

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: May 4, 2009
REPORT NO.: PL.09.53
**SUBJECT: The Neighbourhoods of Delphi -
Draft Plan Revisions & Zoning
By-law Amendment**

**PREPARED BY: David Finbow, Director,
Planning & Building
Services/CBO**

A. Recommendations

THAT Council receive Staff Report PL.09.53 respecting "The Neighbourhoods of Delphi – Draft Plan Revisions & Zoning By-law Amendment";

THAT Council advise the County of Grey that the Town supports the proposed revisions to Draft Plan of Condominium 42-CDM-2007-15 as set out in the letter dated March 10, 2009 from Travis and Associates Inc. and denoted on the "Redline Revision to 42-CDM-2007-15, Draft Plan of Condominium of Vacant Land of Condominium of Block 7", as prepared by Patten & Thomsen Limited and dated received March 12, 2009; and

THAT Council enact a Zoning By-law Amendment in accordance with the Draft Zoning By-law and related Schedules attached to this Report.

B. Background

A Public Meeting was held on September 22, 2008 to consider changes to the Draft Plan of Condominium approved by the County of Grey on March 14, 2008 as well as modifications to the Ontario Municipal Board approved Zoning By-law for the subject lands. The substantive changes are as follows:

Draft Plan of Condominium

The westerly property line has been adjusted to address a 15.0 metre setback from the watercourse as originally required by the OMB.

The phasing line has been adjusted such that the Draft Lots proposed for single detached dwellings are now within Phase 1 and the Draft Lots proposed for the attached dwellings is within Phase 2. With respect to the future road connection between Highway #26, "The Neighbourhoods of Delphi" and "Peaks Bay", the Town's solicitor has confirmed that same has been secured and that the Town

and Developer's are working with the Ministry of Transportation in securing the necessary intersection improvements.

Zoning By-law Amendment

The proposed Zoning By-law Amendments are to implement the proposed Condominium Plan and related Site Plan. Other modifications include:

1. 2 storey buildings (versus 3storeys)
2. Increase in the rear yard setback for detached singles from 7.5 metres to 9.0 metres for the majority of the lots (18 lots will remain at 7.5 metres)
3. Provision has been made to allow for 8 model homes prior to the removal of the holding –h
4. Prohibition related to detached accessory buildings or structures in the rear yards on lands abutting the OS1 zones adjacent to watercourses

It is noted that the Grey Sauble Conservation Authority expressed concerns with respect to the extent of the hazard zoning at lots 118 – 120. The Planning Consultant has provided detailed information to the Town confirming that the extent of the proposed zone designations is consistent with the OMB Order.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government.

Preserving and enhancing natural and environmental features and cultural heritage of the community.

D. Environmental Impacts

The proposal will protect for the long term natural features and areas.

E. Budget Impact

N/A

F. Attached

- A. Draft Plan of Condominium
- B. Draft Zoning By-law

Respectfully submitted:

David Finbow
Director, Planning & Building Services/CBO

REDLINE REVISION TO
 42-CDM-2007-15
 DRAFT PLAN OF
 VACANT LAND CONDOMINIUM OF
 BLOCK 7
 REGISTERED PLAN LSM-00
 TOWN OF THE BLUE MOUNTAINS
 COUNTY OF GREY

