

3.2.7 CLOSING AND CONVEYANCE OF ROAD ALLOWANCES

Council may, at its sole discretion, consider closing and conveying a road allowance if one or more of the following circumstances applies:

- a shore road allowance that abuts and is directly in front of a shoreline lot, where there are no other matters of public interest identified;
- an original road allowance or a road allowance dedicated on a plan of subdivision, only where deemed appropriate by the Municipality to specifically resolve an encroachment of a building or structure from an abutting lot and where suitable, alternative public access is provided or available;
- an original road allowance or a road allowance dedicated on a plan of subdivision to address a topographic constraint which hinders the proper development of an abutting lot, only where deemed appropriate by the Municipality and where suitable, alternative public access is provided or available;
- an original road allowance that bisects a proposed plan of subdivision, only where deemed appropriate by the Municipality and where suitable, alternative public access is provided or available; or
- where the Municipality has negotiated an exchange of land with a property owner to provide more suitable public road or water access.

If Council has passed a by-law to close any portion of a road allowance, the Municipality may retain title to the lands or may convey some or all of the lands. Any portion of a road allowance, located below the high water mark of a waterbody will be retained in public ownership.

Where the Municipality is requested to convey any portion of a closed road allowance, Council may as a condition of such conveyance require one or more of following:

- require the exchange of other property to provide appropriate land or water access;
- limit the conveyance to a suitable envelope, as determined at the sole discretion of Council, around an encroachment from an abutting property;
- notify all abutting landowners, including the Ministry of Natural Resources and Forestry, of the conveyance;
- require the removal of inappropriately located accessory buildings. For clarity, any building or structure **permitted in Section 5.1.2, or any building or structure** that was clearly constructed prior to July 11th, 1977, and has been assessed for tax purposes, will be permitted, subject to compliance with Section 3.19 **and 3.1** of Zoning By-law 2005-120, as amended from time to time; or
- require the prospective owner of such lands to assume responsibility for surveying the lands and paying all costs associated with preparing any documents necessary to effect the land transfer.

The Municipality will normally not close and convey road allowances if any of the following apply.

- The road allowance provides suitable access to a lake or river, unless the applicant can demonstrate to Council's satisfaction that there is already suitable, long-term public access to the water body.
- Closing the road allowance would restrict demonstrated existing public access and use along the road allowance, and this access and use cannot be readily relocated to another road allowance.
- A recreational trail club uses the road allowance, and the trail cannot be readily relocated.
- Protection of the road allowance for possible future recreation or public service purposes is of interest to the Municipality.

5.1.2 LAKES AND RIVERS

Development in shorelands will be set back from the shoreline to:

- maintain the shoreline's natural characteristics, quality, and integrity;
- preserve its natural visual characteristics, and
- protect and conserve its natural heritage features.

Within shorelands, all buildings, structures, and tile fields will be set back at least 30 metres (98 feet) from the high water mark of lakes and rivers, with the following exceptions:

- The water setback is 20 metres (66 feet) for buildings and structures and 30 metres for tile fields for a lot that on March 11th, 2004, was registered, vacant, and the water setback in the applicable zoning by-law was 20 metres. The Committee of Adjustment, as part of a minor variance application, may permit a reduction to the 30 metre (98 foot) water setback for a tile field only, where, due to the size, shape or topography of the lot, it is not feasible to locate a tile field beyond the 30 metre setback. The water setback is to be strictly adhered to in all other cases.
- The water setback is 20 metres for a lot that on March 11th, 2004, was registered, has been further developed, and the water setback in the applicable zoning by-law was 20 metres. This water setback applies to all buildings and structures, including tile fields and will be strictly adhered to.
- March 11, 2004 is the date that this policy was first implemented.

The shoreline setback for an individual lot is defined in the implementing zoning by-law as the "water setback". This setback shall be strictly adhered to.

Excepted from the shoreline setback requirements are docks and marine facilities as defined and permitted in the implementing zoning by-law; stairs that provide access to the water and are not attached to a building or structure; and landings that are less than 9.3 square metres (100 square feet) in area.

Also excepted from the shoreline setback requirements are a deck and patio that are not attached to a main building, and a maximum of one (1) accessory building as defined and permitted in the implementing zoning by-law.

