

Submission #25 28 Feb 2013 to North Kawartha Council by Ambrose Moran

Subject **Miscellaneous Follow Up Items #1 to 13**

Item #25-1

Attached Bldgs—Detached Bldgs & Accessory Bldgs -Reference My Submission #16

This submission with illustrations directed concern for being able to construct an accessory bldg. under the pretense of an addition by simply connecting the two independent structures with a roof extension of deck.

The Staff report did seem to comment on this issue by stating *Garage additions must be connected by floor, wall and roof system to be considered an addition*

Comment- new accessory building are required to comply with water yard setback and unless the zoning bylaw addresses the concern expressed in submission #16 new two story garages with living accommodations including washrooms or two story guest cabins withy washrooms could be **built simply by connecting with a deck or roof extension** circumventing intent of zoning bylaw and official plan. I

Recommendation –that this mater be clarified to ensure that the concern in my submission #16 is addressed.

Item #25-2

30 Meter Setback

I continue to be concern with imposing a 30 meter setback on small existing lots and recommend that 70 ft set back apply to lot created prior to 30 meter set back being imposed by the County of Peterborough Official Plan .

Recommendation that council takes steps to **change the water set back provisions to 70 ft for existing lots created prior 30 meter policy of Peterborough County OP.**

Item #25-3

Scope of Bylaw Reference my submission 15

The scope of the **bylaw should explain the bounds or extent of the bylaw** which would be satisfied by my recommendation on submission #15. The draft bylaw has a Scope of Bylaw section 1.2 which includes sub sections such as --Official Plan—Vision—Planning—Building permits—Land Subject to bylaw—Conformity with Bylaw—Existing Uses Building permit issue-Compliance with other Restrictions—Committee of Adjustment Approvals—Island Zoning .

The only sub section which should be in the scope is Lands Subject to Bylaw but should be corrected as all lands within the corporate limits of North Kawartha are not subject to the bylaw—Lands within the 2 provincial parks in NK are not subject to this bylaw. The Planning Act does NOT apply to provincial parks.

Recommendation- the following be used as Scope of Bylaw

All lands and waters within the boundaries of Municipality of North Kawartha except for all lands and waters within the boundaries of the Petroglyph Park and North Kawartha Highlands Park but include privately and municipally owned land within the Kawartha Highlands Park

Item #25-4 Detached & Attached Garage--reference my submissions 17-15 and 16

The definition of ATTACHED has been modified to in fact allow for an accessory building to be considered an attachment or addition by simply connecting two structures by roof or floor-note floor not define and could be deck. Be better to have an actual definition of Attached Garage and Detached Garage and supported with illustrations.

Recommendation that new zoning bylaw not permit accessory building to be considered building additions by simply connecting with deck of roof extensions.

Item #25-5

Define Boat House should be definition of Boat House-reference my submissions #2 and 17-21 –no comment in staff report—HBM now include definition in proposed zoning bylaw

Item #25-6

Water Yard reference my Submission #17-26

In submission 17-16 I have suggested that the term water yard be deleted unless used in the bylaw which at that time was only in as definitions. In the latest draft water yard has been added to definition of Water Setback 2.93 as follows:

2.193 WATER SETBACK/WATER YARD

"Water setback/water yard" means the straight line horizontal distance from the high water mark of a water body to the nearest part of any building, structure or open storage area on the lot. and for the purposes of this By-Law shall be an open, uncovered space which is unoccupied by buildings or structures except as may be expressly permitted in this by-law.

Comment--- a YARD and SETBACK are not the same and should not be in combined definition. It is important that this be corrected as much of the zoning bylaw reloaded to setbacks which if not clear will be problematic.

Item #25-7 Building area % coverage in first 200 ft from lakes Reference my submission 19-1 and 20.4

Tim's report is right that there is a need to provide for additional lot coverage for the lands beyond the 200 ft setback—not sure that HBM got it right and suggest the wording of Sequin Twp could be of assistance.

Item #25-8 Properties with no Zoning Symbols reference my submission 17-4

Zoning schedules should distinguish between buildable and not buildable islands---newest draft attempt to address of situation where some island not identified with zoning symbols and this new section 1.2(k) should not be in 1.2 Scope of Bylaw but rather in Interpretation section 1.3.

Item 25-9 Definition high water mark

A decision is require as to whether to use the term High Water Mark or Normal High Water Mark-adding NORMAL HIGH WATER MARK to the title of definition 2.88 and then defining High Water Mark is basis for confusion-see newest draft below

2.88 HIGH WATER MARK/NORMAL HIGH WATER MARK

"High water mark" means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

RECOMMENDATION just use tern high water mark as defined and delete all referenced to normal high water mark

Item 25 -10

Define Navigable Waterway which is use in 2.104 reference my submission 17-20

No comment in staff report but current draft bylaw now included the following

2.122 NAVIGABLE WATERWAY

"Navigable waterway" is defined by the Provincial or Federal Government

The following is definition is from the Federal Navigable Waters Act which I do not thing assist the twp in administering this zoning bylaw

"navigable water"
« *eaux navigables* »

"navigable water" includes a canal and any other body of water created or altered as a result of the construction of any work.

Recommendation-that term navigable waterway be defined to be compatible with intentions of zoning bylaw of not used.

Item 25-11 Define Kitchen reference my submission 17-5

– no comment in staff report—also recognition should be given for trend in expensive house designs to have exterior self-contained kitchen as part of outside covered of partial covered or open entertainment areas

Recommend kitchen be defined and provision for exterior kitchens

Item #25-12 Demonstrate to twp satisfaction reference my submission 19-15

No comment in staff report on this issue. This is an important section dealing with WATER SETBACK and zoning bylaws should clearly indicate where building are to be placed in order to get a building permit, This statement/provision proving for flexibility based on "demonstrating to townships satisfaction that the placement of a structure in the 30 meter setback will not negatively affect the waterfront environment is in my view inappropriate language in a BYLAW—who in the township would be delegated that authority and what criteria would be applied to making the decision???. Basically these provisions states we have ruled for placement of building in our zoning bylaw which was developed through a public process but **NOTWITHSTANDING that the twp (either staff or Council I assume) can simply decide where buildings can be placed in the WATER SETBACK**

Item #25-13 88 ft setback. Reference my submission 20.6

Staff report clearly explains the situation and council should recognize that a loophole currently exist in the bylaw to establish new cottages to be built only **88 ft from the lakes contrary to intent of OP**. The original intent as explained in report was to provide for existing cottage to have rights to add 12 decks **NOT TO BUILD NEW COTTAGES** and rather consider them **EXISTING** to reduce water setback to 88 ft. Council should have little difficulty accepting that this needs to be changes to only allow decks to further reduce the water setback for cottages that existed prior to the 30 meter setback coming into effect.

Ambrose Moran