to the uses in (a)".
58. And further by amending Section 12.5 M-3 Zones by adding a new sub-section (b) as follows:
"(b) The regulations of sub-section 12.2 shall apply to the uses in (a)".
59. And further by amending Section 17.2 ZONE PROVISIONS sub-

section (d) sub-sub-section (ii) by deleting the number "70" and replacing it with the number "45" and deleting the number "750" and replacing it with the number "484".

60. And further by adding a new Section **18B PROVINCIALY SIGNIFICANT WETLAND (PSW) ZONE** after Section 18 as follows:

"18B.1 USES PERMITTED

No person shall within any (PSW) zone use any lot or erect, alter, locate or use any building or structure for any purpose except one or more of the following (EC) uses, namely:

- (a) **Permitted Uses:
a conservation use"**

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 20th day of March, 2018.



Richard B. Woodcock, Mayor



Connie Parent, Clerk