

STAFF REPORT:

**Town of The Blue Mountains Planning and
Building Services Department**



REPORT TO: Mayor and Members of Council
DATE: April 15, 2009
REPORT NO.: PL.09.39
SUBJECT: Application for
Zoning By-law Amendment
Osler Bluff Ski Club
Part Lot 7, Lots 8 and 9 Concession 1
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning Committee receive Planning Staff Report PL.09.39, “Application for Zoning By-law Amendment– Osler Bluff Ski Club, Part Lot 7, Lots 8 and 9, Concession 1, Town of The Blue Mountains”; and

THAT Council grant a Zoning By-law Amendment to rezone a portion of the subject lands from the Recreational Ski (SF-73) zone and Private Open Space (OS2) zone to the Recreational Ski Facility (SF) zone, Residential (R3) and Private Opens Space (OS2) Zone. New Exception numbers are also required to recognize chalet redevelopment requirements for those chalets located below the Toe of the Niagara Escarpment, above the Toe of the Niagara Esacarpment with vehicle access, and above the Toe of the Niagara Escarpment without vehicle access.

B. Background

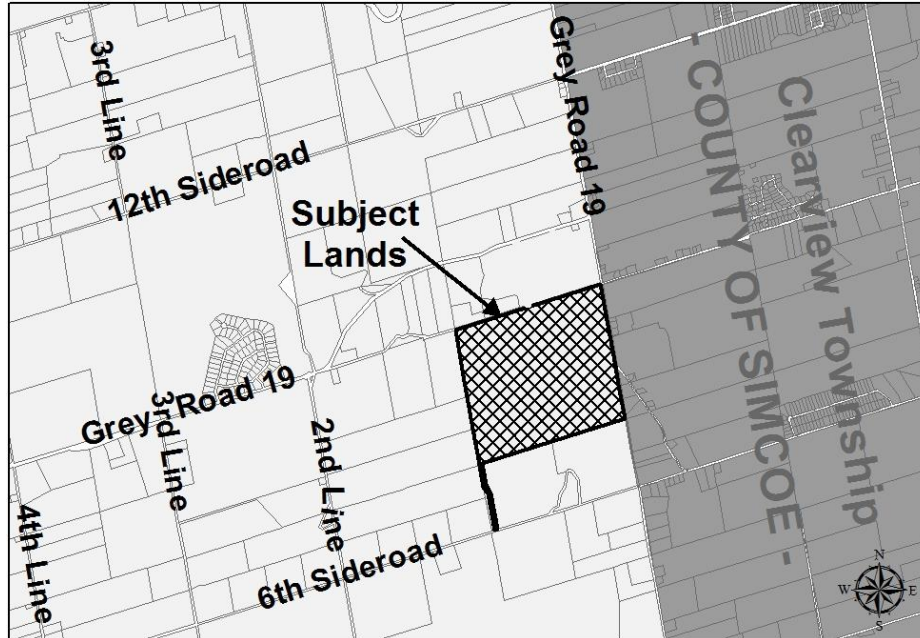
The Planning Services Division received an application for a Zoning By-law Amendment by Osler Bluff Ski Club to update the Zoning By-law regulations to recognize:

- 1) the ski facility uses,
- 2) the residential uses below the escarpment toe,
- 3) the residential uses above the escarpment toe where access can be provided, and
- 4) the residential uses above the escarpment toe where no access can be provided.

The By-law amendment also considers changes to the provisions for the renovation, replacement, reconstruction and enlargement of the existing chalets in conformity with Official Plan Amendment No. 4 to the Town of The Blue Mountains Official Plan. The existing Ski Club and the use of the surrounding chalets have changed significantly since the present zoning was first placed on the property, with requests to reconstruct and enlarge existing chalets. As a result of these requests, there are demands for larger floor areas and improved services. The lands do not have municipal water or sewer with the chalets on existing septic systems or holding tanks. Reconstruction and enlargements of existing units are to be in accordance with OPA 4 with minor increases in size and demand on existing services. The intent of this By-law is to establish

'interim regulations' until such time as the lands become serviced with municipal water and sewer and the consideration of a Plan of Condominium.

