



# Staff Report

## Planning and Development Services

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**Report To:** Committee of the Whole  
**Meeting Date:** November 18, 2019  
**Report Number:** PDS.19.139  
**Subject:** Hillside Zoning By-law Amendment Recommendation Report  
**Prepared by:** Shawn Postma, BES, MCIP, RPP, Senior Policy Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.19.139, entitled "Hillside Zoning By-law Amendment Recommendation Report";

AND THAT Council enact a Zoning By-law Amendment to rezone a portion of Part Lot 19 Concession 1 from the Residential 'R1-2' Zone to the Residential 'R1-1' Zone.

### B. Overview

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The purpose of this report is to provide a recommendation to Committee regarding an application for Zoning By-law Amendment requesting an increase in height from 2 storeys and 8 metres to 2.5 storeys and 9.5 metres.

### C. Executive Summary

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Application File # P2750

Application Received Date: May 24, 2019

Application Deemed Complete Date: July 23, 2019

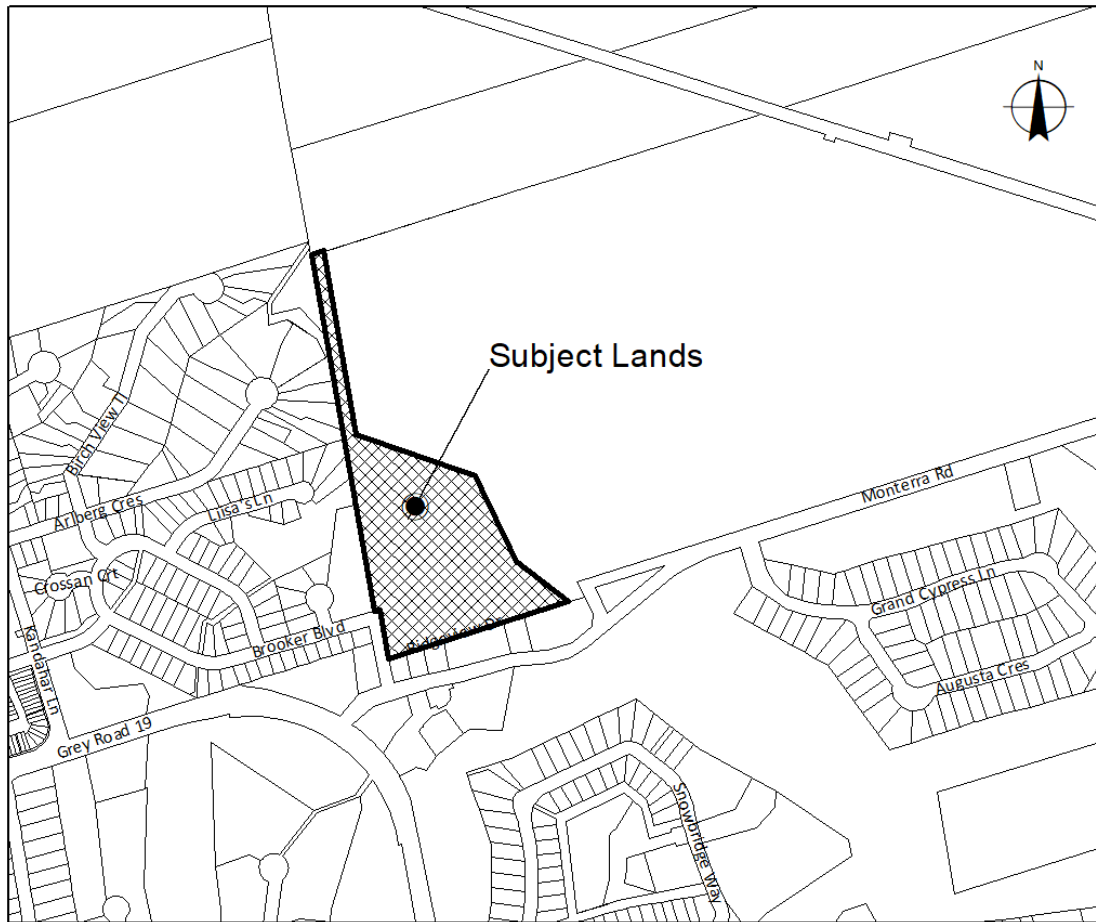
Official Plan Designation: Residential Recreational Area 'RRA'

