A. Recommendations

THAT Council receive Staff Report PDS.19.69, entitled “Comprehensive Zoning By-law 2018-65: Zoning History Review Lot 14, 15, 16, 16M-24 George McRae Road

AND THAT Council enact an Interim Control By-law under Section 38 of the Planning Act to temporarily freeze development on Lot 14, 15, 16 Plan 16M-24 so that a study may be undertaken to investigate the zoning history and to report back to Council on a recommended course of action.

B. Overview

The purpose of this report is to provide Council with an overview on the zoning placed on Lot 14, 15, 16 George McRae Road and to recommend the placement of an Interim Control By-law on the lands so that Town Staff may investigate the zoning history on the lands and report back on a recommended course of action to ensure the correct zoning is in place on the lands prior to considering any further development applications.

C. Background

The Town enacted Comprehensive Zoning By-law 2018-65 in November 2018. Lots 14, 15, 16 Plan 16M-24 are in the Residential R2-41 Zone permitting duplex, semi-detached, tri-plex, and multi-attached units. Exception 41 recognizes a maximum of 15 units. This Zoning was based on By-law 2009-39 as approved by the Ontario Municipal Board. (See Attachment #1) This By-law states that under the zoning in effect at the time, the subject lots are zoned Residential R6-167-h permitting up to 15 multi-attached residential dwellings.

A second Board Order has now been found under the same By-law number (2009-39) and is included in Attachment #2. This Board Order states that the lots are zoned Residential R3-163-h permitting single detached units with a maximum of one unit permitted on each lot.
Based on the above two attachments, the Town has initiated a review on the history of the two Board Orders to confirm which is the final order. However, with By-law 2018-65 in full force and effect, the current zoning of Residential R2-41 is in effect.

Planning Staff has advertised for a Public Meeting to consider a number of housekeeping amendments to the Blue Mountains By-law 2018-65 in July. Staff have committed to reviewing the Zoning for Lots 14, 15, 16 Plan 16M-24 as part of this process and have included this item in the Notice.

In order to prevent development on the lands until such time as Town Staff can investigate the zoning history and appropriate zoning for the property, Planning Staff recommend that an Interim Control By-law be placed on the lands immediately with the requirement for the Town to complete a study to investigate the zoning history and to report back to Council on a recommended course of action.

Under Section 38 of the Planning Act, Council has authority to place an Interim Control By-law on any land for a maximum of one year so as to provide time to undertake a study. There are no notice or hearing requirements prior to passing the By-law however notice must be provided within 30 days of passage of the Interim Control By-law.

An Interim Control By-law effectively prohibits the use of land, buildings or structures within the municipality or within a defined area. Exceptions are permitted and must be described in the By-law. It is noted that one of the three lots includes a single detached dwelling and associated uses buildings and structures. It is recommended that the development freeze apply to all lots and that any existing uses, buildings and structures (including the single detached dwelling and associated uses) be permitted to continue as they existed at the time of the enactment of the By-law. It is noted that an existing Building Permit has been issued on Lot 15 and that this interim Control By-law will not impact those activities.

The power to enact an Interim Control By-law is an extraordinary one, typically exercised in a situation where an unforeseen issue arises with the terms of an existing zoning permission, as a means of providing breathing space during which time the municipality may study the problem and determine the appropriate planning policy and controls for dealing with the situation (RE City of Mississauga Interim Control By-law 551-92 [1993] O.M.B.D No 1279)

Should the Interim Control By-law be enacted, building permits for any development would not be permitted until such time as the review is completed and Council is satisfied with the appropriate zoning for the subject lands and a decision is made. Any changes to the in force and effect Zoning By-law 2018-65 are required to go through a Section 34 Zoning By-law Amendment which Staff have committed to complete as part of the Housekeeping Amendments proposed in July. When completed, the Interim Control By-law can be lifted and development could then proceed in accordance with the approved Zoning permissions.
Planning Staff advised the three existing lot owners of the zoning concern as soon as the issue was identified. Notice of this Staff Report has also been circulated so that the lot owners and other interested participants can be kept up to date on the situation.