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.

Planning for sewage and water services shall promote municipal sewage and municipal water services as the preferred form of servicing for settlement area. New development on individual on-site sewage services and individual on-site water services may be used but only under strict control.

It should be noted that the proposed By-law Amendment does not represent new development, but the enlargement and redevelopment of existing chalets. The proposed amendment 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.

It is our opinion that the amendment will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan. Comments from both Grey County Planning and the Niagara Escarpment Commission are summarized later in this report.

The Blue Mountains Official Plan

The subject lands are designated Recreational Ski (RS), Escarpment (E-14), and Recreational Residential (RR-44) in the Town of The Blue Mountains Official Plan. These designations recognize the existing locations of the ski facility and associated uses (RS), and the existing residential cabins and ski terrain (E-14 and RR-44).

Exception 14 recognizes the existing chalets above the toe of the escarpment for Osler Bluff Ski Club, Craigleith Ski Club and Alpine Ski Club. The Exception 14 lands are intended to be converted to a Plan of Condominium and also permit the replacement, reconstruction, renovation, enlargement and/or relocation within the Plan of Condominium provided that a number of criteria can be met. With respect to Osler Bluff Ski Club only, "prior to creating a Plan of Condominium, and prior to municipal services being available, chalet redevelopment and enlargement may be permitted provided that the redevelopment will be in appropriate proportion to the size of the existing use and will not unduly aggravate the existing situation." The Plan states that the Club may prepare a detailed site plan and servicing report with regard to the existing dwellings units, and that this will then form the basis for an implementing zoning by-law to guide limited expansion of existing chalets.

Exception 44 applies to the lands below the toe of the escarpment for the Osler Bluff Ski Club only. Similar to the lands above the toe, the existing units are recognized, are intended to be serviced and then converted to a Plan of Condominium. Prior to the Plan of Condominium a new Zoning By-law may be implemented. The By-law shall establish Performance Standards pertaining to the redevelopment of a dwelling unit with respect to maximum height, maximum gross floor area, maximum footprint or ground floor coverage, servicing and other related matters.

The difference between the Exception 14 lands and Exception 44 lands is that the chalets located above the toe may be redeveloped under strict control, and may only be minor in proportion to what presently exists. The chalets below the toe are given more flexibility for redevelopment, and that redevelopment in both areas must be implemented through a new Zoning By-law.

To address the requirements for a new implementing Zoning By-law for the Ski Club lands, the proponent has provided a Planning Justification Report, Site Plan and Servicing Report. In consultation with the Niagara Escarpment Commission, the Health Unit, Ministry of Environment, the Town and the Ski Club, a final draft of the Zoning By-law Amendment has been prepared and has been supported by all parties.

With respect to the future connection of buildings on the Club property to municipal services when they become available, Planning Services Staff recognize that this is a

Town objective and do not see the proposed Zoning By-law Amendment as precluding it. As Council is aware, the development of the Castle Glen lands is predicated on the basis of the provision of full municipal services and, with this, trunk services will be provided to the Osler Ski Club area. The owners of the land, Osler Bluff Ski Club, as well as the majority of the current cabin owners are aware that upon municipal trunk services becoming available that the Town will require each building on the Club lands to be connected to municipal services with the related costs, including their proportionate share of plant and trunk costs, being borne by them. It will be incumbent on both the Club as well as the Town to continue to communicate this message to all cabin owners. Through the issuance of future building permits for the Club's lands, an advisory note will be provided referencing this.