Zoning Bylaw Designation: Residential 'R1-2'

Location: Part Lot 19 Concession 1

Planning Services Staff received an application to consider a Zoning By-law Amendment on a portion of the subject lands known as Tyrolean Hillside that would increase the maximum permitted height from 2 storeys (8.0 metres) to 2.5 storeys (9.5 metres). It should be noted that the Tyrolean Hillside project is a Draft Plan Approved subdivision consisting of 20 lots for single detached dwellings originally approved in 1998.

### Key Map



### D. Background

The "Hillside" subdivision was originally draft plan approved and zoned for development in the mid 1990's. The subdivision proposes 20 residential lots for single detached dwellings fronting on a new municipal road. The lots range in size and shape due to the unique topography of the area including a watercourse that flows west to east and the Nippissing Ridge along the easterly boundary of the Draft Plan lands. In general lots are 18-20 metres frontage and 40 metres deep.

By-law 1998-21 to the former Township of Collingwood Zoning By-law 83-40 was enacted and placed the lots into the Residential 'R2', Residential 'R2-132' and Hazard 'H' zones. The Residential 'R2' zone recognizes lots for single detached dwellings with a minimum lot frontage of 15 metres and maximum height of 2 storeys. This zoning was carried forward into the new Comprehensive Zoning By-law 2018-65 under the Residential R1-2 zone with similar height and lot development requirements.

Planning Staff completed a search to determine the original justification in 1998 for the maximum 2 storey height requirement and found no available records.

The new municipal road will also provide direct frontage to six existing lots containing single detached dwellings originally built in the 1970's. These existing lots currently have a private laneway via a shared right-of-way over the lots. This laneway will no longer be required for access once the new municipal road is constructed.

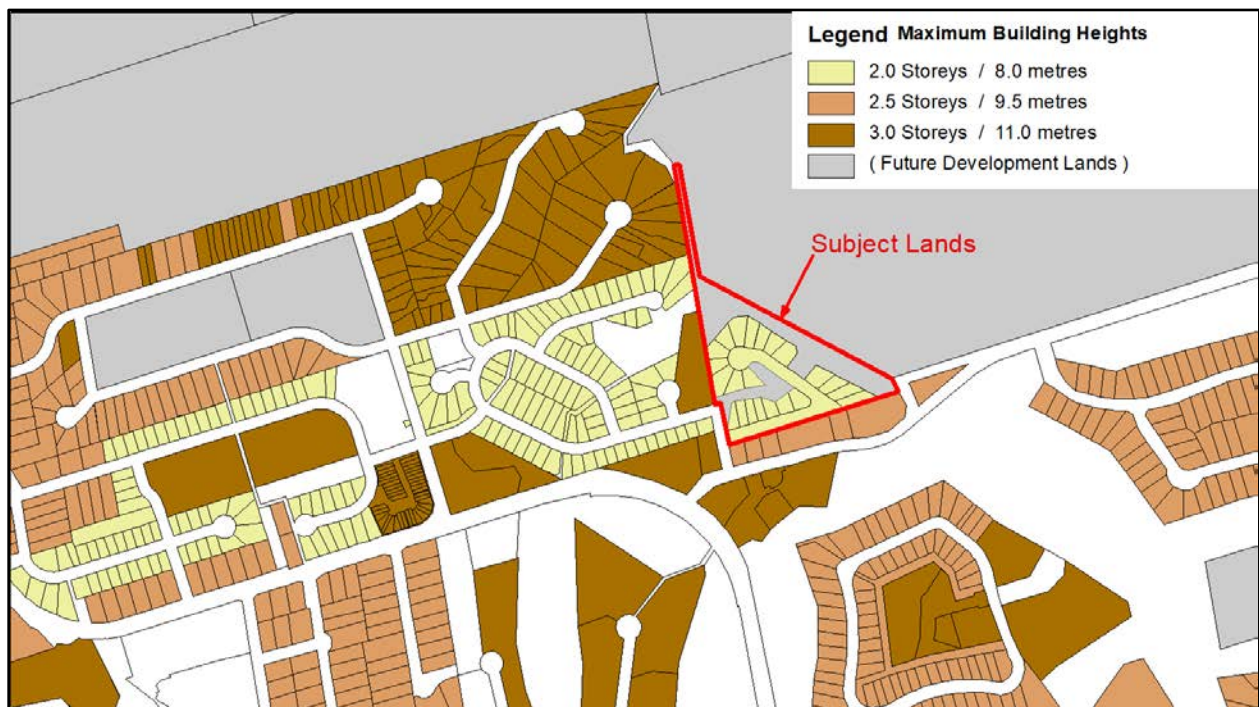
The draft plan has not changed since its original Draft Plan Approval date in 1998. There is no expiry/lapse date on the Draft Plan Approval.

