

STAFF REPORT:

The Blue Mountains Planning and Building Department



REPORT TO: Planning and Building Committee

DATE: March 7, 2011

REPORT NO.: PL.11.26

SUBJECT: Application for:
Consent B18-2010 and
Zoning By-law Amendment
Stan Back
Part Lot 23 and 24 Concession 3
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Planning Staff Report PL.11.26, "Application for Consent B18-2010 and Zoning By-law Amendment, Stan Back, Part Lot 34 and 24 Concession 3, Town of The Blue Mountains";

THAT Council grant Application for Consent File Numbers B18-2010 subject to the following conditions:

- 1. A Zoning By-law Amendment to:**
 - a. Re-zone the severed and retained lands from the General Rural 'A2' and Residential 'R3' zone to the Estate Residential 'ER-228' zone.**
 - b. To establish Exception No. 228 that these lands shall only be used for one single detached dwelling on one lot as existing on the date of passing of this By-law.**
- 2. Obtaining an Entrance Permit to the satisfaction of the Ministry of Transportation.**

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the General Rural 'A2' and Residential 'R3' zone to the Estate Residential 'ER-228' zone.

B. Background

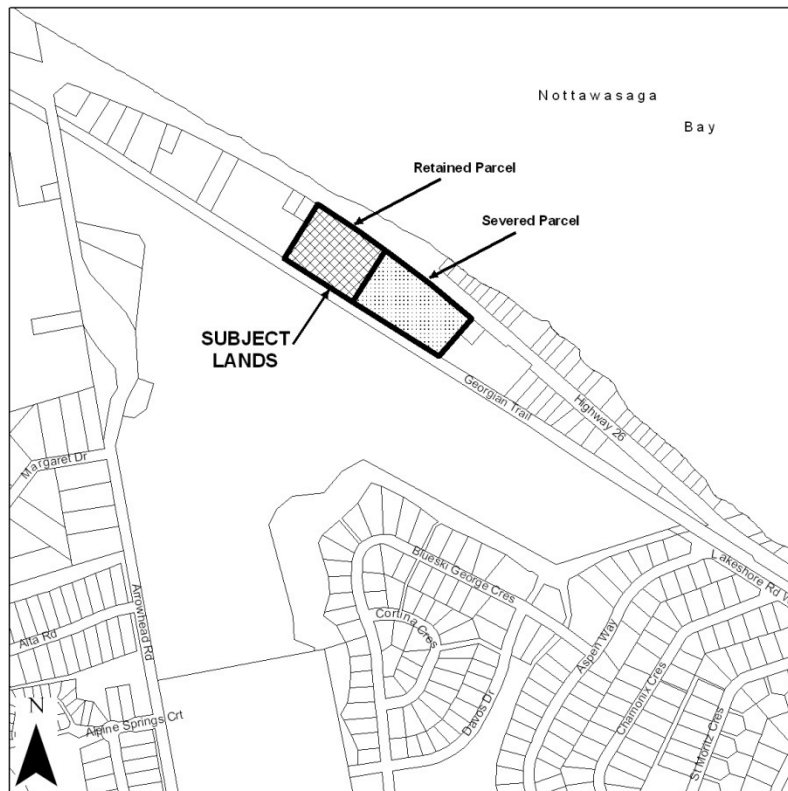
The Planning Services Division has received an application for Consent (File No. B18-2010) and Zoning By-law Amendment which proposes a technical severance of a 1.95 hectare parcel of land containing a residence and garage while retaining a 1.71 hectare parcel also containing a residence.

The subject lands were previously comprised of two separate lots each with one single detached dwelling. The lots are now merged together as one resulting in two dwellings on one property. The intent of these applications is to re-create two parcels with each having one dwelling.

The subject lands are 3.66 hectares in area, with frontage onto Provincial Highway 26. The lands are described as Part Lot 23 and 24 Concession 3 and are locally known as 209488 Highway 26 and 209502 Highway 26. The lands are generally flat, with thin and thick tree cover. A watercourse flows through the property along the east side of the property.