PLANNING ACT

AND/OR OTHER INFORMATION REQUIRED
 UNDER SECTION 3(1)(b) OF THE
 PLANNING ACT

DATE

BY

SCALE

DATE

BY

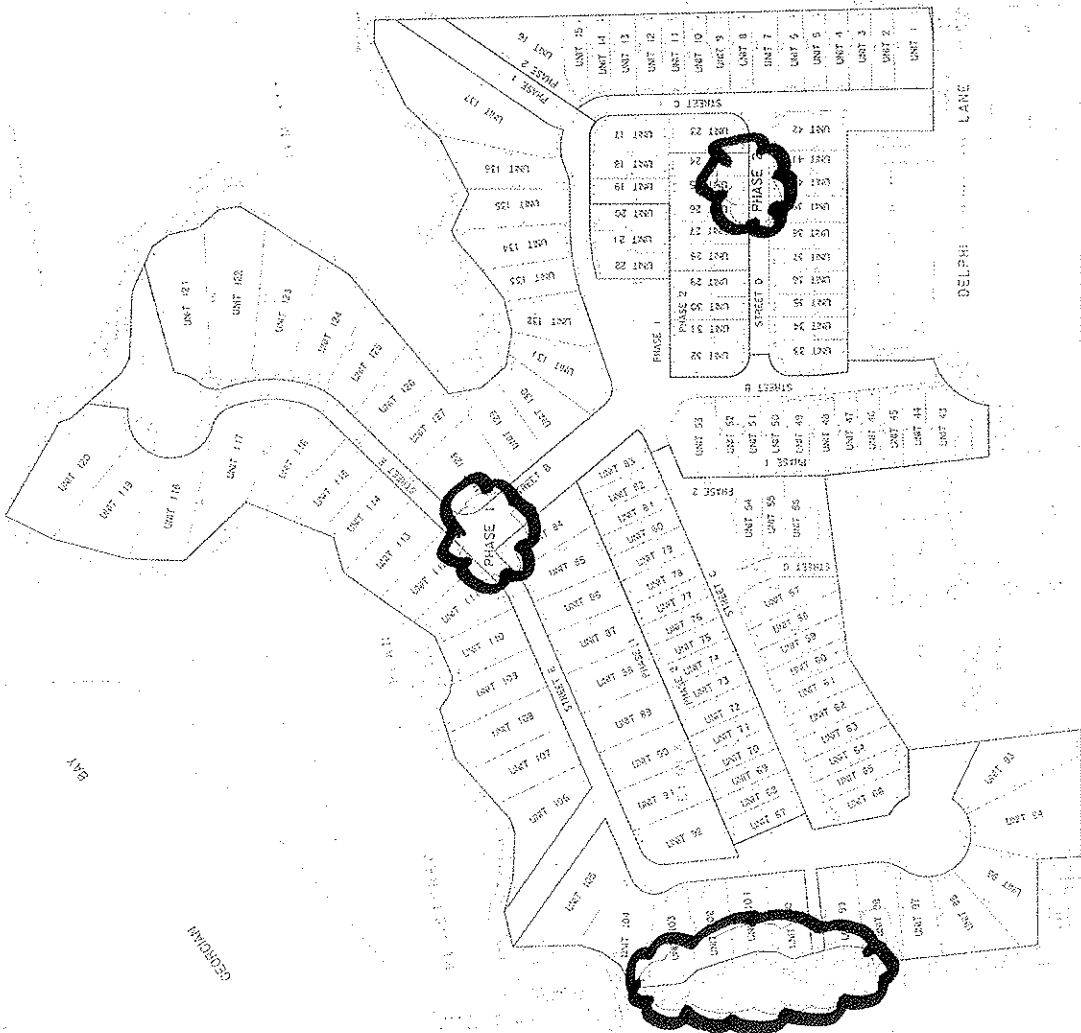
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BY

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BY

PATTEN
 &
 THOMSEN



26

NO.

HIGHWAY

KING'S

THE

'B'

THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2009-_____

Being a By-law to amend Zoning By-law No. 83-40, as amended.

