

Havelock Belmont Methuen Official Plan and Zoning Update

Submission #3 by Ambrose Moran Dated Nov 9 2011

Subject-Seasonal vs Permanent Residential Uses on Lakes

Background

Permitted uses in

In effect consolidated zoning bylaw dated Aug 2009

Seasonal Residential Zone 11.1 Permitted use single detached vacation dwelling

Definition

“Dwelling Vacation” means a separate building used or intended to be used for human habitation primarily used for recreational purposes which is not used for year round or permanent human habitation notwithstanding that it may be designed and/or constructed for such permanent human habitation

COMMENT/DISCUSSION

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

The township 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 This attitude in my opinion is outdated from the 60's when municipalities feared cottagers moving to the lakes and putting a strain on the ability of school boards providing facilities to handle the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 The outdated ATTITUDE of just collecting high taxes from waterfront taxpayers and restricting them from utilizing municipal services is long overdue for changes.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 vacation dwelling with minimal insulation values and then apply for publicly funded energy conservation programs to upgrade insulation standards at taxpayers' expense. No township should be allowing construction of energy inefficient cottages. The Township 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 reside on lakefront properties illegally in contravention with the in-effect zoning bylaw. This needs to be addressed within the current zoning bylaw and official plan update.

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. Jack Lake Estates is an example of where zoning does not permit permanent residency. 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