

# The Corporation of the Township of North Kawartha

## By-law 2023-001

**Being a by-law of the Corporation of the Township of North Kawartha under the provisions of Section 34 of the Planning Act R.S.O. 1990, Chap. P. 13, as amended, to amend Comprehensive Zoning By-law #26-2013.**

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 enacts as follows:

1. That Comprehensive Zoning By-law #26-2013, as amended, is hereby further amended in the following manner:
  - a. Section 2.19 is hereby amended by adding “or portion thereof” following the words “accessory building” such that the definition for bunkhouse shall read as follows:

“Bunkhouse” means an accessory building, or portion thereof, to a permitted recreation dwelling house, principally intended for use as sleeping quarters.
  - b. Section 2.76 is hereby amended by deleting the word “bunkhouse” between “carport” and “habitable room” and adding the sentence “The upper storey of a detached garage may also be utilized as a bunkhouse where authorized by the regulations of this Zoning By-law” to the end of the paragraph such that the definition for Garage, Private, shall read as follows:

“Private garage” 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, habitable room or other open shelter, except that the second storey of an attached garage may be utilized as a habitable room. The upper storey of a detached garage may also be utilized as a bunkhouse where authorized by the regulations of this Zoning By-law.
  - c. Section 2.85 is hereby amended by deleting the words “private garage” before the word “carport” and adding the sentence “A habitable room may be located in a private garage where specifically authorized by the provisions of the Zoning By-law” at the end of the paragraph such that the definition for Habitable Room shall read as follows:

“Habitable room” means a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition may include a bathroom, den, library, office or enclosed sun room but shall not include any carport, porch, veranda, unfinished attic, unfinished basement or unfinished cellar. A habitable room may be located in a private garage where specifically authorized by the provisions of the Zoning By-law.

- d. Section 3.1 (a) is hereby amended by adding the words “or otherwise specifically authorized by the provisions of this Zoning By-law” to the end of the first paragraph, such that it shall read as follows:

Permitted Uses

Any use, building or structure which is accessory to a permitted use in a zone shall be permitted in such zone except that none of the following accessory uses shall be permitted in any zone unless such accessory use is listed as a permitted use in such zone or otherwise specifically authorized by the provisions of this Zoning By-law:

- e. Section 3.1 (d) (ii) is hereby amended by deleting the last sentence of the paragraph, “Access to any upper storey shall be restricted to an internal, unenclosed stairway located inside the building”, such that Section 3.1 (d) (ii) shall read as follows:

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.

- f. Section 3.1 (o) is hereby amended by deleting subsections (i), (ii) and (v) and renumbering all other subsections accordingly, such that Section 3.1 (o) shall read as follows:

Gazebo or detached deck

- (i) Any lot zoned to permit a dwelling shall be permitted one gazebo and one detached deck as accessory uses;
- (ii) A gazebo or detached deck shall not be connected to each other and shall not be connected to any other accessory structure;
- (iii) A gazebo may be located on an attached deck, but may not be directly accessible from the dwelling.

- g. Section 3.16 is hereby amended by adding the following after the first sentence “In such instances, the provisions of the applicable zone, save and except for lot area and lot frontage, shall apply to each portion of such lot except however the area of any Environmental Constraint (EC) zoned land shall not be considered towards the lot area. Where there are multiple zones on a lot, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the provisions and regulations of this By-law.”

- h. Section 3.18 is hereby amended by adding a new subsection b) as follows, and renumbering all other subsections accordingly:

(b) Alterations to Non-Complying Dwellings Located within the Water Yard

Notwithstanding Section 3.18 (a) or 3.30 (a), the replacement and enlargement of a legally existing non-complying dwelling within the required 30-metre (100 foot) water yard may be permitted, subject to the following:

- (i) The replacement or enlargement of dwelling into or further into the water setback, and towards the waterbody, than that which already exists shall not be permitted.
  - (ii) No enlargement to the size or height of a dwelling within 9 metres (30 feet) of the high water mark shall be permitted.
  - (iii) Where a dwelling is located at least 9 metres (30 feet) from the high water mark, but less than 15 metres (50 feet) from the high water mark, such dwelling may be replaced and enlarged towards the side lot lines provided the final building, including decks, is not wider across the front than 40% of the existing shoreline frontage to a maximum of 18.3 metres (60 feet), whichever is less, and provided all required side yard setbacks are adhered to. Any increase in height shall not exceed 1.2 metres (4 feet).
  - (iv) Where a dwelling is located at least 15 metres (50 feet) from the high water mark, but less than 30 metres (100 feet) from the high water mark, such dwelling may be replaced and enlarged towards the side lot lines provided the final building, including decks, is not wider across the front than 60% of the existing shoreline frontage to a maximum of 27.6 metres (90.5 feet), whichever is less, and provided all required side yard setbacks are adhered to. Any increase in height shall not exceed 2.4 metres (8 feet).
- i. Section 3.30 is hereby amended by deleting the first sentence which reads “All new development and sewage system leaching beds shall be setback at least 30 metres (100 feet) from the ordinary high water mark of all water bodies”, and replacing it with a new paragraph a) as follows, and renumbering all other subsections accordingly:
- a) Except as otherwise specifically provided for herein, all new buildings and structures, including sewage system leaching beds, shall be setback a minimum of 30 metres (100 feet) from the ordinary high water mark.
- j. Section 3.30 a) Permitted Exceptions, is hereby amended by deleting the words “anything in this” between “notwithstanding” and “Section” and adding the words “3.30 a)” between “Section” and “to the contrary” such that the paragraph shall read as follows:
- Permitted Exceptions  
Notwithstanding Section 3.30 (a) to the contrary, structures such as pump houses, docks, boat launching ramps, boat lifts, marine railways, holding tanks, septic tanks and other treatment units shall be a permitted use and may encroach into the 30 metre setback without a Minor Variance or Zoning By-Law Amendment provided that the property owner can demonstrate to the Township’s satisfaction and, if appropriate, the authority having jurisdiction over the waterway, that it does not negatively affect the waterfront environment and the use is permitted within that geographical area of the Township.
- k. Section 3.30 a) is hereby amended by deleting the second paragraph, which begins with “Structures that are legally existing that do not comply” and replacing it with the following new subsection, and renumbering all other subsections accordingly:
- c) Expansions and Replacement of Existing Buildings and Structures  
Buildings and structures that are legally existing that do not comply with the required setback provisions that require replacement due to structural defects or destruction by fire or other natural causes or by permitted demolitions will be permitted to be replaced on the same

