

# The Corporation of the City of Kawartha Lakes

## By-Law 2020 -

### **A By-law to Amend the Village of Fenelon Falls Zoning By-law No. 89-25 and Township of Fenelon Zoning By-law No. 12-95 to Rezone Land within the City Of Kawartha Lakes**

[File D06-2020-014, Report PLAN2020-027, respecting Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon, identified as 126 Lindsay Street; 130 Lindsay Street; and 573 Kawartha Lakes Road 121 respectively – Farley Bear Inc.]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to three specific parcels of land to harmonize zoning provisions to permit the conversion of, and expansion to the existing Home Hardware store into a full Home Hardware Building Centre on the subject lands.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Properties affected by this by-law are described as Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 89-25 of the Village of Fenelon Falls is further amended to add the following section to Section 4.10.7:  
  
“4.10.7.7 District Commercial Exception Seven (C2-7) Zone  
126 and 130 Lindsay Street (573 Kawartha Lakes Road 121)

Notwithstanding any other provision of the District Commercial (C2) Zone as set forth under this By-law to the contrary, within the District Commercial Exception Seven (C2-7) Zone, as delineated on the Zone Map attached hereto as Schedule 'A' and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

a. Permitted Uses

Notwithstanding Subsection 4.10.1 land zoned C2 7 may only be used for a retail store for the following uses:

- i. a builder's supply outlet including the outside storage and display of goods and materials;
- ii. an equipment sales and rental, light;
- iii. a furniture and appliance sales establishment; and
- iv. a garden nursery sales and supply establishment.

b. Regulatory Provisions

- i. Interior side yard – not adjacent to residential 2.0 metres
- ii. Minimum rear yard 7.0 metres
- iii. Minimum loading space requirement 1 space
- iv. Planting strip adjacent to residential 1.5 metres
- v. Minimum parking requirement for all uses 79 spaces
- vi. Section 5.13 shall not apply to lands zoned C2-7.
- vii. The regulations for lands zoned C2-7 shall be read in conjunction with the regulations for lands zoned C2-7 in the Township of Fenelon Zoning By-law 12-95 and they shall be applied as though the zone boundary did not exist.

c. Other Zone provisions

In all other respects, the provisions of the District Commercial (C2) Zone shall apply and be complied with.”

1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended by deleting Section 17.3.7 in its entirety and replacing it with the following:

“17.3.7 Highway Commercial Exception Seven (C2 7) Zone

17.3.7.1 Notwithstanding subsection 17.1.1 land zoned "C2 7" may only be used for a retail store for one of the following uses:

- (a) major appliances
- (b) home furnishings
- (c) home improvement and farm supplies
- (d) general hardware, sporting goods and building supplies

17.3.7.2 Notwithstanding articles 17.2.1.1, 17.2.1.2, 17.2.1.3, 17.2.1.4, 17.2.1.7, 3.13, 3.14.1 and 3.14.2, land zoned "C2 7" shall be subject to the following zone provisions.

- (a) lot area (min.) 7500 sq. m
- (b) lot frontage (min.) 40.0 m
- (c) front yard (min.) 43.0 m
- (d) interior side yard – adjacent to residential (min.) 12.0 m
- (e) interior side yard – not adjacent to residential (min.) 2.0 m
- (f) rear yard (min.) 7.0 m
- (g) maximum lot coverage 35%
- (h) minimum landscaped open space 15%
- (i) minimum loading space 1 space
- (j) minimum parking for all uses 79 spaces
- (k) Section 3.13 shall not apply to lands zoned C2-7.
- (l) The regulations for lands zoned C2-7 shall be read in conjunction with the regulations for lands zoned C2-7 in the Village of Fenelon Falls Zoning By-law 89-25 and they shall be applied as though the zone boundary did not exist.

1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 89-25 of the Village of Fenelon Falls is further amended to change the zone category from the 'Residential Type One (R1) Zone' to the 'District Commercial Exception Seven (C2-7) Zone' for the land referred to as 'C2-7', as shown on Schedule 'A' attached to this By-law.

## **Section 2:00 Effective Date**

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

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

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk