



Staff Report

Planning and Development Services – Planning

Report To: Committee of The Whole
Meeting Date: January 9, 2017
Report Number: PDS.17.005
Subject: Hallink Zoning By-law Amendment Withdrawal
Prepared by: Denise Whaley, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.17.005 “Hallink Zoning By-law Amendment Withdrawal”, for information purposes only.

B. Overview

The purpose of this report is to update Council on the Zoning By-law Amendment File submitted by Mark Hallink. This file requested permission for a “cowboy shooting range” at 595324 4th Line, in the Gibraltar area (Concession 5, Part of Lot 6, RP 16R9021, Part 6). Mark Hallink has withdrawn this application and the file is now closed. No further Council action is required.

C. Background

A zoning by-law amendment application was received in Planning Services on June 30, 2016 requesting permission for a “cowboy shooting range” that would discharge firearms, with blank ammunition. It was our understanding that the applicant wished to use the property for a personal recreational use only and a commercial shooting range was not requested.

A public meeting was then held August 22, 2016. A number of letters were received and neighbours expressed concern during the public meeting. The majority of the comments were concerned with noise, potential of commercialized use, potential traffic, number of events, number of guns fired at a time, and as well as opposition to the zoning by-law amendment generally. One letter of support was also received.

D. Analysis

As part of the staff review following the public meeting, staff considered the comments from the public and spoke with several people on the phone. Research was also conducted to understand how other jurisdictions consider, permit and regulate shooting ranges within Ontario.

In speaking with some of the neighbours, it was clear that the long term impact of rezoning the property was a concern as adding the use within the zone would stay with the property indefinitely, regardless of property ownership. This led to concerns that if the property sold at a later time, a future owner may wish to increase the amount of activity related to the use of the shooting range.

We have re-evaluated the approach of seeking approval for the personal shooting range through a zoning application. Staff are in agreement that this approach is not appropriate and raises concerns with the future uses of the lands. The majority of the concerns from the public were related to size/intensity of a shooting range and the potential to open it up for a commercial use down the road which would become a larger use of the property. The zoning amendment appears to be creating permission for something that was larger than both what was intended, or requested.

Outdoor recreation uses on a property, such as a personal shooting range, horse jumping or BMX riding, are activities typically seen in a rural area on farm-sized or acreage properties. These are considered personal recreational activities, accessory to the residential or farm use of the lands.

Staff research into other jurisdictions shows that where target shooting is more common (i.e. rural areas), personal target shooting ranges are considered differently than commercial shooting ranges. This is because as a personal use, only owners/occupants of the property would generally be involved in the shooting range. Commercial shooting ranges or clubs experience a much higher volume of activity and noise and higher volumes of people visit the site, requiring consideration about matters such as parking and traffic. Commercial shooting ranges would generally require zoning permission and the use would be listed as a permitted use within the property's zone as a commercial shooting range or club. Many other jurisdictions specifically exempt personal target shooting from firearms by-laws, just as they do hunting and similar activities on private lands.

The Town's Firearms By-law 2005-55 restricts the use of firearms, including target shooting, within a defined area. Outside the defined area, on private lands, a landowner, tenant or other person with the permission of the landowner is permitted to discharge a firearm. The by-law does not apply to police, conservation officers, or similar persons, in the course of duty.

Conclusion

As a result of research and analysis of this proposal, staff recommended to the applicant, Mark Hallink, that he withdraw this application as it was not warranted. Should a more intensive use of the property be considered in the future, such as a commercial shooting range use, or events-based activities (i.e. rodeo), staff would re-evaluate the new proposal with all the information available at that time, including whether it conforms with Town By-laws.

E. The Blue Mountains Strategic Plan

Goal #3 - Support healthy lifestyles

F. Environmental Impacts

None.

G. Financial Impact

None.

H. In consultation with

PDS Staff, other municipalities, neighbouring property owners.

I. Attached

None.

Respectfully Submitted,

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