



City of  
**Peterborough**

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**To:** **Members of the Planning Committee**

**From:** **Ken Hetherington, Manager, Planning Division**

**Meeting Date:** **January 30, 2017**

**Subject:** **Report PLPD17-005**  
**Temporary Use Zoning By-law Amendment Z1621**  
**2064086 Ontario Limited (Mason Homes Limited)**  
**827 Broadway Boulevard (Block 64, Plan 45M-247)**

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## **Purpose**

A report to evaluate the planning merits of an application for a Temporary Use Zoning By-law pursuant to Section 39 of the Planning Act to permit the subject lands to be used as a new homes sales court consisting of a new-home sales office and seven model homes for a period of up to three years.

## **Recommendation**

That Council approve the recommendation outlined in Report PLPD17-005 dated January 30, 2017, of the Manager, Planning Division, as follows:

That a Temporary Use Zoning By-law be approved pursuant to Section 39 of the Planning Act to permit the property municipally known as 827 Chemong Road and legally described as Block 64, Plan 45M-247 to be used as a new homes sales court consisting of a new-home sales office and seven model homes for a period of up to three years in accordance with Exhibit E of Report PLPD17-005.

## **Budget and Financial Implications**

There are no direct budget or financial implications arising from the approval of this Temporary Use Zoning By-law amendment.

## Background

Mason Homes Limited is currently developing a Draft Plan of Subdivision (File No. 15T-10507) on both the subject lands and adjacent lands. The plan, which is being marketed under the name "Parklands," was granted Draft Plan of Subdivision Approval by Council in 2011 (Report PLPD11-013) to provide for approximately 770 residential units of various types and densities along with commercial lands, parkland and open space (See Exhibit C). Presently, house construction is underway within the two phases of the development that have been registered (Registered Plans 45M-238 and 45M-247) in the vicinity of Rowberry Boulevard, Grange Way, and Broadway Boulevard.

To market the development, Mason Homes operates a model homes court consisting of seven model homes and a new home sales office on Block 64, Plan 45M-247, or municipally known as 827 Broadway Boulevard. Typically, model homes and new home sales offices are permitted on residentially zoned lots within registered plans of subdivision pursuant to provisions contained in subdivision agreements between developers and the City.

In the present case, the model home court is located within a registered plan of subdivision (Plan 45M-247) however the model homes are unserviced and are located on a single block of land (Block 64) rather than on individual lots. The underlying zoning on the block does not permit the clustering of unserviced model homes and a sales office on a single property. Furthermore, the underlying zoning is subject to a Holding provision that prevents the lands from being used.

In 2014, Council approved By-law 14-025 to allow development of the sales office and model home court despite the Holding Symbol on the lands and the lack of municipal services at the time, pursuant to the Temporary Use By-law provisions of Section 39 of the Planning Act. Additionally, site plan approval was granted for the model home court in 2014 (see Exhibit D).

In accordance with the Planning Act, Temporary Use By-laws can remain in effect for up to three years from the date of passage and can be extended by Council for further periods not exceeding three years at a time.

By-law 14-025 will expire on February 24, 2017. To allow for the continued use of their model home court, Mason Homes Limited is requesting that the existing Temporary Use By-law be extended for a period of three years.

A proposed Temporary Use By-law is attached hereto as Exhibit E. To facilitate the Applicant's request, the following temporary exceptions from the Zoning By-law are proposed to be extended:

- Exception from the number of dwelling units per lot provisions of the underlying residential zoning (Sections 358, 359, 360, 361 and 378 of the Zoning By-law); and,
- Exception from the existing Holding Symbol provisions that apply to the lands.

Once the model home court is no longer needed for promotional purposes, the property will be subdivided in accordance with the underlying residential Zoning and Draft Approved Plan of Subdivision and the existing model homes will become available for residential use.

## Analysis

### a) Official Plan

Section 7.4.1 of the Official Plan requires that the subdivision, development or redevelopment of land shall be provided with a municipal water supply, sanitary sewer and a storm water disposal system. When the model home sales court was first constructed in 2014, it was constructed without municipal services. Since that time municipal services have been provided to the site. Accordingly, staff is satisfied that the existing structures conform to the Official Plan and that the Temporary Use By-law is consistent with the intent and purpose of the Official Plan.

