

The Corporation of the City of Kenora

By Law Number 38 - 2023

A By-law to Amend Comprehensive Zoning By-law 101-2015

Whereas the Council of the Corporation of the City of Kenora passed Comprehensive Zoning By-law No. 101-2015 on December 15, 2015; and

Whereas Council has amended By-Law 101-2015 from time to time; and

Whereas it is deemed advisable and expedient to further amend By-Law 101-2015;

Now therefore the Council of the City of Kenora Enacts as follows:

1. That Section 2 Definitions be amended to:
 - a. delete the definitions for “Secondary dwelling (interior)” and “Secondary dwelling (exterior)”; and
 - b. add the following definition:

“Additional Residential Unit: A self-contained residential unit with private kitchen, bathroom facilities, and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached, or multiple attached dwelling. It can be located within the main residential building and/or in an accessory building on the same lot, and has a smaller gross floor area than the primary residential unit.”
2. That Section 3.13.1 Residential Lot Occupancy be amended by replacing “secondary dwelling” with “additional residential unit”.
3. That Section 3.28 Secondary Dwelling Units be deleted and replaced with Section 3.28 Additional Residential Units, with the following text:

“3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) *A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.*
- b) *A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.*
- c) *One residential unit is permitted in an ancillary building or structure if the principal dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.*

- d) *Additional residential units must be connected to both municipal water and municipal sewage services.*

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) *A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.*
- b) *One residential unit is permitted in an ancillary building or structure if the principal dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.*
- c) *Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.*

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) *Additional residential units must be located on the same lot as the principal dwelling unit;*
 - b) *The following shall apply to vehicular access and parking for additional dwelling units:*
 - i. *An additional residential unit must not eliminate a required parking space for the principal dwelling unit;*
 - ii. *Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway but must be wholly located within the boundaries of the lot;*
 - c) *Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.*
 - d) *An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.*
 - e) *An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.”*
 - f) *A parking space must be provided in compliance with section 3.23 of this by-law.*
4. That Table 4: Required Parking Spaces by amended by replacing “Secondary dwelling” with “Additional residential unit”.
 5. That Section 4 Zones be amended by deleting “Secondary dwelling” in sections 4.1.2, 4.2.2, and 4.3.2.

6. That this By-Law shall come into force as provided in the *Planning Act* c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its final passing.
7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act* c. 13, R.S.O. 1990, as amended.

By-law read a First and Second Time this 19th day of April, 2023

By-law read a Third and Final Time this 19th day of April, 2023

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk