

# Submission to North Kawartha Council May 28 2016

## Background

Previous Council took position that twp had no jurisdiction to regulate in water development such as docks and boathouses.

This position was challenged through a Legal Claim against NK in May 2012

And

through and OMB appeal I FILED IN in Spring 2013 WHICH INCLUDED OBJECTIONS THAT NK REFUSED TO REGULATE IN WATER DEVELOPMENT ALONG WITH ABOUT 14 OTHER ITEMS WHICH WERE RESOLVE THROUGH MEDIATION

Leaving the in water jurisdiction matter to be resolved following the court decision

Court ruling last June dismissed the position of NK INDICATING THE TWP WAS WRONG IN THEIR POSITION OF NO JURISDICTION TO REGULATE IN WATER DEVELOPMENT AND THAT PERMITS UNDER THE OBC WERE NOT REQUIRED

**..Court in my opinion did not create any new laws-just explained to the parties what the existing laws require which is consistent with practices of other municipalities in Ontario.**

Following the Court decision I made three submissions in public forum offering to resolve the OMB appeal related to in water development in order that Cottages and dock builders would be able proceed legally with new docks based on reasonable zoning regulations and without being in violation of the Ontario Building Code.

I was invited to a mediation meeting in Sept and made proposals for simplified process to put in place dock regulations all outlined on about 3 pages. At the

meeting, general agreement was reached but subsequently based on objection by a dock builder who was pushing for 1000 sq. ft. docks the mediation process was aborted in favour of an extensive expensive public consultation process over the winter when cottagers were not available but dock builders could lobby Council for their positions.

**The retained professional planner undertook an extensive background study leading to a recommendation to Council that maximum size of docks be 500 sq ft.**

Council subsequently instructed the planner through Council motion Feb 16 to make changes to his recommendation – one being that dock size be changed to be larger and ramp not to be included in dock size resulting in a total dock size of **931 sq ft.**

Subsequently the planner aware of my concerns modified the Bylaw Draft Dated Feb 26 to allow for a total max dock are of **600 sq ft**

But

In that new draft also based on instructions from Council on Feb 16 allowed for 2 dock on water access lot and lot with frontages of at least 200 ft

**So now the proposal at this public meeting is to allow 1200 sq ft dock on lots of 200 ft frontage. .much larger than area many of the cottages we sell!!**

So are we really regulating in-water development or is the only restriction how much money you have.

I did this winter contact a few dock builders to see what the normal dock size that is sold

One dock builder said he had just complete his 50<sup>th</sup> order and all but one was under 500 sq ft and that one that was over was 504 sq ft

**Another dock employee I talked to recently told me that one in a thousand would be over 500 sq ft.**

**I will ask that Council to maintain records of dock sizes applied for on area lakes over the next few years to appreciate the dock builder claims that most of his orders would not comply with a 500 sq ft restriction.**

**I have made some specific comments on the proposed amendment dated Feb 26 and will provide copy of this presentation and objection to the clerk for consideration by Council.**

### **Item #1**

**Section 1.2(e) Scope of Bylaw –should simply say does not apply to Stoney Lake and Park Lakes**

### **Item #2**

**All lakes should not be zoned L**

**Stoney Lake should have a specific zone say L-F indicating the federal jurisdiction**

**Park Lakes and Names should be zone L=P indicating the Planning Act does not apply..this position is subject to confirmation that the Planning Act does not apply**

### **Item #3**

**Section 2.12 (a) and (b) I see no need to define Boathouse Wet and Boathouse Dry since not permitted uses**

#### **Item #4**

**Definition Dock 2.44..no sure “attached to shoreline” is required in definition**

#### **Item #5**

##### **Dock Ramp**

**Based on my review of many dock configurations, I feel it is not possible to distinguish between ramp and dock ..**

**The report by Jones states that “ in considering dock regulations ...it is prudent to find an approach that is reasonable , consistent and understandable”**

**It is my strong view that attempting to have separate regs for dock ramps is just complicating the process.**

#### **Item #6**

**2.60 Existing... this fundamentally change the total comprehensive zoning bylaw and this matter was seriously considered and debated by the previous council and zoning committee and was decided to be consistent with many other municipalities to use the dates of the first zoning bylaws of the township for existing to avoid offering amnesty to construction or conversions ( bunkies) of illegal structures constructed following the establishment of legal non-conforming rights as established in the Planning Act.**

#### **Item #7**

##### **Swim Raft**

**2.177 word inflatable should be deleted and height restriction considered**

**Item #8**

**Marine Facility Section 3.1 (i) Location**

**Lot line projected 90 degrees into waterbody –this appear to conflict with straight line projection approach for docks -need illustration to clarify**

**Item #9**

**Docks 1)**

**Straight line projection for interior lot lines setbacks does not work on converging lots lines**

**Item #9**

**Dock projections**

**Docks 2) may project... should include Marine facility**

**Item #10**

**Docks**

**3) dock ramp does not appear to be restricted in size**

**Item #11**

**4) This recent revision now permits 1200 sq ft dock on a large number of properties which is unacceptable**

**Item #12**

**5) & 6) be simpler just to zone lake L-F and L-P and indicate contact either MNF or TSW for permits that Twp does not have jurisdiction**

**Item #13**

**Section 3.31 Pump Houses**

**This provision was allowed by an OMB decision I achieve many years ago and no need to deal with eliminating it.. should be available for NK files. also now permitted in OP**

**Item #14**

**Dock Ramp 3.31 (d) – size not restricted but if ramp included in the dock max area this would be simpler**

**Item #15**

**Section 18A Lake Zone(L)**

**Use permitted**

**Should dock ramp be added as a permitted use**

**Item #16**

**Illustration- there is a real need in the zoning bylaw amendment to include illustrations to clarify the regulations.**

**Ambrose Moran**

