

Deputation Material of Michael Martin

“D” zoning and the 'Comprehensive Zoning By Law

13th February 2019

Purpose: to request Council to suspend the enactment of the 'Comprehensive Zoning By Law et.al.

Back ground: Since all of Council is new; you may not have considered the full implications of this By Law. This By Law effected and changed every property's zone by abolishing all former zoning By laws of the Town. It established a new zoning regime of which included a carryover zone from previous by law. This carry over is the utilization of the “D” zone. This zone in effect prohibits any use within a “D” zone. In the former by law at least an owner could build one single family house.

Impact: Please consider the streaming video of the November 29th at 1:04:35 to 1:12:35 to see and hear the dramatic and in my opinion shameful effect of “D”. You literally have a resident crying because the “D” zone prohibited him from doing anything with his 13 acre parcel having owned same for 20 year as a retirement lot for himself and a possible small subdivision. At least the former zoning allowed him to build a residence.

Further there is a question of possible Town liability where land owners affected by the “D” zone may well claim constructive expropriation of their property. Damages for one lot could easily exceed \$100,000 and if the owners organized into a class action this Town could be on the hook for millions.

Similarly organized owners could object to taxing their lands as the land has a zero value without a permitted use.

Why “D” zone? This is important as it underlies in my opinion an unfortunate attitude which is: government telling people what to do rather than the people telling government what to do. Zoning by laws are to serve the community and not dictate. This is a free country property rights cannot be arbitrary taken by government. This is enshrined in the Charter of rights. Ask? Did or Does Planning have any 3rd party studies or any studies at all to decide which lands are designated “D”. Council can and has the power to terminate the “D” zone leaving the effected lands to take the same zoning as neighbouring property or if a holding zone is wanted by the citizens then there are appropriate provisions in The Planning Act to do so.

The 3 Ask: 1. Council to contact the resident that spoke at the November 29, 2018 Council Meeting that is impacted by the “D” zone and assure him of a permitted use on this property. 2. Council continue to suspend operation of the Comprehensive By Law until this Council is satisfied with all the zones. 3. This Council review the “D” zone allocation and if fit abolish the “D” zone.

Post Script: I feel this Council has a distinct mandate from the current election to do things differently. The “D” zone is particularly unfair as often the pretext to pass a “D” zone is to control the placement of development on the land and to prohibit an owner from doing matters on his land which in the government opinion my impede a future development. Surely it is no business of the government to guess at what future development may be impeded by an owner lawfully utilizing his property.

With this there is an underlying clash of culture: are people in charge of government or is the government in charge of people. I cast my vote for the former.

Closing: I hope this is my last joust at windmills.