

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** March 30, 2020

**CASE NO.:** PL180715

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

|                |                                 |
|----------------|---------------------------------|
| Appellant:     | Pamela Spence                   |
| Subject:       | By-law No. BL 2018-42           |
| Municipality:  | Town of Blue Mountains          |
| OMB Case No.:  | PL180715                        |
| OMB File No.:  | PL180715                        |
| OMB Case Name: | Spence v. Blue Mountains (Town) |

**BEFORE:**

|                |   |                              |
|----------------|---|------------------------------|
| SHARYN VINCENT | ) | Monday, the 30 <sup>th</sup> |
| VICE-CHAIR     | ) |                              |
|                | ) | day of March, 2020           |

**THIS MATTER** having come on for a public hearing and the Tribunal having issued its decision dismissing the appeal and approving the By-law, and the Tribunal having established in its Decision a provision allowing the applicant and Town to provide to the Tribunal for issuance, an amending By-law in the style and format compatible with the new Comprehensive By-law for the Town;

**AND THE TRIBUNAL** having been provided revised language to the By-law and planning evidence supporting the revision; and the Tribunal having reviewed the By-law and evidence;

**THE TRIBUNAL ORDERS** that By-law 2018-42 is hereby modified in accordance with attachment “A” to this Order.

“EVELYN DAWES”

DEPUTY REGISTRAR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

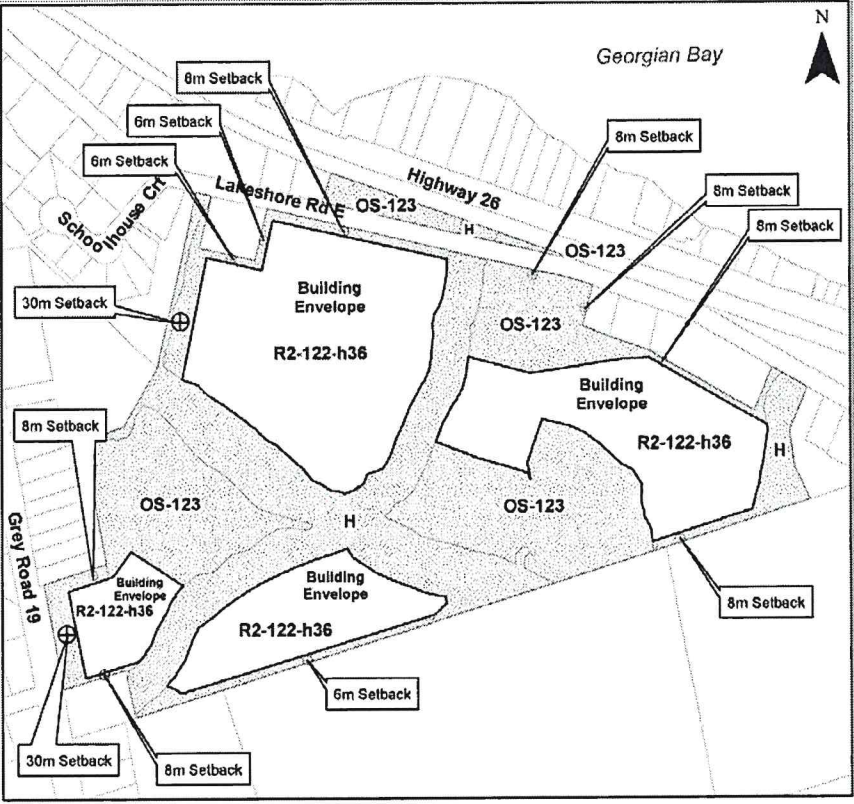
**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario – Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Now Therefore the Local Planning Appeal Tribunal hereby approves of the following:

