

**Submission # 19 Nov 12 2012 to North Kawartha Council** by Ambrose

**Moran**

Subject **General Provisions Section 3**

**Item #19-1**

**3.1(d) Building Area and Height—**

The 5% of lot area should only apply to the first 200 ft from waterbody

Accessory building should not be restricted to one storey for say bunkie on second level of garage – example

This has less impact on development footprint than two buildings



**Item 19-2**

**3.1 (h) (iv)** why is this needed?

The term flank yard is used but not defined

If accessory *building is attached or part of principal or main building* → then not an accessory building

Do not think this clause is required

**Item 19-3**

**3.1 (h) (1)**

**Utility sheds** why limit utility sheds to 108 sq ft

Since this is a non withstanding clause would a utility shed be allowed in water setback

**Item 19-4**

**K iii)** Fencing is regulated by the Municipal Act not zoning

**Item #19-5**

**L (i) Marine Facilities.....no marine facility** shall be erected closer than 12.19 meters ( 40 feet) to a side lot line

Since docks are included in the definition of marine facilities this would not be practical on many small lots

And

**Regulating docks in in contradiction with townships current position that they do not have jurisdiction for in water structures**

**Item # 19-6**

**L**

**Boathouses** requires definition and should be separate from marine facilities—see my Submission #2 Dated Jan 22 2009

**Boathouses** --- Jack Lake, particularly the Sharpes Bay area within North Kawartha has been recognized as being a trout lake and supposedly provincial agencies are, within their increasing staff shortage constraints, making determinations as to capacity limits related to the anticipated designation of all or part of Jack lake as being a trout lake---MNR recognizes the need to protect water quality in trout lakes and in effect Official Plan Policies address improving water quality.

Chandos Lake in this proposed bylaw is being added to the list of trout lakes based on existence of trout **and not based on capacity consideration.**

Jack and Chandos are the two major lake close to Apsley and it would be both **inconsistent and unacceptable** that Chandos water quality is being protected and not Jack lake,

When the NK Zoning committee met with provincial ministries in Feb 2009, MOE stated boathouses should be discouraged and MNR expressed surprise that boathouses would be allowed in the bylaw.

Chair of the Zoning Committee suggest that boat house not be permitted on all North Kawartha lakes and Reeve Whelan moved a motion 09-CZB 221 that Jack Lake should be included in draft as cold water/lake trout lake –that motion was withdrawn based on position that further studies would be required to determine if the lake is at **development capacity**- a criteria not applied to Chandos being included in the list of trout lakes.

County Planner has indicated that twp “ could include Jack lake as a cold water/lake trout lake and restrict boathouses on the lake”.

**Item 19-8**

**Decks on Boathouses**

Rather than not allowing deck on boathouses it would be more EFFECTIVE to require pitch roof and enforcement of decks on flat roof will be problematic—TSW and SEL have taken steps to avoid decks on flat roofed boathouses by requiring peak roofs—a flat roof plus lawn chairs causes a problem without actually constituting the structure being a deck –utilizing a flat roof for enjoyment would be difficult to enforce.

Item 19-9

vi

The Municipality may request technical advice from MNR before issuing a permit This zoning bylaw should indicate what is permitted –**not what is permitted subject to another level of governments approval**

Item 19-10

(b) **New Boatports** located on land—**this is a contradiction** as definitions states boat port is for **docking of watercraft**

Item 19-11

**Boatports**

(b) (e) perimeter walls ( maximum) 30% of the area of the perimeter was may be enclosed ( ie curtain wall)

**This is in conflict with definition of Boat Port**

Item 19-12

**B ( m) Dock**

The **15 ft set back** conflicts with **40 ft setback for marine facilities**

Item 19-13

**Flood Plain**

No building or **structure** other than a flood control use or **shoreline** protection shall be **erected** in a floodplain as defined herein.

Recommend **delete this if no floodplains identified on schedules**

Item 19-14

**Home Occupancy**

Why can an accessory building not be used for a home occupancy?

Item 19-15

**3.31 Water Setbacks ????**

A0 Permitted exceptions—the method of HOW a property owner can demonstrate to township ( who) satisfaction ???