

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: March 5, 2007

REPORT NO.: PL.07.26

SUBJECT: Application for Consent
File No. B27-2006; and
Zoning By-law Amendment
Binkley Apples Limited
Plot Park Part Lot 7;
W/S Napier Street West
Town of The Blue Mountains

PREPARED BY: Shawn Postma,
Planner II
Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

THAT Council does receive Planning Staff Report PL.07.26, "Application for Consent File No. B27-2006; and Zoning By-law Amendment, Binkley Apples Limited"; Plot Park Part Lot 7; W/S Napier Street West;

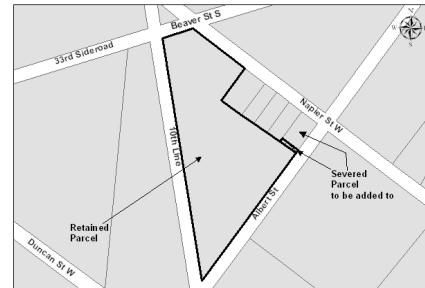
AND THAT Council does hereby grant approval to Application for Consent File No. B27-2006, subject to the following conditions:

1. A Zoning By-Law Amendment to rezone the severed parcel from the Development (D) Zone to the Residential Third Density (R3) Zone.
2. That the severed parcel be deeded as a lot addition to the property to the north in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990.
3. That any existing mortgage commitment on the severed parcel to be added to be extended to cover the whole, newly created parcel.

AND THAT By-law No. 2007-16, being a By-law to rezone the severed parcel from the Development (D) Zone to the Residential Third Density (R3) Zone, on Plot Park Part Lot 7, W/S Napier Street West, Binkley Apples Limited, be hereby enacted this 05th day of March, 2007.

B. Background

The purpose of this consent is to consider a request to sever a 251 square metre vacant parcel on the eastern portion of the property; and deed it as a lot addition to the existing 1,579 square metre residential parcel to the north. This lot addition intends to provide additional property to the rear of the residential lot bringing it consistent with the depth of the neighbouring residential lots. A 33,990 square metre vacant agricultural parcel will be retained (see map to the right).



The surrounding uses include agricultural lands to the north, east, south and west; save and except the residential lots abutting the retained parcel to the north.

Official Plan

The Town of The Blue Mountains Official Plan designates the retained and newly enlarged parcels as Deferred Development (DD). The purpose of the Deferred Development (DD) designation is to identify lands intended to be developed in the future, when additional lands are required for the development. Section 4.25 policies state that it is the intent that no development other than a single detached dwelling; recreational uses and facilities; parks, open space; and agricultural uses on a limited scale be permitted.

Section 9.3 provides subdivision of land policy with regard to consents. The policies state that boundary adjustments are permitted; and in this scenario are merited by creating a uniform rear lot line for the existing residential lots fronting onto Napier Street West.

Zoning By-law

The subject lands are zoned Development (D) within the Town of Thornbury Zoning By-law 10-77. Permitted uses include a single detached dwelling on a lot existing at the date of passing of the By-law and uses, buildings and structures accessory thereto; and home occupations.

The severed parcel is being added to the residential lot to the north which is zoned Residential Third Density (R3). A rezoning of the severed parcel is required so that the newly enlarged residential lot is zoned the same.

The proposed lot addition appears to comply with the minimum requirements of the Development (D) and Residential Third Density (R3) Zone regulations for both the retained parcel and the newly enlarged parcel respectively.

Additional Comments

Comments were received from the County of Grey Planning and Development Department; Grey Sauble Conservation Authority; and Grey Bruce Health Unit each having no objections to the proposed consent and zoning by-law amendment.

The public meeting was held on the 5th Day of February, 2007, as required under the Planning Act. No issues of concern were raised.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent and zoning by-law amendment conforms to the direction of the Official Plan, is appropriate for the lands; and suggests that Council grant Application for Consent File No. B27-2006, conditional upon a zoning by-law amendment, the Planning Act and mortgage requirements.

C. The Blue Mountains' Strategic Plan

N/A

D. Budget Impact

NIL

E. Attached

1. Draft By-law

Respectfully submitted,

Shawn Postma, BES
Planner II

Robert Armstrong, MCIP, RPP, CPT
Manager of Development Planning & IS

/bp

Binkley Apples Ltd
Roll #18-053-00

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 _____, 2007 under Section 34 of the Planning Act.

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 _____, 2007 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.

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 _____, 2007.

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 address a potential condition of Consent for Application No. B26-2006 that purposes to sever a 251 square metre vacant parcel from the eastern portion of the property; and deed it as a lot addition to the existing 1,579 square

metre residential parcel to the north. A 33,990 square metre vacant agricultural parcel would be retained.

The effect of this By-law is to rezone the subject lands from the Development (D) Zone to the Residential Third Density (R3) Zone.

The subject lands of this By-law are comprised of Plot Park Part Lot 7; W/S Napier Street West.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 10-77
which may be cited as "The Town of Thornbury
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. 10-77;

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. Schedule 'A', of the Town of Thornbury Zoning By-law, being By-law 10-77 is hereby amended by rezoning the subject lands from the Development (D) Zone to the Residential Third Density (R3) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Plot Park Part Lot 7; W/S Napier Street West; as indicated on the attached key map Schedule "A-1".
2. Schedule "A-1" is hereby declared to form part of this By-law.

READ A FIRST TIME THIS _____ DAY OF _____, 2007.

READ A SECOND TIME THIS _____ DAY OF _____, 2007.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2007.

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 _____, 2007.

DATED at _____

this _____ day of
_____, 2007.

Signed: _____
Stephen Keast, Clerk