1. Schedule 'A' of The Blue Mountains Zoning By-law 2018-65 as amended, is hereby further amended by rezoning the subject lands from the provisions of Section 1.5(c) of the By-law and from the Residential 'R6-286-h' Zone, Private Open Space 'OS2' Zone and Hazard 'H' Zone of the Township of Collingwood Zoning By-law 83-40 to the Residential 'R2-XXX-hXX' Zone, Open Space 'OS' Zone and Hazard 'H' Zone for those lands lying and being in the Town of The Blue Mountains comprised of Plan 529 Part Lot 161, Plan 529 Lot 172 Part 173 RP 16R-6640 Part 2, and Plan 529 East Part Lot 169 RP16R-3194 Part 2 as indicated on Key Map Schedule 'A-1'
2. That Table 9.1 – Exceptions to the Zoning By-law of The Blue Mountains Zoning By-law 2018-65 as amended, is hereby further amended by inserting two (2) new Exceptions as follows:

| Exception Number | Zone       | Special Provisions   |
|------------------|------------|--|
| 122              | R2-122-h36 | <p>These lands shall be used for a maximum of 211 Land Lease Community Homes comprised of a minimum 45 single detached dwellings, and a minimum of 100 horizontally attached townhouse dwellings. A maximum 465 square metre Private Clubhouse, maximum 370 square metre Private Storage Facility and uses, buildings and structures accessory thereto are also permitted.</p> <p>In addition to the list of permitted uses and required minimum yard setbacks of the Residential R2 Zone; and the minimum parking space requirements of Section 5, the following provisions shall apply:</p> <ol style="list-style-type: none"> <li>1. All buildings and structures shall be located within the Building Envelopes identified below:</li> </ol> |

|     |        |   |
|-----|--------|---|
|     |        |  <p>The map illustrates a development site with four building envelopes, each labeled 'R2-122-h36'. The site is bounded by Georgian Bay to the north and Highway 26 to the east. To the west is School House Crt, and to the south is Grey Road 19. Lakeshore Rd E runs along the northern boundary. The map shows various setback requirements: 8m setbacks along most property lines, 6m setbacks along the southern and eastern boundaries of the central building envelope, and 30m setbacks at the intersections of School House Crt and Grey Road 19. The area is designated as OS-123. A north arrow is located in the top right corner.</p> <ol style="list-style-type: none"> <li>The maximum permitted height shall be 9.5 metres for single detached dwellings, 11.0 metres for townhouse dwellings, 7.5 metres for the Private Clubhouse, 6.5 metres for the Private Storage Facility and 4.5 metres for all other buildings and structures;</li> <li>No building or structure shall be located any closer than 2.0 metres from a private road or any another building or structure;</li> <li>A minimum of 80 visitor parking spaces shall be provided;</li> </ol> |
| 123 | OS-123 | <p>In addition to the list of permitted uses, these lands may also be used for a <i>Private Recreation Use</i>.</p> <p>Notwithstanding the Special Provisions to Table 8.1 new buildings and structures for an <i>Outdoor Recreation Use</i>, <i>Private Recreation Use</i> or <i>Private Park</i> may be permitted up to a maximum <i>gross floor area</i> of 50 square metres each.</p>   |

3. That Table 10.1 – Site Specific Holding Provisions to the Zoning By-law of The Blue Mountains Zoning By-law 2018-65 as amended, is hereby further amended by inserting a new Holding provision as follows:





| Holding Number | Zone       | Conditions for Removal  |
|----------------|------------|---|
| h36            | R2-122-h36 | 1. Execution of a Subdivision Agreement;<br>2. Registration of a Plan of Subdivision;<br>3. Execution of a Site Plan Agreement. |

4. Notwithstanding the requirements of Section 3 to this By-law, a maximum of six (6) model home(s) may be constructed prior to the removal of the Holding ‘-h36’ Symbol provided that the owner enters into a Model Home Agreement to the satisfaction of the Town of The Blue Mountains.
5. That Section 1.5(c) of The Blue Mountains Zoning By-law 2018-65 as amended, is hereby further amended by deleting the text “The provisions of the former Township of Collingwood 83-40, and all amendments thereto shall continue to apply to Plan 529 Part Lot 161, Plan 529 Lot 172 Part Lot 173 RP16R-6640 Part 2, and Plan 529 East Part Lot 169 RP16R-3194 Part 2 former Township of Collingwood (Parkbridge. Roll Nos. 4242-0000-03-347-00-0000, 4242-0000-03-366-00-0000, 4242-0000-03-369-00-0000)” and replacing with the text “Deleted. See By-law 2020-\_\_\_”.
6. That Schedule ‘A-1’ is declared to form part of this By-law.



# Town of The Blue Mountains

## Schedule A-1

-  Area affected by this amendment
-  Hazard 'H'
-  Open Space 'OS-123'
-  Residential R2-122-h36