Surrounding land uses include existing and future low density residential uses, mainly single detached dwellings on individual lots. The 'Shale Beach' is located across the Highway. Municipal Water Services front the lands. Municipal Sewers are not within the vicinity of the lands, and each dwelling is serviced by an individual private septic system.

Location



Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land shall be efficiently used, with consideration for intensification, redevelopment, mix of uses and densities that ensure appropriate development will take place. The proposed would appear to be consistent with the PPS.

County of Grey Official Plan

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan. Section 2.5.2(5) states that the Escarpment Recreation Area designation, in addition to the designated Settlement Areas, will generally be the focus of growth within the County.

It is our opinion that the proposal will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan.

The Blue Mountains Official Plan

The subject lands are designated Recreational Residential 'RR-50' and Hazard 'H' in the Town of The Blue Mountains Official Plan. The Recreational Residential 'RR-50' lands permit generally lower density residential uses and recreational uses on full municipal services. Residential densities are permitted up to a maximum of 5 units per hectare provided that a minimum of 40% of the development is designed for open space and provided that additional recreational lands and/or facilities are provided to the satisfaction of Council. The RR-50 designation is intended to provide the policies and direction needed for the complete and orderly development of the lands. Exception 50 applies to a large number of future development parcels in the Craigeleith area all intended for low density residential purposes.

The Hazard 'H' lands recognizes the hazards associated with the watercourse along the east side of the property.

Schedule 'B' to the Official Plan establishes a maximum unit yield of 16 units over the subject lands.

The property can be considered "non-conforming" under the Official Plan. Non-conforming uses include any use of land which does not comply with one or more of the policies and provisions of the Plan. In this case, the subject lands include two separate single detached dwellings, where only one dwelling is permitted. Nothing in the Official Plan shall prevent the continued use of a non-conforming use provided that it was legally established and provided that it continues to be used in the same manner for the same purpose. The Official Plan provides policies in an attempt to reduce the number of non-conforming uses wherever possible.

Consents must be evaluated subject to the criteria of Section 9 to the Official Plan. Consideration on a proposed consent shall be given equally to the severed and retained parcels to ensure the maximum flexibility for the future development of each parcel. The size, location and configuration of any parcel created must be designed to enhance either the existing or potential development of the lands.

The Official Plan directs that these lands be developed for low density residential uses comprehensively and on full municipal water and municipal sewer services. However, the services are not available at this time and until it becomes viable to service and

develop these lands, they would not appear to be available for development purposes. Prior to these lands being developed, a severance to re-establish two lots for two separate dwellings will correct a non-conforming situation. The proposed boundary between the severed and retained parcels appear to take into consideration the development potential for each parcel respecting the existing locations of the existing dwellings and by maximizing the developable land on each parcel. Additional requirements under the Official Plan to restrict any future development or re-development on the lands can be implemented through a Zoning By-law Amendment until such time as a more comprehensive plan can be placed on the lands.

It is therefore our opinion that the proposed severance maintains the intent and direction of the Official Plan provided that a Zoning By-law is implemented to restrict any future development on the property from what presently exists today and to distribute the 16 units permitted through future development. The proposed boundaries between the severed and retained lots appear appropriate as they are drawn in a manner to maintain the two parcels as large and equal parcels while also recognizing the location of the existing dwellings in order to maximize the flexibility for future development.

Zoning

The subject lands are zoned Limited Rural 'A2' and Residential 'R3' under the Township of Collingwood Zoning By-law 83-40. The Residential 'R3' lands permits a single detached dwelling, a home occupation, plus accessory uses, buildings and structures. The boundaries of the 'R3' zone recognize the former eastern residential lot which is now merged. The Limited Rural 'A2' lands permits agricultural uses, a single detached dwelling, forestry, home occupation, home industry, plus accessory uses, buildings and structures.

A Zoning By-law Amendment is required to permit the proposed severance. A more appropriate zone should be placed on the lands to recognize the existing uses, to remove the agricultural component and to implement the Official Plan policies as noted above.