### b) Zoning By-law

The location of the proposed sales office and model home court is currently zoned as follows:

Zoning	Residential Use	Minimum Lot Width
SP.348-“H”	Laneway based Singles, Semis, Townhomes	7.6m (singles) 5.7m/unit (semis/duplex) 4.5m/unit (townhomes)
SP.328, 13a-‘H’ SP.329,11j,13k-‘H’ SP.330,11j,13k-‘H’ SP.331,3q,4g,10b,11j,16c-‘H’	Singles, Semis/Duplex, Townhomes	13.7m (singles) 9.1 m (singles) 7.3m/unit (semis/duplex) 4.5m/unit ( townhomes)

When the new home sales office and model homes were built, Mason Homes developed them to ensure they would conform with the underlying residential zoning districts. Accordingly, these structures will comply with the underlying zoning once it is in full force and effect.

Staff do not have any objection to the proposed Temporary Use By-law and the temporary exceptions it grants from the Zoning By-law. Staff acknowledge that those issues prompting the need for a Temporary Use By-law, namely the existing Holding Symbol provisions on the lands, a lack of municipal services, and existing regulations restricting the number of dwelling units that can be developed on a single property will be addressed once the lands are subdivided and a subdivision agreement has been executed between the Applicant and the City for that particular phase of development.

To eliminate any overlap between the proposed By-law and By-law 14-025, the proposed By-law will repeal By-law 14-025.

## **Responses to Notice**

### **a) Agency Responses**

As part of staff's processing of the applications, and pursuant to the *Planning Act*, notice of the application was provided to, and comments sought from, the prescribed commenting agencies on November 15, 2016.

In response to the agency circulation, the Built Environment Sub-Committee of the Accessibility Advisory Committee advised that since the original model home court site plan was approved in 2014, the developer has constructed Broadway Boulevard across the frontage of the site. As a result, adjustments have been made to the model home court, particularly with respect to the location of visitor parking, that are not reflected in the existing site plan. Consequently, the Sub-Committee has requested that the site plan be updated to reflect these changes and to address accessibility within the site.

In staff's opinion, any required amendments to the existing site plan can be made independent of the proposed temporary use by-law.

Otonabee Region Conservation Authority (ORCA) advised that if additional construction/site alterations are required in the model home court, a permit will be required pursuant to Ontario Regulation 167/06, ORCA's regulation of development, interference with wetlands and alterations to shorelines and watercourses.

### **b) Public Responses**

Notice of Complete Application and Notice of Public Meeting were published in the Peterborough Examiner on January 3, 2017. Notice of Public Meeting was mailed to all persons that own property within 120 metres of the subject lands on December 16, 2016. No public inquiries or comments have been made in response to these notices.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Concurred with,

Brad Appleby, Planner  
Subdivision Control and Special Projects

Allan Seabrooke, Acting Director  
Planning and Development Services

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**Attachments:**

Exhibit A – Notice of Public Meeting  
Exhibit B – Land Use Map  
Exhibit C – Draft Approved Plan of Subdivision 15T-10507  
Exhibit D – Approved Site Plan  
Exhibit E – Draft Temporary Use By-law

**Exhibit A – Page 1 of 1**

## Notice of Complete Application and Public Meeting

**Take Notice** that the City of Peterborough has received the following applications and pursuant to the *Planning Act*, R.S.O., 1990, c.P.13, the Planning Committee will hold a public meeting in the Council Chambers, City Hall at 6:30 p.m. on **Monday, January 30th, 2017**, to consider the following applications under Sections 34 and 39 of the Act:

1. **File:** **Z1621**  
**Affected Lands:** **827 Broadway Boulevard (Block 64, Plan 45M-247)**  
**Owner/Applicant:** **2064086 Ontario Ltd. (Mason Homes)**

The applicant is requesting a three year extension of an existing Temporary Use Zoning By-law to allow for the continued operation of a new-home sales office and seven model homes that are currently being used to market the applicant's ongoing subdivision development. The Temporary Use By-law would remain in effect for up to three (3) years or until the property is subdivided and the existing residential Zoning on the lands comes into effect.

