

The Corporation of the City of Kenora

By Law Number 167-2023

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:

“Secondary dwelling: 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 or equivalent floor area than the primary residential unit.”
2. That Section 3.13.1 Residential Lot Occupancy be amended by deleting the word “detached.”
3. That Section 3.28 Secondary Dwelling Units be deleted and replaced with the following text:

3.28 Secondary Dwelling Units and Sleep Cabins

3.28.1 Secondary Dwelling Units in Urban Areas

Secondary dwelling 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 maximum of two secondary dwelling units are permitted per lot.*
- b) *One secondary dwelling unit is permitted in an ancillary building or structure if the principal dwelling contains no more than one secondary dwelling unit and no other building or structure ancillary to the primary use contains any residential units.*
- c) *Secondary dwelling units must be connected to both municipal water and municipal sewage services.*

3.28.2 Secondary Dwelling Units and Sleep Cabins in Rural Areas

Secondary dwellings unit and sleep cabins are permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, and RR – Rural Residential Zone, subject to the following provisions:

- a) A maximum of one secondary dwelling unit is permitted per lot.
- b) A secondary dwelling unit is permitted in the dwelling if no ancillary building or structure contains any residential dwelling units.
- c) One secondary dwelling unit is permitted in an ancillary building or structure if the primary 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.
- d) One sleep cabin is permitted in an ancillary building or structure if no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.
- e) If located within an ancillary building, the habitable floor area of a secondary dwelling or sleep cabin shall not exceed 70 m².
- f) A secondary dwelling or sleep cabin may be incorporated into the second floor of a detached garage.
- g) A secondary dwelling or sleep cabin shall not be incorporated into a boathouse or any other building, except as provided in subsection (f) above; and
- h) Secondary dwellings and sleep cabins containing washroom, laundry or kitchen facilities must be connected to private sewer and water services approved by the Northwestern Health Unit.

Sleep cabins are permitted on any lot containing a single-detached dwelling in the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) The habitable floor area of a sleep cabin shall not exceed 53.5 m²;
- b) A maximum of one (1) sleep cabin is permitted on a lot
- c) Sleep cabins shall not be equipped with kitchen facilities;
- d) A sleep cabin may be incorporated into the second floor of a detached garage, provided that the building height of the garage is less than 7 m; and
- e) A sleep cabin shall not be incorporated into a boathouse or any other building, except as provided in subsection (d) above.

3.28.3 General Regulations for Secondary Dwelling Units

The following regulations apply to all secondary dwelling units:

- a) Secondary dwelling units must be located on the same lot as the principal dwelling unit;
- b) The following shall apply to vehicular access and parking for secondary dwelling units:

- i. *A secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit;*
 - ii. *Parking for the secondary dwelling unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for a secondary dwelling 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) *Secondary dwelling 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) *A secondary dwelling 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) *A secondary 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 Section 3.32 Sleep Cabin be deleted.
5. 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.
6. The City’s 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 20th day of December, 2023

By-law read a third and final time this 20th day of December, 2023

The Corporation of the City of Kenora:

Andrew Poirier, Mayor

Kelly Galbraith, Deputy Clerk