The Rural Estate Residential 'RERa' zone has been proposed by the applicant to recognize the large estate type lot that would result in the proposed severance. The Rural Estate Residential 'RERa' zone generally establishes a greater lot area, lot frontage and setbacks than most other Residential zones. The Rural Estate Residential 'RERa' zone typically applies to those rural lots outside of the urban settlement areas where municipal water and sewer are not available. A second option is to look at the Development 'D' zone which is typically used to recognize existing properties which due to their future development potential are placed into this "holding" type zone to restrict any additional development from what exists at the time of passing of the Zoning By-law and to restrict any redevelopment or enlargement of existing uses on the property. The intent of the Development 'D' zone is to protect the lands for their future development potential by preventing any new uses, buildings or structures being placed on the lands which may conflict with the future intended form of development. A third option is to rezone the lands into an Estate Residential 'ER' zone which would recognize the

existing dwellings, and provide for their redevelopment or enlargement within the provisions of the 'ER' zone. In order to restrict further development of each parcel, an exception can be placed on the property to ensure the lands are reviewed through proper planning process prior to any new development being considered.

A maximum unit yield should also be implemented to establish the total number of units that can be built on each property. Based on the criteria established in the Official Plan, the maximum permitted density is calculated by multiplying the area designated for future development (area) by the maximum permitted units per hectare (uph). Removing the lands designated Hazard 'H' within the Official Plan, the developable portions of both the severed and retained lands are approximately the same at 1.60 to 1.70 hectares each. Based on the maximum permitted density of 16 units, each parcel can be recognized for a maximum of eight (8) units each under the By-law

Upon review of the above options, it is our opinion that the lands be placed in an Estate Residential 'ER' designation with each parcel having an exception to require a Zoning By-law Amendment prior to any future development of the lands.

Public Meeting

A public meeting as required under the Planning Act was held on February 7, 2011. A presentation was provided by Clint Stredwick of DC Slade Consultants Inc. on behalf of the Owner. No members of the public offered any written or oral comments at the Public Meeting.

Additional Comments

Agency comments were received from the County of Grey Planning and Development Department, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission and the Ministry of Transportation.

The County of Grey has reviewed the proposed applications and provided that positive comments are received from the Ministry of Transportation and the Conservation Authority, County Planning Staff have no further concerns with the subject applications.

The Grey Sauble Conservation Authority has reviewed the proposed applications and they generally do not have any objections provided that the hazard zone including a 30 metre setback from the watercourse as identified in their letter is implemented in the Zoning By-law Amendment.

The Niagara Escarpment Commission has indicated that they have no objection to the proposed applications.

The Ministry of Transportation has reviewed the proposed applications and does not object provided that the owner obtains a MTO Entrance Permit as a condition of consent. It further being noted that as a condition of the MTO permit approval, one of the two existing entrances to the eastern dwelling must be physically removed by the

owner and at the owners expense. Additional comments have been provided regarding the future potential for access points for future commercial or residential development, with a specific objection to any zoning amendment that will allow for commercial development on either the retained or severed parcels.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-law Amendment applications conform to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff support these applications conditional upon the recommendations contained in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Budget Impact

NIL

E. Attached

1. Draft Zoning By-law

Respectfully submitted,

Shawn Postma, Planner II
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.248
1-888-258-6867
F: 519-599-3018
spostma@thebluemountains.ca

David Finbow, Director, Planning & Building Services
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.246
1-888-258-6867
F: 519-599-3018
dfinbow@thebluemountains.ca

Stan Back
Part Lot 23 and 24 Concession 3

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Map 19 to Schedule 'A' of the Zoning By-law of the Township of Collingwood being By-law No. 83-40, is hereby amended by rezoning from the Limited Rural 'A2' zone and Residential 'R3' Zone to the Estate Residential 'ER-228' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 23 and 24, Concession 3, as indicated on the attached key map Schedule "A-1".
2. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law 83-40 is hereby amended by adding the following:

"228 These lands shall only be used for one single detached dwelling on one lot as existing on the date of passing of this By-law."
3. Schedule "A-1" is hereby declared to form part of this By-law.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2011.

DATED at _____ this _____ day of _____, 2011.

Signed: _____
Corrina Giles, Clerk

Stan Back
Part Lot 23 and 24 Concession 3

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

 AREA TO BE REZONED TO 'ER-228'

 AREA TO BE REZONED TO HAZARD 'H'