2. **File:** **Z1619**  
**Affected Lands:** **53 Leahy's Lane**  
**Owners:** **Jeff Slute, Chris Vandermeer, Jen Hammond, Jen Goode**  
**Applicant:** **Glen Payne**

The applicant is proposing to amend the Zoning of the lands from the R.1 – Residential Zoning District to a modified R.3 – Residential Zoning District to permit the redevelopment of the lands for two 5 unit dwellings with associated parking and landscaping.

3. **File:** **Z1620**  
**Affected Lands:** **737 and 739 Hemlock Street**  
**Owners/Applicants:** **Jeremy and Janis Foster**

The applicant proposes to amend the zoning of the properties from the R.1, 1r, 2r, 8z – Residential District and from the D.1 – Development District to the R.1, 1r, 2r, 8z with an Exception to permit the consolidation of the two parcels and facilitate the use of the southerly portion for a swimming pool, and allow a covered deck at the back of the existing dwelling at 737 Hemlock Street, to be located within 45m of the centre line of a controlled access arterial street (The Parkway).

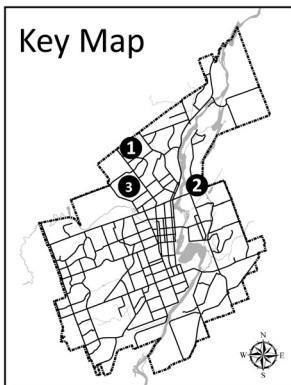
**Additional information and materials** relating to the proposed Zoning By-law Amendment may be obtained from the Planning Division, City Hall, (8:30 a.m. to 4:30 p.m., Monday to Friday).

**For more information** about this matter, including information about preserving your appeal rights, contact the Planning Division at 705-742-7777 – Caroline Kimble (Files Z1619 and Z1620) at ext. 1735 (email: [ckimble@peterborough.ca](mailto:ckimble@peterborough.ca)) or Brad Appleby (File Z1621) at ext. 1886 (email: [bappleby@peterborough.ca](mailto:bappleby@peterborough.ca)).

A Staff report will be available by 12:00 p.m. on Friday the 27<sup>th</sup> day of January, 2017.

Dated at the City of Peterborough this 3<sup>rd</sup> day of January, 2017.

### Key Map



John Kennedy, City Clerk  
City of Peterborough, City Hall  
500 George Street North  
Peterborough, Ontario  
K9H 3R9  
[jkennedy@peterborough.ca](mailto:jkennedy@peterborough.ca)

