

Subject **Permanent Residential Uses on Lakes**

Background

Permitted uses in

In effect Burleigh Anstruther Shoreline Residential Zone (RS) permitted use is a Recreation dwelling house

In effect Chandos Recreational Residential Zone (RR) & (RRS) permitted use a recreation dwelling

Draft North Kawartha Bylaw dated August 2011 6.1A Shoreline Residential Zone (RS) permitted use a recreation dwelling house

Definition

Burleigh Anstruther definition

2.48(d) Recreation Dwelling House means a dwelling house, containing only one dwelling unit, which is constructed and used as a secondary place of residence, for vacation and recreational purposes and not as a permanent residence of the owner or occupant thereof.

Chandos definition

1.35 "Recreation Dwelling House" means a single detached dwelling used for recreational purposes that is not used for continuous and year round habitation or as a permanent residence and is used by a person or persons occupying a permanent residence elsewhere.

Draft North Kawartha bylaw Aug 2011

2.52 (d) Recreational Dwelling House/cottage means a dwelling house containing only one dwelling unit which is constructed and used as a secondary place of residence for vacation and recreational use.

Note: permitted use and definition should be the same

COMMENT/DISCUSSION

Economic viability of the North Kawartha area is directly dependent on year round activity supporting both private enterprises and public facilities such as schools libraries and community center programs.

The North Kawartha strategic plans encourages developing a health economic base while the zoning bylaw prohibits people from living around lakes on a permanent basis. This attitude in my opinion is outdated from the 60's when municipalities feared cottagers moving to the lakes and putting a strain on the ability of school boards providing facilities to handle the potential influx of students and pressuring municipalities to provided additional services. I suspect school boards today and in the future would welcome more students to support their new schools and avoid closures.

In fact these school and municipal services are funded to a great extent by the waterfront assessment. The outdated ATTITUDE of just collecting high taxes from waterfront taxpayers and restricting them from utilizing municipal services is long overdue for changes.

It is my understanding that the Ontario Building Code permits a reduced standard of construction for a seasonal dwelling unit such as a basic modest cottage. I suspect a property owner could in fact construct, a cottage under the current zoning that permits a recreational dwelling, with minimal insulation values, and then apply for publicly funded energy conservation programs to upgrade insulation standards at taxpayers' expense. Surely in our strategic planning, we should not be allowing construction of energy inefficient cottages. We should be fostering wise energy conservation in more than just municipal buildings.

The current in effect and draft zoning bylaws do not permit permanent residency on our lakes but traditionally this provision is not enforced by the municipality causing a **serious credibility issue related to the selective enforcement of the total zoning bylaw. If this provision is not enforced, what case can be made to enforcing any other provisions of the bylaw. The majority of permanent residences on our area lakes, admittedly including myself and members of council, reside on lakefront properties illegally in contravention with the in-effect and draft proposed zoning bylaw. This needs to be addressed within the current zoning bylaw update and possibly related official plan amendments.**

As part of my real estate practice, I find it awkward when responding to lawyers inquiries about their findings that a prospective purchaser of an existing elaborate four season home or vacant lot intended to be developed can not legally utilized the property as a permanent retirement home. The credibility of municipal planning is questionable when I have to explain that the township does not enforce that particular provision to their zoning bylaw.

RECOMMENDATION

That Council takes the required steps to amend their official plan policies and zoning bylaw to permit a permanent residence on road access waterfront properties.

Ambrose Moran