

## **Submission # 18 . Nov 11 2012 to North Kawartha Council** by Ambrose

Moran

Subject 30 meter set back--- Update including previous submissions

### **Background**

Since the commencement of the development of the consolidated zoning bylaw update in Fall of 2008, I have not been a supporter of the enhanced 30 meter setback for existing lots and have made the following two submission to the North Kawartha Zoning Bylaw committee.

### **Nov 21 2009 First Submission dated Nov 21 2008**

#### **What is the basis of the 30 meter setback?**

Considerable confusion exist within our community as to where this new standard, is coming from.. For some time I was told. that it was based on the Provincial Policy Statement and subsequently received communications from the twp and notices in cottage association publications that "new regulations under the Provincial Policy Statement go into effect ....the new standard will be 30 meters (100ft ) setback back effective March 2009

When questioned it. was subsequently indicated that the 30 meter set back was not in the , " Provincial Policy Statement but rather in the County OP and that this would soon be the standard in all of Ontario including Haliburton and Muskoka.. From what. I have been able to determine this is not so for structures

Brian Welr has stated to your committee last week and in previous communications that the 30 meter set back from water bodies was imposed by MOE.I am intending to get clarification of the MOE position to better understand the basis for the 30 meter set back. Based on my experience with MOE, I would expect they would favor enhanced setback for septic systems to protect water quality but would be surprised if they would establish standards for set backs of structures.

The OP goal of setting back development to minimize visual impact does not require a 30 meter setback! In fact without tree removal regulation this enhances setback will likely lead to clear cutting of the buffer zone to get a look at the Jake!

### **Submission #4 to North Kawartha PAC**

by Ambrose Moran Dated Jan 22 2009

Subject 30 Meter Setback Update

#### **BACKGROUND**

Since my presentation to the PAC Nov 21/08, I have continued to review information to determine the basis for the 30 meter setback from water bodies

**I have not been able to find any requirement**

- A) in the Provincial Policy Statement 2005
- B) any published "requirements" of MOE
- C) any published "requirements" of MNR

The County OP does have a requirement for a 30 meter setback and I feel this requirement should be rethought to avoid hardships with development proposals for existing developed lots which were never intended to comply with such a setback when created.

A case can be made to require a 30 meter setback for a new waterfront subdivision or a series of consents where the lot sizes would provide for such a setback.

It is my experience that the implication of the 30 meter setback is not a great hardship in the creation of new lots as it is in the matter of redeveloping existing properties. In the past, it was common understanding in the community that there are rights to replace building on the existing foot print or even rebuild as long as the water setback is not decreased.

The redevelopment of an existing lot involving the replacement of a modest cottage with a new contemporary structure should NOT be based on a prerequisite that the structure be destroyed by Fire or a matter of public health and safety.

Setbacks of structure and protection of buffer zones protect lake ecology which is a requirement of the Provincial Policy Statement (Natural Heritage section 2.1). There is a wealth of information published by government agencies and academic literature recognizing the merits of a natural buffer zone around water bodies to protect water quality in lakes and no general consensus on the width of the buffer zone.

The MNR in a publication recommends a 15 meter buffer zone which is consistent with and reflected in the current draft zoning bylaw prepared by the township SECTION 7.2(o) A 15 meter buffer zone would be consistent with the policies in the Current OP section 6.2.5.3

Ambrose Moran

## UPDATE

Imposing a 30 meter set back on lot created prior to this new approach is not practical and inflicts hardship on property owners relative to the development potential of existing lots. When lot were created in the 50's 60 & 70 when setback were either nonexistent or 70ft resulted in lot often being created with say 150 ft depth and often hydro ROW were established about 100 ft back from lakes.

The effect of the 30 meter set back is aggravated on point lots as per these dwg



I fully support the 30 meter setback for new lots as restricting structures and septic systems further from lakes to protect water quality and support policies and regulations to avoid visual impact of new development. This approach to waterfront development is commendable and workable as such setback are established and taken into account when the lot is created.

The 30 meter setback severely restrict orderly development of the existing inventory of cottages on area lakes and frustrates the construction industry in advancing construction activity negatively affect the local economy. In many cases good weather months are lost to time consuming planning relief applications for which historically the majority of proposals eventually get approved.

**Muskoka**—it was proposed to implement a 100 ft set back on certain lake in Muskoka area and ratepayers objected strongly and the decision was to retain the 66 ft setback from lakes for development- also tree cutting bylaws protect the buffer zones in Muskoka- the 100 ft set back was considered an overkill by ratepayers and concern was expressed about pushing cottages back further which may force septic systems to be located in lakeside of cottage rather than behind.

**Havelock Belmont Methuen** are currently updating their zoning bylaw. In July 2012, I proposed to council, that the 100 ft setback only apply to lot created following the County of Peterborough OP policy for 30 meter setback coming into effect. I recently learned the Council is considering a new zoning bylaw provision establishing that the 30 meter set back apply only to lots created after and which I had suggested but now are intending to drastically reduce cottage setbacks based on the set back in effect on the date the lots were created ---→ ie 70 ft for lots created before 2009 ( up to passing of Bylaw 2009-65)-----49 ft for lot created before 1995 ( up to passing of Bylaw 1995-42) . This draft may or may not have been approved by HBM council yet. Earlier this year I made a submission to HBM Council recommending they only apply the 30 meter setback to lot created after this policy was imposed by the County of Peterborough. I certainly do not agree with the approach or reducing the setback based on the date the lot was created. Hopefully HBM will not reduce setback to 50 ft and hopefully North Kawartha and HBN can see the merit of have 100 ft water setback for lots create after The County OP policy for 30 meter setback was put in effect and 70 ft for lots created prior to that date in order to have consistency in our area particularly on Jack Lake which is regulated by both municipalities.

**RECOMMENDATION**

**That North Kawartha Council in passing the new consolidated NK zoning bylaw establish that the 30 meter water setback apply only to lots created after the effective date in which the County of Peterborough 30 meter set back policy and for lots created prior to that date a 70 ft water setback apply**

**And**

**the zoning schedules differentiate between the two setbacks**

Ambrose Moran