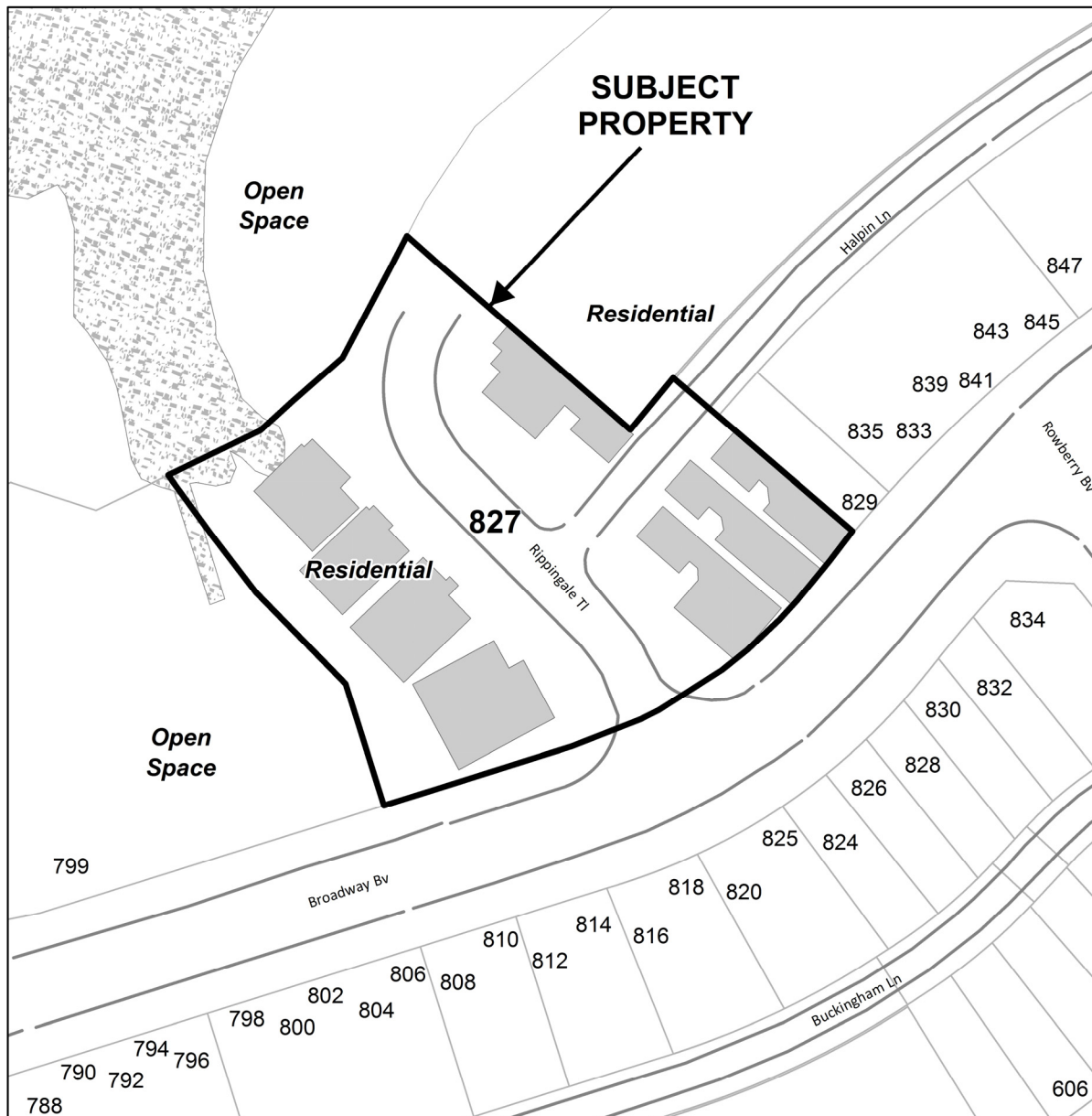
Exhibit B – Page 1 of 1

# Land Use Map

File: Z1621

Property Location: 827 Broadway Boulevard

EXHIBIT  
SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: November 14, 2016

Map by: JEllis

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Metres

**Draft Approved Plan of Subdivision 15T-10507**  
**Shaded Areas - Registered Plans 45M-238 and 45M-247**





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**Exhibit E, Page 1 of 3**



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**The Corporation of the City of Peterborough**

**By-Law Number 17-**

Being a By-law to temporarily amend the Zoning By-law for Block 64, Plan 45M-247 to permit the use of the land for a model home court and new home sales office

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**Whereas** pursuant to Section 39 of the *Planning Act* R.S.O. 1990, c.P13, as amended, the Council of a Local Municipality may authorize the temporary use of land, buildings or structures for a purpose otherwise prohibited by the Zoning By-law;

**Now therefore**, the Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. By-law 14-025 is repealed.
2. Notwithstanding the provisions of Sections 358 (Special District 328), 359 (Special District 329), 360 (Special District 330), 361 (Special District 331) and 378 (Special District 348) of By-law 1997-123, Section 9 of By-law 11-046, and Section 4 of By-law 13-136, the land described as Block 64, Plan 45M-247 and identified in the sketch attached hereto as Schedule "A" may be used for the following purposes:
  - a) An office for the promotion and sale of new homes located within Draft Approved Plan of Subdivision 15T-10507 or any portion thereof registered in accordance with the Land Titles Act; and,
  - b) Up to seven (7) dwelling units to be used for model home purposes only.
3. The permission granted by this By-law shall remain in effect for a period of three years from the date of passage of the By-law or until the Holding symbol provisions of By-laws 11-046 and 13-136 have been lifted from the land identified in the sketch attached hereto as Schedule "A", whichever occurs first.

**Exhibit E, Page 2 of 3**

By-law read a first, second and third time this 13th day of February, 2017.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit E, Page 3 of 3