D. **The Blue Mountains Strategic Plan**

Goal #3: Support Healthy Lifestyles  
Objective #3 Manage Growth and Promote Smart Growth

E. **Environmental Impacts**

Nil

F. **Financial Impact**

Nil

G. **In consultation with**

Leo Longo, Town Solicitor  
Nathan Westendorp, Director of Planning and Development Services

H. **Public Engagement**

The topic of this Staff Report will be subject to a future Public Meeting in July 2019. Anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

I. **Attached**

1. Attachment 1 – Zoning By-law 2006-39 (version 1)  
3. Registered Plan of Subdivision 16M-24  
4. DRAFT Interim Control By-law
Respectfully submitted,

_______________________________
Shawn Postma, BES, MCIP, PRR
Senior Policy Planner

_______________________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma, BES, MCIP, RPP
planning@thebluemountains.ca
519-599-3131 extension 248
SCHEDULE “F-2”

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NUMBER 2006-39

BEING a By-law to amend Zoning By-law No. 83-40 which may be cited as “The Zoning By-law of the Township of Collingwood”.

WHEREAS the Ontario Municipal Board deems it 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 R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD ENACTS AS FOLLOWS:

1. Schedule “A” to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Rural A1 and Hazard H zone to the Residential R3-162-h zone, Residential R3-163-h zone, Residential R6-164-h zone, the Public Open Space OS1, the Hazard H zone and the Development D zone in the manner shown on the attached key map Schedule “A-1”.

2. Schedule “A” to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Development D zone to the Residential R3-165-h zone in the manner shown on the attached key map Schedule “A-2”.

3. Schedule “A” to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Development D zone to the Residential R3-166-h zone, R6-167-h zone and R6-168-h zone in the manner shown on the attached key map Schedule “A-3”.

4. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by adding the following exception:

162 Schedule A These lands may only be used for the development of a maximum of 7 single detached residential dwellings and that a private road established under a Common Elements Condominium in accordance with the Condominium Act, 1998 S.O. 1998 shall be deemed to meet the requirements for direct frontage and access to an improved public street under Section 5.8 of the By-law. Further, 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 Common Elements Plan of Condominium for the lands and the lands to the north.

163 Schedule A These lands may only be used for the development of a maximum of 31 single detached residential dwellings. Further, 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 for the lands.

164 Schedule A These lands may only be used for the development of a maximum of 5 residential dwelling units and uses, buildings and structures accessory thereto and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

165 Schedule A These lands may only be used for the development of a maximum of 4 single detached residential dwellings. Further, 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 for the lands.

166 Schedule A These lands may only be used for the development of a maximum of 8 residential dwelling units and uses, buildings and structures accessory thereto and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

167 Schedule A These lands may only be used for the development of a maximum of 15 residential dwelling units and uses, buildings and structures accessory thereto, and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

168 Schedule A These lands may only be used for the development of a maximum of 42 residential dwelling units and uses, buildings and structures accessory thereto and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

5. Schedules “A-1” are hereby declared to form part of this By-law.

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

7. Schedules “A-3” are hereby declared to form part of this By-law.
APPROVED BY ONTARIO MUNICIPAL BOARD ORDER # 0382
KEY MAP SCHEDULE A-1
BY-LAW NO. 2006-39
TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS AMENDMENT
KEY MAP SCHEDULE A-3
BY-LAW NO. 2006-39
TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS AMENDMENT
ATTACHMENT 3

SCHEDULE "F-2"

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NUMBER 2008-39

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

WHEREAS the Ontario Municipal Board deems it 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 R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD ENACTS AS FOLLOWS:

1. Schedule "A" to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Rural A1 and Hazard H zone to the Residential R3-162-h zone, Residential R3-163-h zone, the Public Open Space OSI, the Hazard H zone and the Development D zone in the manner shown on the attached key map Schedule "A-1".

