A. Recommendations

THAT Council receive Staff Report PDS.19.87, entitled “Housekeeping Zoning By-law Amendment Lots 14, 15, 16 Plan 16M-24 (George McRae Road)”; and

AND THAT Council waive the notice requirements of the Procedural By-law and enact a Zoning By-law Amendment at the July 16, 2019 Council Meeting.

AND THAT Council enact a Zoning By-law at the July 16, 2019 Council meeting to rezone Lots 14, 15, 16 Plan 16M-24 from the Residential ‘R2’ Zone to the Residential ‘R1-1’ Zone.

AND THAT Council supports a By-law to repeal Interim Control By-law No. 2019-26 and to authorize the Mayor and Clerk to enact said By-law to come into force and effect at such time as the decision on the rezoning By-law becomes final and binding.

B. Overview

The purpose of this report is to update Council on the completed study for the zoning investigation of Lots 14, 15, 16 Plan 16M-24 George McRae Road.

C. Background

Council enacted Interim Control By-law 2019-26 at the June 10, 2019 Special Meeting of Council. The By-law placed a temporary freeze on new development on Lot 14, 15, 16 Plan 16M-24 so that a study could be completed to investigate the zoning history on the lands and to report back to Council on the findings.

D. Analysis

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 subsequent 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.

Attachment #1 includes By-law 2006-39 as enacted by the Ontario Municipal Board as part of their decision issued on February 6, 2006. This decision provided Draft Plan Approval and Zoning Approval for a Block (Block 40) at the location of Lots 14, 15, 16 Plan 16M-24. At the time of this decision it was anticipated that these lands would be developed for a maximum of 15 multi-attached residential units.

Attachment #2 includes By-law 2006-39 as revised by the Ontario Municipal Board as part of their decision issued on May 6, 2008. This decision provided a revised Draft Plan Approval and Zoning Approval for three single detached residential lots under the Township of Collingwood Zoning By-law Residential ‘R3’ Zone. Subsequent to this Board Decision, the Plan of Subdivision was registered with three single detached lots.

Based on the above two attachments, the Town completed a review on the history of the two Board Orders and now confirm that Attachment #2 is the final order and the correct By-law that applied to the lands.

The appropriate zone category to recognize the Single Detached Residential Lots under the new Comprehensive Zoning By-law 2018-65 is the Residential ‘R1-1’ zone. The current exception 41 which limits the lands to a maximum of 15 units is no longer required and can be deleted.

A Public Meeting as required under the Planning Act was held on July 3, 2019 to consider this amendment as well as a number of other housekeeping amendments to the Blue Mountains By-law 2018-65. In response, the Town received a letter and heard from two additional members of the Public supporting the rezoning from Multiple Residential zoning to Single Detached Residential zoning.

In accordance with the Town Procedural By-law, notice of enacting Zoning By-law Amendments is to occur by way of posting to agenda prior to the meeting. Council is required to waive the notice requirements so that the recommendation of the Committee of the Whole and the Zoning By-law Amendment enactment can occur at the same meeting, being July 16, 2019. It is noted that notice of this By-law has occurred through the statutory Public Meeting process under the Planning Act. It is further noted that the Interim Control By-law and correction to the Zoning By-law must be dealt with before any development can occur on the subject lands. Staff recommend to deal with these matters as efficiently as possible in order to make these lands available for development, and not further hold up the intentions of the existing lot owners.

Based on the forgoing, Planning Staff recommend that Council enact a Zoning By-law Amendment for Lots 14, 15, 16 Plan 16M-24 so as to rezone the lands from the Residential “R2-41” zone to the Residential “R1-1” zone. It should be noted that with the passage of
Comprehensive Zoning By-law 2018-65 the R1-1 zone will allow the same permitted uses as those approved by the OMB.

As with all Zoning By-law Amendments, this amendment is subject to an appeal period of 20 days after notice of passing is given. It is recognized that there are active development considerations on these lands and that nothing can occur on the lands until such time as the Interim Control By-law is lifted. However it is premature to lift the Interim Control By-law until such time as the appeal period expires and no appeals are received. The Appeal Period will expire in around August 6th. Should no appeals be received and to permit development as early as possible after the appeal date, Staff recommend that Council enact a By-law to lift the Interim Control By-law the day after the appeal period expires and where no appeals have been received. To do this, Council can authorize the Mayor and Clerk to sign the By-law when the appeal period expires and provided no appeals are received.

E. The Blue Mountains Strategic Plan

Goal #3 - Support healthy lifestyles, Manage Growth and Promote Smart Growth

F. Environmental Impacts

Nil

G. Financial Impact

Nil

H. In consultation with

Nathan Westendorp, Director of Planning and Development Services

I. Attached

1. By-law 2006-39 as per February 6, 2006 OMB Decision
2. By-law 2006-39 as per May 6, 2008 OMB Decision
3. Draft Zoning By-law Amendment
4. Draft Lifting of Interim Control By-law

Respectfully Submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner
Nathan Westendorp, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
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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-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
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, R6-166-h zone and R6-167-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 line of the two Lots shown in grey tone on Schedule A-1 shall be 11 tres.

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:
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 # 6382-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

[Map showing areas affected by the 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 amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains 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. 2018-65;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

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

1. That the Zoning By-law of the Blue Mountains being By-law 2018-65 as amended, is hereby further amended by rezoning Lots 14, 15, 16 Plan 16M-24 from the Residential 'R2-41' Zone to the Residential 'R1-1' Zone.

2. That Schedule ‘A-1’ is 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 16th day of July, 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 16th day of July, 2019.

Dated at the Town of The Blue Mountains, this ____ day of ____________, 2019.

______________________________
Corrina Giles, Clerk
The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

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

Whereas the Council of The Corporation of the Town of The Blue Mountains enacted Interim Control By-law 2019-26 on Lots 14, 15, 16 Plan 16M-24;

And Whereas a study to investigate the zoning history on Lots 14, 15, 16 Plan 16M-24 is now complete and the findings are included in Town Staff Report PDS.19.87;

And Whereas the Area of Interim Control is no longer required upon the rezoning By-law being in full force and effect for Lots 14, 15, 16 Plan 16M-24;

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

1. That Interim Control By-law No. 2019-26 is hereby repealed in its entirety.

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

Enacted and passed this _____ day of ______________, 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 _____ day of ______________, 2019.

Dated at the Town of The Blue Mountains, this _____ day of ______________, 2019.

__________________________
Corrina Giles, Clerk