footprint and to the same height.

Expansions and enlargements to legally existing non-complying dwellings that do not comply with the required setback provision of Section 3.30 (a) shall only be permitted where the enlargement does not further encroach into the 30 metre setback, and the proposed expansion / enlargement conforms with the provisions of Section 3.18.

- l. Section 3.30 a) is hereby amended by adding a new subsection heading d) Sewage Treatment Replacement before the paragraph starting with "Sewage system leaching beds" and renumbering all other subsections accordingly.
- m. Section 3.30 is hereby amended by adding two new subsections after subsection c) Stairs and Landings, numbered accordingly, as follows:

#### Attached Decks

New, open, attached decks and enlargements to existing decks attached to a dwelling shall be permitted within the water setback up to a total finished maximum of 3.7 metres (12 feet) in depth from the main dwelling provided however no new decks or enlargements shall be permitted within 9 metres (30 feet) of the high water mark. Open decks located within the water setback shall not be supported by permanent walls or a perimeter foundation nor shall they have a permanent roof, save and except for as permitted in Section 3.1 (i). This section shall not apply to existing boathouses.

#### Gazebos and Detached Decks

Subject to the provisions of Section 3.1 (o), either a gazebo or detached deck may be permitted within the water setback, provided the ground floor area does not exceed 10 square metres (107.38 square feet) and the height does not exceed 3 metres (10 feet). Notwithstanding, a gazebo or detached deck shall not be permitted within 9 metres (30 feet) of the high water mark.

- n. Section 6.2 (d) is hereby amending by adding the sentence "Where a bunkhouse is located within the upper storey of a private detached garage, the 37 square metre (400 square foot) maximum area shall apply to any area where the height between the top of the floor and the finished ceiling is 1.4 metres (4.5 feet) or greater" such that the paragraph shall read as follows:

#### Bunkhouse per Lot (maximum)

1 only having a maximum area of 37 square metres (400 square feet) in measurement outside dimensions inclusive of all area (porches/open decks/etc.). Where a bunkhouse is located within the upper storey of a private detached garage, the 37 square metre (400 square foot) maximum area shall apply to any area where the height between the top of the floor and the finished ceiling is 1.4 metres (4.5 feet) or greater. Washroom facilities may be permitted in bunkhouses, with the approval of the authority having jurisdiction for a sleeping area with waste disposal. No cooking facilities are permitted."

- o. Section 6.2 m) is hereby amended by deleting "7.5 metres (25 feet) after "Building height (maximum)" and replacing it with "10 metres (33 feet)".
- p. Section 6.2 (q) is hereby amended by deleting the Section in its entirety.
- q. Section 7.2 (d) is hereby amending by adding the sentence "Where

a bunkhouse is located within the upper storey of a private detached garage, the 37 square metre (400 square foot) maximum area shall apply to any area where the height between the top of the floor and the finished ceiling is 1.4 metres (4.5 feet) or greater” such that the paragraph shall read as follows:

Bunkhouse per Lot (maximum)

1 only having a maximum area of 37 square metres (400 square feet) in measurement outside dimensions inclusive of all area (porches/open decks/etc.). Where a bunkhouse is located within the upper storey of a private detached garage, the 37 square metre (400 square foot) maximum area shall apply to any area where the height between the top of the floor and the finished ceiling is 1.4 metres (4.5 feet) or greater. Washroom facilities may be permitted in bunkhouses, with the approval of the authority having jurisdiction for a sleeping area with waste disposal. No cooking facilities are permitted.”

- r. Section 7.2 l) is hereby amended by deleting “7.5 metres (25 feet) after “Building height (maximum)” and replacing it with “10 metres (33 feet)”.
- s. Section 7.2 o) is hereby amended by deleting the Section in its entirety.

This by-law shall come into effect on the 17<sup>th</sup> of January, 2023.

Read and Adopted in open Council on the 17<sup>th</sup> of January, 2023.

Verify with [verifio.com](https://verifio.com) or Adobe Reader.

Carolyn Amyotte, Mayor

**Connie Parent**

Signed with ConsignO Cloud (2023/01/18)  
Verify with [verifio.com](https://verifio.com) or Adobe Reader.

notarius

Connie Parent, Clerk