The owner of the lands is now moving forward to fulfill the conditions of Draft Plan Approval and is seeking a modification to increase the maximum permitted height of new dwellings from 2 storeys to 2.5 storeys.

Surrounding land uses are predominantly residential including the existing six single detached dwellings bordering the lands to the south, a mix of multiple residential uses (townhouses) at Summit Green and Willow Creek at Blue to the south and west. Single detached dwellings along Brooker Boulevard and beyond. The Nippissing Ridge and future development lands are located to the north and east of the site.

The surrounding residential area was developed in the 1960's (Tyrolean Village), 1970's (Ridgeview Drive Lots), 1980's (Heritage Corners and Summit Green Subdivision and Condominiums) and 1990's (Crossan Court). Maximum permitted building heights include 2 storeys, 2.5 storeys and 3 storeys. (See Figure 1 for Area Maximum Permitted Heights)

Figure 1:



## **E. Analysis**

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### Provincial Policy Statement

The Provincial Policy Statement 2014 provides direction on appropriate development, effective land use and long term economic prosperity while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The proposed Zoning By-law Amendment to increase the maximum permitted height from 2 storeys to 2.5 storeys does not appear to raise any concerns of Provincial interest.

### Niagara Escarpment Plan

The Niagara Escarpment Plan provides land use policies to guide development while ensuring the preservation and enhancement of the Niagara Escarpment. The subject lands are designated “Escarpment Recreation Area” which recognizes those areas of existing and potential recreational and residential development. Permitted uses include single detached dwellings, recreational uses as well as those uses listed under the Town of The Blue Mountains Official Plan. New development must not generate substantial negative impact on environmental features, and must be designed and located in a manner so as to preserve the natural, visual and cultural characteristics of the area. Site design and layout must also be in harmony with and maintain the existing character of the escarpment landscape. (Niagara Escarpment Plan, Section 1.8 and 2.2). The proposed Zoning By-law Amendment to increase the maximum permitted height from 2 storeys to 2.5 storeys must maintain the area character and not adversely impact the visual characteristics of the area. Based on surrounding building heights and future development areas, the proposed increase in height does not appear to conflict with the Niagara Escarpment Plan.

### County of Grey Official Plan

The County of Grey Official Plan is intended to guide development within the whole of the County of Grey and provides broad policy framework for local Municipal Official Plans, Secondary Plans and by-laws. The subject lands are designated “Recreational Resort Area” recognizing that the area is to be developed with a mix of Residential and Recreational uses with more detailed land use policies being directed to the Town of The Blue Mountains Official Plan. (Grey County Plan, Section 2.6.7 and 2.5.2)

### Town of The Blue Mountains Official Plan

The Official Plan provides land use policy direction for the long term growth and development of the municipality. As described above, the Niagara Escarpment Plan and Grey County Plan defer much of the site specific policy direction to the Blue Mountains Official Plan. The policies include site specific land use designations that list permitted uses and lot development requirements for those uses. General policy direction is also provided on specific items such as visual character, housing, building heights and community design.