An accessory building within the water setback is restricted to either a gazebo or storage shed and shall comply with the following criteria, which shall be strictly enforced:

- storage sheds shall only be permitted on lots that have a minimum slope of 15% measured over a horizontal distance inland 30 metres from the high water mark;
- gazebos and storage sheds shall be restricted to a maximum ground floor area of 10 sq. metres and a maximum height of 3.5 metres (11.5 feet);
- gazebos and storage sheds shall be located a minimum of 5 metres (16.4 feet) from the high water mark;

- the storage of vehicles and motor vehicles (including boats), as defined by the implementing zoning by-law, is not permitted in storage sheds;
- gazebos and storage sheds shall blend with the natural surroundings and be screened from view, from the lake and from neighbouring lots; and
- Prior to construction of a gazebo or storage shed, the shoreline vegetation shall be restored to a natural state, to the full depth of the shoreline setback.

The following development approvals shall be required prior to constructing a gazebo or storage shed, in the watersetback:

- a site plan agreement; and
- purchase of the shoreline road allowance, if the gazebo or storage shed will be located on the shore road allowance.

This policy ensures that the general intent of Section 5.1.2 is implemented, addressing the constraints and challenges of steep lots, permitting limited development within the shoreline setback in exchange for the restoration and repair of the shoreline vegetation to a natural state.

Boathouses are not permitted in the shoreline setback.

All owners of shoreline lots will be encouraged to leave the lands within the shoreline setbacks substantially undisturbed, up to the full depth of the setbacks where possible. Additionally, where the shoreline setback has been disturbed by past activities, the owner will be encouraged to restore the setback to a natural state. Soil and vegetation within the setback should be disturbed as little as possible, to preserve the impression from the lake that the shoreline is undeveloped. Clearing should be restricted to the minimum required for access, the safety of residents, and a limited view to the water.

The County of Haliburton passed By-law 3505, which is a by-law to protect and preserve trees on shoreline properties and to regulate the cutting of trees within the shoreline area. All cutting of trees or clearing of vegetation in the shoreline setback is to comply with the provisions of this by-law or any amendment to this by-law.

When considering individual development applications on lakes, Council may require as a condition of development approval that the shoreline setback be maintained in a substantially undisturbed condition or that the setback be restored to a substantially natural state. This may include the restoration of natural shoreline features and the planting of native vegetation.

15.1.1 SPECIAL AREA LSP-2: PERCY LAKE

~~Despite the policies of Section 5.1.2, storage sheds may be permitted in the water setback of lots located in Special Area LSP-2, more particularly described as the Waterfront Residential Areas designation adjacent to Percy Lake in Concession 5, Lots 22 to 25 inclusive, Concession 6, Lots 22 to 24 inclusive, Concession 7, Lots 22 to 28 inclusive, Concession 8, Lots 20 to 27 inclusive and Concession 9, Lots 22 to 27 inclusive in the geographic Township of Harburn.~~

~~Storage sheds within the water setback will comply with the following criteria, which will be strictly enforced:~~

- ~~— storage sheds will only be permitted on lots that have a minimum slope of 15% measured over a horizontal distance inland 30 metres from the high water mark;~~
- ~~— storage sheds will be restricted to a maximum ground floor area of 9.3 sq. metres (100 sq. feet) and a maximum height of 3.5 metres (11.5 feet);~~
- ~~— storage sheds will be located a minimum of 4 metres (13 feet) from the high water mark;~~
- ~~— storage sheds will be located a minimum of 1 metre (3.3 feet) from the side lot line;~~
- ~~— the storage of vehicles and motor vehicles (including boats), as defined by the implementing zoning by law, is not permitted in storage sheds;~~
- ~~— living accommodations are not permitted in storage sheds; and~~
- ~~— storage sheds will be screened from view, from the lake and from neighbouring lots, by native vegetation.~~

~~The following development approvals are required prior to constructing a storage shed in the water setback:~~

- ~~— a zoning by law amendment;~~
- ~~— a site plan and agreement; and~~
- ~~— purchase of the shoreline road allowance, if the shed will be located on the shore road allowance.~~

~~This special policy area ensures that the general intent of Section 5.1.2 is implemented, while recognizing the preference of residents on Percy Lake to address the constraints and challenges of steep lots. The Percy Lake Ratepayer's Association has lobbied the Municipality for special consideration and has completed a lake plan to support their position. As part of their planning process, the Lake Association conducted a survey of residents. They achieved a response rate of 76% to the survey. Of those surveyed, 92% were in favour of permitting storage sheds within the water setback, as long as the sheds were restricted to the criteria listed herein.~~