

The Corporation of the City of Kawartha Lakes

By-Law 2020-155

A By-law to Amend The City of Kawartha Lakes Official Plan to Allow Additional Residential Units Within The City of Kawartha Lakes

[File D00-99-032, Report PLAN2020-057, respecting lands within The City of Kawartha Lakes]

Recitals:

1. Section 16(3) of the Planning Act requires that official plan policies authorize the use of additional residential units.
2. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. 13, authorize Council to consider the adoption of an amendment to an Official Plan.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 39.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-155.

Section 1.00: Official Plan Amendment Details

1.01 Property Affected: The lands affected by this By-law are eligible properties in the City of Kawartha Lakes.

1.02 Amendment: Amendment No. 39 to the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2.00: Effective Date

2.01 Force and Effect: The By-law shall come into force and take effect on the date it is finally passed, subject to approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R.S.O. 1990, c.13.

By-law read a first, second and third time, and finally passed, this 15 day of December, 2020.



Andy Letham, Mayor



Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2020-155
The Corporation of The City of Kawartha Lakes
Amendment No. 39 to The City of Kawartha Lakes Official Plan
Part A – The Preamble

A. Purpose

The purpose of the Official Plan Amendment is to address the requirements of the Planning Act, conform with the Provincial Policies and establish new land use policies for Additional Residential Units in the City of Kawartha Lakes Official Plan in order to provide a framework for the companion Zoning By-law Amendments.

B. Location

The Amendment affects all eligible properties that allow single detached, semi-detached or townhouse dwellings and accessory buildings or structures thereto across the City of Kawartha Lakes.

C. Basis

Council has enacted this Official Plan Amendment in response to provincially legislated requirements.

The Amendment to the City of Kawartha Lakes Official Plan is justified and represents good planning for the following reasons:

1. The proposed policies are consistent with the Provincial Policy Statement, 2020, and conform and do not conflict with provincial policy documents being A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and Oak Ridges Moraine Conservation Plan, 2017.
2. The proposed policies conform to the goals and objectives as set out in the City of Kawartha Lakes Official Plan.
3. The policies are appropriate with respect to facilitating a variety of housing options, gently increasing density of residential neighbourhoods, and contributing to complete communities.

Part B – The Amendment

D. Introductory Statement

All of this part of the document entitled Part B – The Amendment constitutes Amendment No. 39 to The City of Kawartha Lakes Official Plan.

E. Details of the Amendment

The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

1. Section 5. Housing Goal is amended by adding subsection 5.7 Additional Residential Units as follows:

5.7 Additional Residential Units

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 An additional residential unit is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions.

The following criteria shall guide development of additional residential units.

- a) A maximum of two additional residential units are permitted, where one additional residential unit is in the same building as the primary dwelling unit and one additional residential unit is in an accessory building or structure.
- b) A lot containing a garden suite, in accordance with the policies in Section 5.4. Garden Suites, may also have an additional residential unit.
- c) Lots outside of designated settlement areas shall have a minimum lot area of 0.4 hectares to be eligible for an additional residential unit. This requirement may be reduced where it is demonstrated through a hydrogeological and site servicing study that the lot can be adequately serviced.
- d) Additional residential units shall only be permitted on lots having adequate sewage and water supply. Additional residential units being developed on private services are encouraged to utilize the existing private sewage disposal systems and wells.
- e) The floor area of the additional residential unit shall be equal to or smaller in size compared to the gross floor area, excluding attached garage area, of the primary residential unit without any substantial modification to the building's bulk or massing.

- f) The Zoning By-law shall contain appropriate performance standards for the creation of an additional residential unit, including lot area and frontage, yard setbacks, coverage, height, and landscaping to reflect the character of the neighbourhood. Additional residential units are not subject to density control requirements as defined in the applicable Zoning By-law.
- g) On-site parking is provided in accordance with the Zoning By-law.
- h) Additional residential units shall only be permitted on lots having frontage and access to a year-round municipally maintained road.
- i) Additional residential units shall not be permitted within buildings or structures that are located within the Environmental Protection designation, floodplain areas, water setback or other hazardous lands.
- j) Where applicable, additional residential units located in accessory buildings or structures shall comply with the Minimum Distance Separation formulae.
- k) An additional residential unit within an accessory building or structure shall not be severed from the lot accommodating the primary residential unit.
- l) Additional residential units shall comply with the provisions of the Ontario Building Code, Fire Code, Zoning By-law and all other relevant municipal and provincial standards.
- m) All additional residential units shall be registered in accordance with the City's Additional Residential Unit Registration By-law.
- n) Notwithstanding Section 5.7.2, within the Oak Ridges Moraine Conservation Plan area a maximum of one additional residential unit shall only be permitted within a single dwelling provided the single dwelling is located within the Settlement, Rural Settlement or Countryside land use designations; additional residential units are not permitted within the Natural Core Area or Natural Linkage Area designations.

5.7.3 Innovative building design is encouraged to facilitate subsequent opportunities to create additional residential units.

2. Section 30. Definitions is amended by adding the following definitions in alphabetical order:

30. Definitions

Additional Residential Unit: means a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential unit. The additional residential unit shall include the following areas that are separate from the primary residential unit: a separate entrance, kitchen facilities, washroom facilities, and living space.

Primary Residential Unit: means a single detached, semi-detached or townhouse dwelling for the purpose of the definition of Additional Residential Unit.

F. Implementation and Interpretation

The implementation and interpretation of this Amendment shall be in accordance with the relevant policies of the Official Plan.