

# The Corporation of the City of Kawartha Lakes

## By-Law 2020-156

### A By-law to Amend The Village of Fenelon Falls Official Plan to Allow Additional Residential Units

[File D00-99-032, Report PLAN2020-057, respecting lands subject to the Village of Fenelon Falls Official Plan]

#### 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 19.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-156.

#### Section 1.00: Official Plan Amendment Details

- 1.01 Property Affected:** The property affected by this By-law includes eligible lands subject to the Village of Fenelon Falls Official Plan.
- 1.02 Amendment:** Amendment No. 19 to the Village of Fenelon Falls 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.

  
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Andy Letham, Mayor

  
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Cathie Ritchie, City Clerk

**Schedule 'A' to By-law No. 2020-156**  
**The Corporation of The City of Kawartha Lakes**  
**Amendment No. 19 to The Village of Fenelon Falls 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 Village of Fenelon Falls Official Plan in order to provide a framework for the companion Zoning By-law Amendments.

**B. Location**

The Amendment affects all eligible lands that allow single detached, semi-detached or townhouse dwellings and accessory buildings or structures thereto subject to the Village of Fenelon Falls Official Plan.

**C. Basis**

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

The Amendment to the Village of Fenelon Falls 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.
2. The proposed policies conform to the goals and objectives as set out in the Village of Fenelon Falls 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. 19 to the Village of Fenelon Falls Official Plan.

### E. Details of the Amendment

The Village of Fenelon Falls Official Plan is hereby amended as follows:

1. **Part Three – Land Use Policies is amended by adding subsection 3.11 Additional Residential Units as follows:**

#### 3.11 Additional Residential Units

- 3.11.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units. For the purposes of this policy the following definitions apply:

**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.

- 3.11.2 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) Additional residential units shall only be permitted on lots having adequate sewage and water supply.
- c) 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.

- d) 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.
- e) On-site parking is provided in accordance with the Zoning By-law.
- f) Additional residential units shall only be permitted on lots having frontage and access to a year-round municipally maintained road.
- g) Additional residential units shall not be permitted within buildings or structures that are located within the Environmental Constraint Area designation, floodplain areas, water setback or other hazardous lands.
- h) An additional residential unit within an accessory building or structure shall not be severed from the lot accommodating the primary residential unit.
- i) 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.
- j) All additional residential units shall be registered in accordance with the City's Additional Residential Unit Registration By-law.

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

**2. Part Seven – Growth Management and Development Policies is amended by deleting subsection 7.3.2 b) vii) and replacing it as follows:**

- vii) encourage the creation of additional residential units throughout the built-up area.

**F. Implementation and Interpretation**

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