The final draft of the By-law accurately defines the location of the escarpment toe which was completed in consultation with the Niagara Escarpment Commission. The chalets are to continue to be serviced by private on-site sewage disposal systems that must be approved on a site by site basis by the Ministry of the Environment (MOE). The MOE has indicated that only private on-site septic sewage servicing will be permitted until full municipal services arrive. Holding Tanks will not be permitted. The MOE has also indicated that they will review each cabin redevelopment application as they arrive, and review the impacts of a new on-site septic sewage system. Site Performance Standards for chalet redevelopment will also be limited to the following:

	Below Escarpment Toe	Above Escarpment Toe with Access	Above Escarpment Toe without Access
Existing Units Recognized	54	17	4
Maximum Ground Floor Area	300 sq m	Existing + 37 sq m	Existing
Maximum Height	2 Storeys	2½ Stories *	Existing
Approval of Sewage Disposal System	Ministry of Environment	Ministry of Environment	Ministry of Environment
Accessory Uses, Buildings and Structures	Permitted **	Permitted **	No Permitted
<p>* 2 ½ Stories where a basement or cellar shall be considered a storey.</p> <p>** Accessory uses, buildings and structures are permitted in accordance with Section 5.2 (save for Section 5.2(iii)) of the Township of Collingwood Zoning By-law 83-40, and shall not be built any closer than 9 metres to an adjacent dwelling or other accessory building.</p>			

It is therefore our opinion that the proposed final draft By-law will comply with The Blue Mountains Official Plan.

Zoning

The subject lands are zoned Private Open Space (OS2) and Recreational Ski Facility

(SF-73) through the Township of Collingwood Zoning By-law 83-40. The OS2 zone permits outdoor recreational uses excluding buildings greater than 50 sq m, as well as ski trails, ski lift facilities and related buildings. The OS2 zone does not recognize the existing dwelling units or provide for the replacement, reconstruction, renovation or enlargement of the units. The SF-73 zone also permits outdoor recreational uses, ski trails, ski lifts, as well as service and maintenance facilities, base lodges and parking areas. Exception 73 recognizes the existing chalets on the property and permits new additions to an existing dwelling unit or a new accessory building or structure provided that the addition, or new accessory building is a maximum of three (3) metres from the nearest building. The maximum height shall be 2½ storeys. The boundaries between the OS2 zone and SF-73 are not accurately defined in the By-law.

The existing zoning on the property permits additions to existing cabins under limited regulations. The proposed Zoning By-law Amendment submitted seeks to permit chalet replacement, reconstruction, renovation or enlargement in accordance with the policies of the Official Plan.

To prevent any future discrepancies between cabin locations, the existing civic addresses and cabin locations should be incorporated into the zoning schedule.

It is therefore our opinion that the Zoning By-law amendment application, and the proposed final draft of the Zoning By-law will permit the proper redevelopment of the existing chalets, and will not unduly aggravate the existing ski club lands.

Additional Comments

Comments were received from the County of Grey Planning and Development Department, the Nottawasaga Conservation Authority, and the Niagara Escarpment Commission.

The County has indicated that portions of the Osler Ski Club lands include Karst topography, and an Area of Natural and Scientific Interest (ANSI). Normally an Environmental Impact Study (EIS) would be required to address both of these features, but the County has noted that the existing buildings being recognized in this By-law are located outside of the identified features and that an EIS will not be required at this time.

The Nottawasaga Conservation Authority has no objection to the proposed amendment.

The Niagara Escarpment Commission has noted that the proposed By-law is located within the boundaries of the Niagara Escarpment Plan (NEP) and that Niagara Escarpment Development Control is not in effect on the property. The main concern from the NEC deals with the visual impact of chalets located above the escarpment toe. Their comments reiterate the policies of the Official Plan and the Niagara Escarpment Plan mentioned above. The Niagara Escarpment Commission is satisfied that the final draft of the proposed By-law amendment is appropriate to regulate the redevelopment and reconstruction of the cabins. One outstanding concern over the proposed height remains at the time of writing this report. For those cabins located above the