The subject lands are designated Residential/Recreational Area 'RRA'. Permitted uses include a range of residential housing types, recreational uses, and similar uses. Section A3.4 provides policy direction on Urban Community Character and that the character and stability of existing and well-established neighbourhoods are maintained and enhanced by ensuring that development is compatible with the scale and density of the existing development. Section A3.10 provides policy direction on housing encouraging a mix and variety of housing but does not speak directly to housing heights. Section B2.13 provides policy direction on Height across the entire municipality. Generally the maximum height of all buildings and structures are 3 storeys / 11 metres. This is the maximum height, and lower height requirements are encouraged to provide visual variety in the community. When establishing a maximum permitted height Council must be satisfied that the height will be compatible with the nature and character of the surrounding area. The Community Design policies of Section D5 encourage high quality design, enhancing the urban character and to ensure complimentary and compatible development.

The intent of the Official Plan is to ensure compatibility with the surrounding area. The proposed increase in height from 2 storeys / 8 metres to 2.5 storeys / 9.5 metres does not appear to generate any adverse impacts on the character of the area. It is recognized that adjacent lands currently have zoning permissions in place to construct homes up to 2 storeys (Brooker Boulevard), 2.5 storeys (Ridgeview Dr.) and 3 storeys (Summit Green Condominiums). Although not all properties are constructed to the maximum permitted heights with bungalows, 1.5 storey and taller homes located in the area. Based on the foregoing, Planning Staff are of the opinion that the proposed increase in height for an additional half storey and 1.5 metres will be able to maintain the character and compatibility of the area.

#### The Blue Mountains Zoning By-law 2018-65

The Blue Mountains Zoning By-law 2018-65 places the subject lands in the Residential 'R1-2' zone. This zone category typically recognizes smaller residential lot sizes with more permissive lot coverage and yard setbacks. It is noted that the maximum permitted height for single detached dwellings across the municipality is 2.5 storeys. 3 storey single detached dwellings are not permitted. Many of the new lots to be created are significantly larger than typical Residential R1-2 lots and are more comparable to lots with Residential R1-1 Zoning which recognizes larger residential lot sizes and, less lot coverage and increased yard setbacks. Table 6.2.1 of the By-law provides the Residential Zone Standards as follows:

**Table 6.2.1 – Residential Zone Standards (Part A)**

Zone Standard	R1-1	R1-2	R1-3	R1-4	R1-5
Minimum <i>lot area</i> (m <sup>2</sup> )	550	450	360	2,000	1,390
Maximum lot coverage	30%	35%	40%	20%	N/A
Minimum <i>lot frontage</i> (m)	18.0	15.0	12.0	30.0	24.0

Zone Standard	R1-1	R1-2	R1-3	R1-4	R1-5
Minimum <i>front yard</i> (m)	7.5	6.0	6.0	9.0	9.0
Minimum <i>exterior side yard</i> (m)	5.0	2.4	2.4	9.0	7.5
Minimum <i>interior side yard</i> (m)	2.0	1.2 (1)	1.2(1)	5.0	3.0
Minimum <i>rear yard</i> (m)	9.0	6.0	6.0	7.5	9.0
Maximum <i>height</i> (m)	9.5	8.0		9.5	
Maximum <i>height</i> (storeys)	2.5	2.0		2.5	

**Special Provisions:**

(1) Minimum *interior side yard* – 1.2 metres on one side, 0.6 metres on other side.

Table 1 below provides a sizing summary of the lot frontage and lot area of the 20 proposed lots within the Hillside Draft Plan of Subdivision:

Table 1: Hillside Lot Area and Lot Frontage Summary

	Minimum	Average	Maximum
Lot Area (sq m)	741	1048	1609
Lot Frontage (m)	15	22	40

Based on the proposed lot sizes within the Hillside Draft Plan, it would appear that the Residential 'R1-1' Zone is a more appropriate zone category. The Residential 'R1-1' Zone allows for the requested increase in height to a maximum of 2.5 storeys and also establishes more restrictive building setbacks and reduced lot coverage. The Residential 'R1-1' zone pushes new homes further from property lines providing more opportunity for open space around each dwelling.