2. Schedule "A" to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Development D zone to the Residential R3-164-h zone in the manner shown on the attached key map Schedule "A-2".

3. Schedule "A" to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by rezoning the lands lying and being in the Town of The Blue Mountains, comprised of Part Lots 25, Concession 7 from the Development D zone to the Residential R3-165-h zone, R8-168-h zone and R8-167-h zone in the manner shown on the attached key map Schedule "A-3".

4. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40 is hereby amended by adding the following exception:

162 Schedule A These lands may only be used for the development of a maximum of 7 single-detached residential dwellings and that a private road established under a Common Elements Condominium in accordance with the Condominium Act, 1998 S.O. 1998 shall be deemed to meet the requirements for direct frontage and access to an improved public street under Section 5.8 of the By-law. Further, 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 Common Elements Plan of Condominium for the lands and the lands to the north.

163 Schedule A These lands may only be used for the development of a maximum of 32 single detached residential dwellings. Further, 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 for the lands.

Further, these lands shall be developed in accordance with the Residential R3 Zone provisions, save and except for the following:

(a) the maximum lot coverage shall be 20% for the Lots shown in diagonal hatching in Schedule A-1;

(b) for the Lot shown in cross-hatching in Schedule A-1:

i. the minimum lot frontage shall be 10 metres;

ii. the maximum lot coverage shall be 15%;

iii. the minimum setback from the back lot lines of the two Lots shown in grey tone on Schedule A-1 shall be 11 metres.

164 Schedule A These lands may only be used for the development of a maximum of 4 residential dwelling units and uses, buildings and structures accessory thereto and that 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 for the lands.

165 Schedule A These lands may only be used for the development of a maximum of 4 single detached residential dwellings. Further, 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:
(l) registration of a Plan of Subdivision for the lands.

166 Schedule A

These lands may only be used for the development of a maximum of 5 residential dwelling units and uses, buildings and structures accessory thereto, and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

167 Schedule A

These lands may only be used for the development of a maximum of 60 residential dwelling units and uses, buildings and structures accessory thereto, and that 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 for the lands;

(ii) granting of Site Plan Approval under s.41 of the Planning Act or Plan of Condominium including the execution of a required Development Agreement.

5. Schedules "A-1" are hereby declared to form part of this By-law.

6. Schedules "A-2" are hereby declared to form part of this By-law.

7. Schedules "A-3" are hereby declared to form part of this By-law.

APPROVED BY ONTARIO MUNICIPAL BOARD ORDER # 0382-of-February 6, 2006 TBD
KEY MAP SCHEDULE A-1

BY-LAW NO. 2006-39

TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS AMENDMENT

SEE SECTION 4 (163a) OF BY-LAW

SEE SECTION 4 (163b) OF BY-LAW
KEY MAP SCHEDULE A-2
BY-LAW NO. 2006-39
TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS AMENDMENT
KEY MAP SCHEDULE A-3
BY-LAW NO. 2006-39
TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS AMENDMENT
The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to establish an Area of Interim Control pursuant to Section 38 of the Planning Act.

Whereas Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

And Whereas Council has passed a resolution directing the preparation of a study be undertaken to investigate the zoning history and to report back to Council on options regarding development on Lots 14, 15, 16 Plan 16M-24 (George McRae Road);

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Notwithstanding any other By-laws to the contrary, no person shall use any land, or erect any buildings or structures on Lot 14, 15, 16 Plan 16M-24 for any purpose save and except for those uses, buildings and structures that existed as of the date of this By-law.

2. This By-law shall expire six (6) months from the date of enactment unless the term is extended pursuant to Section 38 of the Planning Act, R.S.O 1990, c.P. 13, as amended.

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

Enacted and passed this 10th day of June, 2019

___________________________
Alar Soever, Mayor

__________________________
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2019—___ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 10th day of June, 2019.

Dated at the Town of The Blue Mountains, this 10th day of June, 2019.

__________________________
Corrina Giles, Clerk