escarpment toe, the By-law requires a maximum height of 2½ storeys. In accordance with their practice, the NEC have also requested a maximum height of 8.0 metres from the lowest point of grade to the peak of roof. Osler Bluff Ski Club has agreed to additional clarification on the maximum permitted height, and town staff will confirm the appropriate height requirement to be included in the By-law. The current draft of the amendment includes a maximum height requirement of 8.0 metres.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-Law amendment conforms to the intent and direction of the The Blue Mountains Official Plan and represents good planning. Provided that clarification can be provided on the maximum height of 2 ½ storeys, Planning Staff are prepared to support the proposed Zoning By-law Amendment 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 Amendment

Respectfully submitted,

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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 HEREBY ENACTS AS FOLLOWS:

1. Map 32 to Schedule "A", of the Township of Collingwood Zoning By-law, being By-law 83-40 as amended is hereby further amended by rezoning the subject lands from the Recreational Ski Facility (SF-73) Zone and Private Open Space (OS2) Zone to the Recreational Ski Facility (SF) Zone, Residential (R3-216) Zone, Private Open Space (OS2-217) Zone and Private Open Space (OS2-218) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 7, Lot 8 and Lot 9, Concession 1; as indicated on the attached key map Schedule "A-1".
2. That Section 32, as amended is hereby further amended by deleting the following Exception

"73 Map 32 The existing dwellings on this property are hereby recognized. Any new addition to an existing dwelling unit or a new accessory building or structure may be permitted if it is used for or in conjunction with residential purposes and the said addition or new accessory building is a maximum of three (3) metres from the nearest building. The maximum height for the said dwelling unit shall be 2 ½ storeys."
3. That Section 32, as amended, is hereby further amended by adding the following Exception:

"216 Map 32 a) The existing 54 units are hereby recognized.
b) The maximum ground floor area of any dwelling shall not exceed 300 sq. m.
c) The maximum height of any dwelling shall be 2.0 stories.
d) No part of any dwelling shall be closer than 9 metres from any other dwelling.
e) Accessory uses, buildings or structures shall:
i) be permitted in accordance with Section 5.2 of the Township of Collingwood Zoning By-law 83-40.
ii) not be build closer than 9 metres to an adjacent dwelling or other accessory building.
4. That Section 32, as amended, is hereby further amended by adding the following Exception:

"217 Map 32 a) The existing 17 units are hereby recognized.
b) The maximum ground floor area of any dwelling may be enlarged or reconstructed by a maximum of 37 sq m.

- c) The maximum height of a dwelling unit shall be 2.5 stories, up to a maximum of 8.0 metres measured from the lowest point of finished grade to peak of roof. For the purposes of this Exception 217 and notwithstanding the definition of a storey in the Township of Collingwood Zoning By-law 83-40, a basement or cellar in a dwelling unit shall be considered a storey.
- d) No part of any dwelling shall be closer than 9 metres from any other dwelling.
- e) Accessory uses, buildings or structures shall:
 - i) be permitted in accordance with Section 5.2 of the Township of Collingwood Zoning By-law 83-40.
 - ii) not be build closer than 9 metres to an adjacent dwelling or other accessory building.

5. That Section 32, as amended, is hereby further amended by adding the following Exception:

- “218 Map 32
- a) The existing 4 units are hereby recognized.
 - b) Existing dwellings maybe reconstructed however, no new addition or enlargement shall be permitted.
 - c) Accessory buildings and structures shall not be permitted.