It is noted that there are five lots under the minimum 18 metre lot frontage requirement. These lots are located on the cul-de-sac bulb and still provide ample space for new house construction under the Residential 'R1-1' zone. An exception for these 5 lots is required to recognize the deficient lot frontage.

## Public Meeting Comments

The Statutory Public Meeting was held at Town Hall Council Chambers on August 26, 2019. In response, the Town received the following letters and verbal comments:

From the County of Grey Planning Department, County of Grey Transportation Department, Grey Sauble Conservation Authority, Historic Saugeen Metis, and Town of The Blue Mountains Building Division each indicating no objections to the proposed amendment.

Two area residents have provided written request to be kept notified of the process, without providing any further comments on the amendment being requested.

An area resident provided comments requesting that the ravines and valley lands be preserved.

Area residents along Ridgeview Drive provided verbal comments at the Public Meeting objecting to the proposed increase in height noting that their existing homes are built at 1 storey, 1.5 storey and 2 storeys in height and that new homes should match this existing built form. Planning Staff reviewed this concern and note that comments have been provided earlier in this report and under Figure 1 that a range of building heights are permitted in the area and that the existing and future built form may or may not be built to the maximum.

A number of general comments were also received regarding the proposed Draft Plan Approval process, use of surrounding Town Owned Lands, Short Term Accommodation Uses, and history of the subject lands. These comments have been received but do not appear to be directly related to the request for increased building height.

## Conclusion

Based on the foregoing, Planning Staff are satisfied that the proposed increase in height from 2 storeys to 2.5 storeys can be appropriate for the subject lands. Planning Staff recommend that the lands be rezoned to the Residential 'R1-1' Zone providing for the requested increase in height as well as providing more restrictive setbacks and lot coverage requirements consistent with subdivisions with homes built to 2.5 storeys in height. The proposed amendment is consistent with Provincial Policy Statement, does not conflict with the Niagara Escarpment Plan, conforms to the County of Grey and Town of The Blue Mountains Official Plans, and is appropriate for the subject lands. Planning Staff therefore recommend that Council support the application for Zoning By-law Amendment subject to the comments contained in this report.

## **F. The Blue Mountains Strategic Plan**

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

## **G. Environmental Impacts**

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Nil

## **H. Financial Impact**

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Nil

## **I. In consultation with**

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Trevor Houghton, Manager of Community Planning  
Nathan Westendorp, Director of Planning and Development Services

## **J. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting which took place on August 26, 2019. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

## **K. Attached**

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1. Draft Zoning By-law Amendment

Respectfully submitted,

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Shawn Postma, BES, MCIP, RPP  
Senior Policy Planner

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

For more information, please contact:  
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**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 a portion of Part Lot 19 Concession 1 from the Residential 'R1-2' Zone and Hazard 'H' Zone to the Residential 'R1-1' Zone, Residential 'R1-1-116' Zone and Hazard 'H' Zone in accordance with Schedule 'A-1'.
2. That Table 9.1 – Exceptions to the Zoning By-law of the Blue Mountains being By-law 2018-65 as amended, is hereby further amended by inserting a new Exception as follows:

Exception Number	Zone	Special Provisions
116	R1-1-116	The minimum lot frontage shall be 14.5 metres

3. 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 2nd day of December, 2019

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Alar Soever, Mayor

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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 2nd day of December, 2019.

Dated at the Town of The Blue Mountains, this \_\_\_ day of \_\_\_\_\_, 2019.

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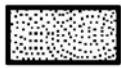
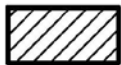
Corrina Giles, Clerk

# Town of The Blue Mountains

## Schedule 'A-1'

By-Law No. \_\_\_\_\_

### Legend

-  Subject Lands of this Amendment
-  Area to be rezoned from R1-2 to R1-1
-  Area to be rezoned from R1-2 to R1-1-116