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

AND WHEREAS pursuant to the provisions of Section 34 and 36 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. Maps 14 and 15 to Schedule "A" of Zoning By-Law No. 83-40, as amended, are hereby amended by rezoning the lands in the manner shown on the attached Schedule "A-1".
2. Section 32 of Zoning By-Law No. 83-40, as amended, is hereby amended by deleting exceptions 194 and 195 and replacing them with the following:

R1-194-h

These lands may only be used for the development of a maximum of 164 residential dwelling units and uses, buildings and structures accessory thereto. These lands shall be developed in accordance with the Residential R1 Zone provisions, save and except for the following:

a) The R1 provisions shall be modified as follows:

Provision

Minimum Lot Area	300 m ²
Minimum Lot Frontage	10.5 m
Minimum Front Yard	6.0 m, except where an attached private garage is provided the front of the dwelling, excluding the attached private garage, may be 5m.
Minimum Rear Yard	9.0 m, save and except those lots shown in hatching on the attached Schedule "A-1" where the minimum rear yard shall be 7.5 m
Minimum Side Yard	1.5 m
Minimum Exterior Side Yard	3.75 m from a Public Street only
Maximum Lot Coverage	50%
Minimum Distance Between a Dwelling and a Private Road	2.75 m
Maximum Height	2 Storeys

b) in addition to the single detached dwellings, rowhouse units and linked units shall also be permitted subject to the applicable R7 provisions contained in Schedule 'AA' as modified as follows:

Provision

Minimum Lot Area	220m ²
Minimum Lot Frontage	8.0m (interior unit) 9.0m (end unit) Save and except those lots shown in hatching on the attached Schedule 'A-1' where the minimum frontage shall be as shown.
Minimum Front Yard	6.0 m, except where an attached private garage is provided, the front of the dwelling, excluding the attached private garage, may be 5.0 m.
Minimum Rear Yard	7.5 m
Minimum Side Yard	1.5 m for end units only, except those lots shown in hatching on the attached Schedule 'A-1' where the minimum side yard shall be 4 m.
Minimum Exterior Side Yard	3.75 m from Public Street only
Minimum Distance Between a Dwelling and a Private Road	2.75 m
Maximum Lot Coverage	55%
Maximum Height	2 Storeys

- c) The Minimum Setback from the centerline of a road allowance does not apply to these lands.
 - d) Stormwater Management Facilities and Trails may also be permitted in the R1 zone.
 - d) A unit established under a Vacant Land Plan of Condominium shall be considered a Lot in accordance with Section 3.98 of the By-law.
 - e) Notwithstanding the provisions of Section 5.15(e), parking may be located 0 metres from a lot line.
 - f) A maximum of 8 units may be established for model homes while the Holding (-h) provision is in place.
 - g) Where any lot abuts an OS1 zone, with the exception of Block 5 as shown on Schedule "A-1", accessory buildings and structures shall not be permitted within the rear yard.
3. In accordance with the provisions of Section 36 of the Planning Act R.S.O. 1990, c-P.13, as amended, the holding symbol "h" shall not be removed from the whole or part of the lands until such time as the following has been completed:
- i) Registration of a Plan of Subdivision and Vacant Land Plan of Condominium for the lands;
 - ii) Granting of Site Plan Approval pursuant to Section 41 of the Planning Act where applicable; and,
 - iii) The holding provision shall remain in effect for 74 of the 164 permitted residential units until such time as the Town confirms the availability of servicing capacity and the required Development Agreement has been executed to allocate capacity for all or part of the 74 units.

4. 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 _____, 2009.

Ellen Anderson, Mayor

Stephen Keast, 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 _____, 2009.

DATED at _____

this _____ day of _____, 2009.

Signed: _____
Stephen Keast, Clerk

NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009 under Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to consider a request by The Neighbourhoods of Delphi Inc. to rezone the property in order to permit 164 units of which, 74 units currently have servicing allocation. A number of exceptions to the zone provisions are also proposed in order to meet the intended density and design of the overall development.

The effect of this By-law is to rezone the subject lands to permit a mixture of detached, rowhouse and attached dwellings and to update the Hazard (H) Zone boundaries and Open Space (OS2) Zone boundaries.

The Holding '-h' symbol will be used with conditions for Site Plan Approval and the execution of a Development Agreement and the availability of municipal water and municipal sewer services prior to removal.

The subject lands of this By-law are comprised of Lot 47, 48 S/W King Street; Part of Lot 26, Concessions 5 and 6, Town of The Blue Mountains, County of Grey.