6. Schedule “A-1” and Schedule “A-2” are hereby declared to form part of this By-law.

AND FURTHER that this Bylaw 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

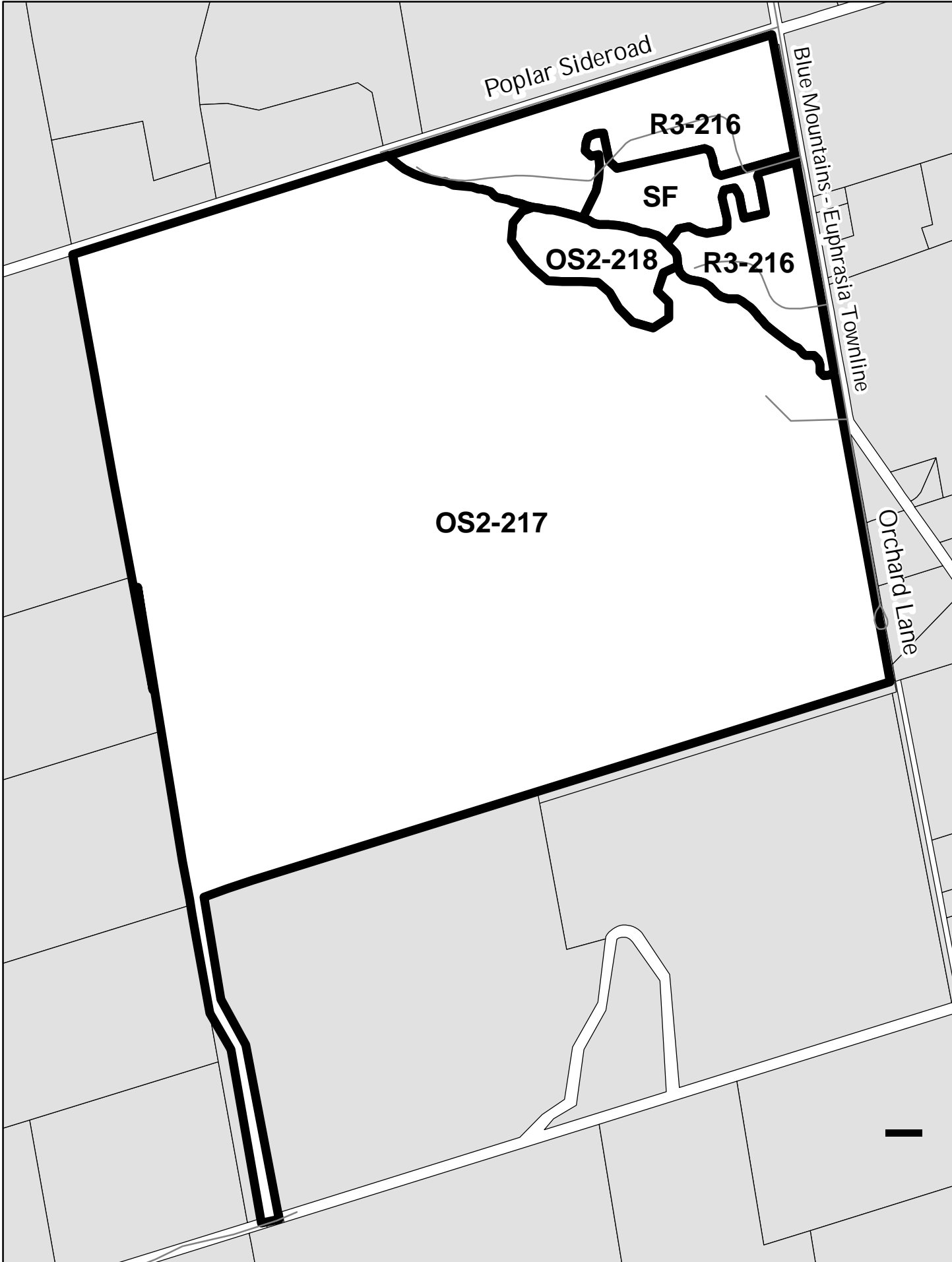
Signed: _____
Stephen Keast, Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. 2009-_____

 Area Affected By This Amendment



Town of The Blue Mountains

Key Map Schedule A-2

By-Law No. 2009-_____



Area Affected By This Amendment

